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October 12, 1984

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U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

DOCKET NUMBER 50-289SP
PROD. & UTIL. DIV.

Dear Mr. Chairman and Members of the Board:

As I advised you during the conference call on Tuesday, October 9, we are submitting a report on the status of discovery. In essence, despite the extremely tight discovery schedule and their own interest in expediting this proceeding, GPU and the NRC Staff have consistently failed to meet deadlines for responding to UCS' discovery requests. As a result, UCS has been substantially delayed in its review of the information and its ability to prepare its case.

1. UCS Discovery of Licensee

UCS hand delivered its first sets of interrogatories and document requests to the Licensee on August 29, 1984. Responses were due on September 12 and 28, respectively. In response to a request from the Licensee, counsel for UCS and the Licensee met on September 4, 1984, to discuss possible limitations on the scope of UCS' requests. Counsel for Licensee also informed UCS that Licensee would respond to many of UCS' interrogatories by providing documents from which UCS could derive the answers, rather than by deriving the answers itself. These documents were therefore due on September 12, since they were provided instead of narrative answers to the Interrogatories. This was clearly acknowledged by GPU counsel.

As a result of these discussions, Licensee and UCS reached an agreement on September 6, 1984, which was memorialized in a letter of September 11, 1984, from Mr. Jordan to Mr. Blake.

On September 14, 1984, two days after Licensee was due to respond to UCS' first set of interrogatories, Ms. Bauser informed

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Mr. Jordan by telephone that approximately 75-80% of the material would be available in the document room by Monday, September 17. She explained, however, that the material would not yet include, among other things, large portions of the materials for the Cycle 7, 8, and 9 requalification examination training cycles, or examination materials for new personnel. As of September 26, 1984, according to Ms. Bauser, Licensee had still not placed in the document room all of the material responsive to UCS' interrogatories.

The candidates' actual answers to the examinations, which provide the only way that UCS can determine performance on particular subject areas within general categories were due on September 28 in response to UCS' first set of document requests. UCS was able to begin reviewing the actual answers on October 4, at which point UCS discovered that much of the review was useless because a substantial number of the examination answers were completely unreadable. After Mr. Jordan informed Ms. Bauser of this problem, she informed him on October 5, 1984, that the problem arose from the quality of the microfiche from which the copies were made, and that Licensee would be providing the actual hard copy as soon as possible. On October 9, Ms. Bauser informed Mr. Jordan that the legible examination answers would arrive the next day, two weeks after September 28.

Thus, much of the material most vital to UCS' preparation for this litigation was not available when it was due under the Commission's discovery rules, and it did not become available for substantial periods of time after it was due.

2. UCS' Discovery of the NRC Staff

UCS filed its first set of interrogatories and request for production of documents with the NRC Staff by hand on September 4. Since delivery apparently was not possible in the late afternoon, the discovery requests were actually delivered the next day. On September 7, 1984, counsel for UCS and the NRC Staff discussed the Staff's view that most of UCS' requests were outside the scope of the proceeding. Counsel for UCS suggested that the NRC Staff consider proposing a compromise of some sort, perhaps in the form of a time limitation. On September 12, counsel for the NRC Staff responded that there would be no compromise, and that the Staff would respond on or before September 19.

As a result of this conflict, the Board held a prehearing conference on September 24, 1984. In essence, the Board directed

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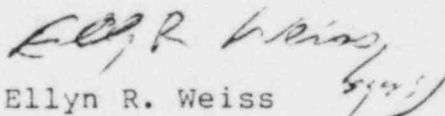
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the Staff to respond to most of the contested interrogatories, with various limitations. As of October 12, 1984, the Staff has yet to respond to the interrogatories. That is well over two weeks after the Board ordered the Staff to respond, and nearly a month after the date on which the Staff itself had considered its answers to be due.

On October 11, 1984, the Staff informed UCS of the identity of its witnesses, who have been noticed for deposition on October 26. The Staff has not yet, however, informed UCS of the topics that those witnesses will address, nor has it provided the other information called for in Interrogatory 2 of UCS' First Set of Interrogatories to the Staff. Thus, UCS is unable to prepare for the noticed depositions.

Our purpose is to give the Board an early indication of the potential need for UCS to seek relief to prevent prejudicing our ability to present our case.

Sincerely,


Ellyn R. Weiss

October 12, 1984


UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

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

CERTIFICATE OF SERVICE

I hereby certify that copies of a letter to the Chairman and Members of the Board, October 12, 1984, were served on the following by deposit in The United States mail, first class, postage prepaid, on October 12, 1984.

William S. Jordan



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 Remand on
(Three Mile Island Nuclear) Management)
Station, Unit No. 1))
)

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