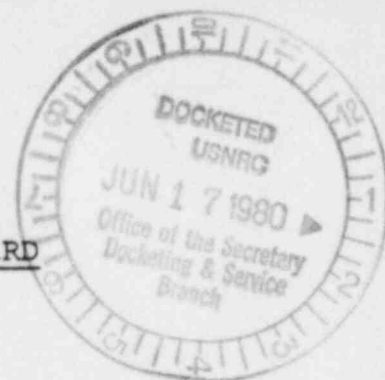


UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD



In the Matter of)	
)	
METROPOLITAN EDISON COMPANY)	Docket No. 50-289
)	(Restart)
(Three Mile Island Nuclear)	
Station, Unit No. 1))	

LICENSEE'S PRELIMINARY RESPONSE TO
SHOLLY MOTION REGARDING MEMORANDUM AND
ORDER ON HYDROGEN CONTROL CONTENTIONS

On June 9, 1980, Mr. Sholly filed a motion regarding the Board's Memorandum and Order dated May 30, 1980, on Hydrogen control contentions. The motion requests (1) substitution of a Revised Sholly Contention No. 11 and (2) an additional period of discovery on the contention.

In view of UCS' request to the Commission for reconsideration of the Commission's order (CLI-80-16) on which the Board's May 30 Memorandum and Order was based, and in view of UCS' motion to the Board (which Licensee has supported) that effectiveness of the May 30 Memorandum and Order be suspended pending Commission disposition of the motion for reconsideration, Licensee requests that the period for response by all parties to Mr. Sholly's first request be extended until 15 days (including 5 days mailing time) after disposition by the Commission of the motion for reconsideration.

Licensee opposes Mr. Sholly's second request for an additional discovery period on his hydrogen control contention.*

Mr. Sholly bases his request for additional discovery on "the circumstances surrounding the hydrogen gas control contentions and the substantial changes which have been necessary in wording due to Commission rulings." He fails, however, to identify any circumstance or change in wording which necessitates or justifies additional discovery. In particular he fails to point to any area of discovery which could not have been covered under his original Contention No. 11. Licensee is in fact unable to discern any discovery questions which could be asked either under the Board's revision of the contention or Mr. Sholly's proposed substitute contention which could not properly have been asked under the original contention.

The Board in its First Prehearing Conference Order (pp. 19 and 35) expressly authorized discovery on Sholly Contention No. 11 pending ultimate disposition of the allowability of the contention. Mr. Sholly in fact availed himself of his opportunity for discovery on Contention No. 11 in his First, Fourth and Follow-on Interrogatories to Licensee and his First Set of Interrogatories to the NRC Staff, all of which interrogatories have been answered. As explained by the Board in its

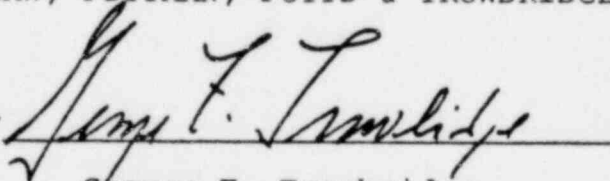
* The UCS motion for suspension of the Board's May 30 Memorandum and Order also requested additional discovery on the hydrogen control issue. The UCS request was expressly operative, however, only "in the event the Board denies the instant motion" for suspension. Since Licensee has supported UCS' motion for suspension by its filing dated June 11, 1980, Licensee has not yet addressed UCS' discovery request.

certification of the hydrogen control issue to the Commission, the purpose in allowing discovery on intervenors' hydrogen control contentions was to avoid needless delay in the proceeding. Mr. Sholly claims that his additional request for discovery will not materially alter the schedule for litigation, since the hydrogen control issue could easily be scheduled for late in the proceeding if necessary. He ignores, however, the fact that his proposed additional discovery period falls precisely during the period when, in addition to their normal duties, Licensee's technical personnel and consultants will be heavily committed to the preparation of testimony on the myriad of contentions advanced by Mr. Sholly and other intervenors.

Respectfully submitted,

SHAW, PITTMAN, POTTS & TROWBRIDGE

By

A handwritten signature in dark ink, appearing to read "George F. Trowbridge", is written over a horizontal line.

George F. Trowbridge

Dated: June 16, 1980

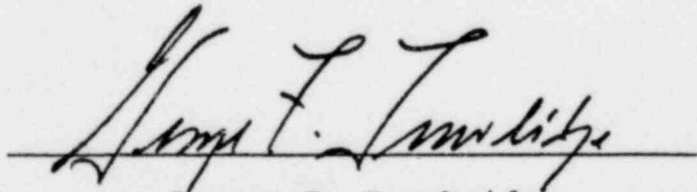
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CERTIFICATE OF SERVICE

I hereby certify that copies of "Licensee's Preliminary Response to Sholly Motion Regarding Memorandum and Order on Hydrogen Control Contentions," dated June 16, 1980, were served upon those persons on the attached Service List by deposit in the United States mail, postage prepaid, this 16th day of June, 1980.


George F. Trowbridge

Dated: June 16, 1980

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NUCLEAR REGULATORY COMMISSION

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