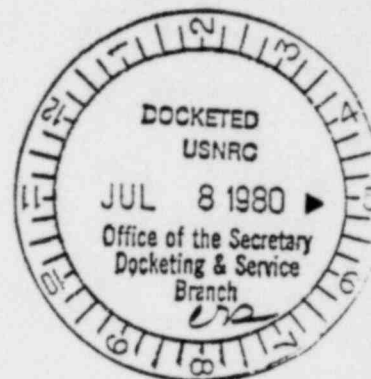


UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

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) )



TMIA'S RESPONSE TO LICENSEE'S RESPONSE  
TO TMIA'S MOTION TO COMPEL FOLLOW-ON  
DISCOVERY OF LICENSEE

This Response is filed pursuant to a Board Memorandum dated June 6, 1980. In it, the Board requests TMIA to address the issue of timeliness of the filing of the Motion to Compel.

Licensee's argument that TMIA's Motion to Compel was not timely filed assumes that the Board's Order of May 5, 1980, governs the timeliness of this particular Motion (see Licensee's Response, page 2).

The Board's Order of May 5, 1980, was received and became effective on May 9, 1980. TMIA's receipt of the information upon which it based its follow-up interrogatories was May 6, 1980. Since the new information was available before the effectiveness of the new Order, TMIA concluded that all Motions and Responses related to this deposition were governed by rules in effect on May 6, 1980, more specifically, 10 C.F.R. 240(f), which governs the timeliness of filing Motions to Compel.

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10 C.F. R. 2.740(f) states that "the deposing party or the party submitting the request may move the presiding officer, within ten (10) days after the date of the response or after failure of a party to respond to the request for an order compelling a response or inspection in accordance with the request."

Licensee's objection was filed May 15, 1980. 10 C.F.R. 2.710 adds five (5) days to the prescribed period for mailing. Therefore, TMIA's Motion to Compel Discovery filed May 29, 1980, was within the prescribed time period.

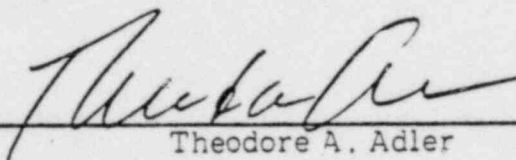
The information requested for by TMIA's follow-up interrogatories is crucial in developing a complete record on the management issue. TMIA's follow-up interrogatories were timely filed and relevant (see TMIA's Motion to Compel Discovery filed May 29, 1980). It is also evident from the above discussion that TMIA's Motion to Compel was filed in a timely manner.

Therefore, pursuant to 2.740(f), TMIA requests that the Board issue an Order compelling Licensee to respond to TMIA's follow-up interrogatories.

Respectfully submitted,

WIDOFF, REAGER, SELKOWITZ & ADLER, P.C.

By:

  
Theodore A. Adler

P. O. Box 1547  
Harrisburg, PA 17105  
(717) 763-1383

Dated: June 18, 1980

CERTIFICATE OF SERVICE

I hereby certify that I caused a true and correct copy of the foregoing document, TMIA's Response To Licensee's Response To TMIA's Motion To Compel Follow-On Discovery Of Licensee, to be placed in the United States mail, first-class, postage prepaid, addressed to the persons listed below:

Ivan W. Smith, Chairman  
Atomic Safety & Licensing Board Panel  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555

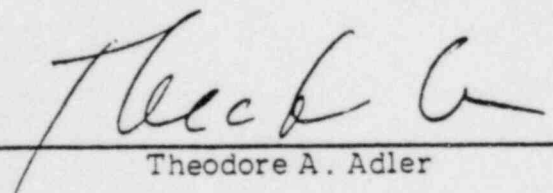
Dr. Walter H. Jordan  
881 West Outer Drive  
Oak Ridge, TN 37830

Dr. Linda W. Little  
5000 Hermitage Drive  
Raleigh, NC 27612

George F. Trowbridge, Esquire  
Shaw, Pittman, Potts & Trowbridge  
1800 M Street, N.W.  
Washington, DC 20006

Docketing and Service Section  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555

Executive Legal Director  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555

  
Theodore A. Adler

Dated: June 18, 1980