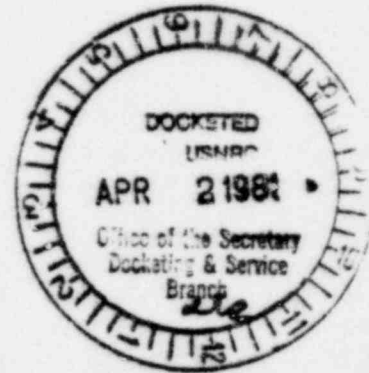


UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)
)
METROPOLITAN EDISON COMPANY,)
)
(Three Mile Island Nuclear)
Station, Unit No. 1))

Docket No. 50-289
(Restart)



COMMONWEALTH'S RESPONSE TO AAMODT REQUEST
FOR SUBPOENA OF AGRICULTURAL AGENTS OF YORK
AND DAUPHIN COUNTIES

On or about March 24, 1981, Intervenor Aamodt filed a request for subpoena with this Board, requesting the appearance of York and Dauphin County Agricultural Agents. The Commonwealth has no objection per se to the request for subpoenas. The Commonwealth would suggest, however, that the requested subpoenas include the York and Dauphin County Coordinators, rather than the Agricultural Agents.

Both the Board and the Intervenor have at various times expressed a desire to hear testimony relating to the county plans during the restart hearings, but the discussions have never been made in the real context of a request for subpoena. The County Agricultural Agents are federal employees (U.S. Department of Agriculture) and will have a very limited scope of knowledge relative to the county plans. The County Coordinators, on the other hand, should be knowledgeable on the entire scope of their respective county plan, including the agricultural portions which are of specific interest to the Aamodts.

The rules under which this Board operates provide that the Board "will issue subpoenas requiring the attendance and testimony

of witnesses"; the necessity of affirmatively showing relevance is in the discretion of the Board. 10 CFR §2.720(a). The Board may further exercise its discretion in making modifications to requests for subpoenas. 10 CFR §2.720(f). The Commonwealth wishes merely to inform the Board of the possibility of subpoenaing witnesses on behalf of the Intervenor, namely the York and Dauphin County Coordinators, who could provide all of the relevant information about the county plans which this Board should have before it reaches a decision in this matter.

Respectfully submitted,

Michele Straube

MICHELE STRAUBE

Attorney for

Commonwealth of Pennsylvania

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the Commonwealth's Response to Amordt Request for Subpoena was served on the persons on the attached service list this 27th day of March, 1981, by deposit in the US mail, first class postage prepaid.

Michele Straube
MICHELE STRAUBE
Attorney for
Commonwealth of Pennsylvania

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