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March 13, 1986

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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

Before the Administrative Law Judge

OFFICE OF SECRETARY
DOCKETING & SERVICE
BRANCH

In the Matter of)	
)	
GENERAL PUBLIC UTILITIES NUCLEAR)	Docket No. 50-289 (CH)
)	
(Three Mile Island Nuclear Station,))	
Unit No. 1))	

MR. HUSTED'S ANSWER TO TMIA'S REQUEST FOR
AN EXTENSION OF TIME AND FOR A DELAY OF DISCOVERY

On March 9, 1986, TMIA filed requests for (a) an extension of time in which to object to the Report and Order On Initial Prehearing Conference (the Report), and (b) a delay of the discovery schedule set forth in the Report.

The first request is for an extension of time until March 12, 1986 in which to file objections to the Report. The short answer is, TMIA already has until March 13, 1986. The Report was served on March 3, 1986 by mail. TMIA therefore has the five days provided by the Report itself plus the additional five days provided by 10 C.F.R. § 2.710 in which to file its objections.

The second request is for a delay of discovery. The Report provides for the possibility that an extension of

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time for discovery might be granted, but only upon a showing of "good cause" by the party requesting the delay. TMIA has made no effort to set out any cause. TMIA simply states that "no party will be harmed by a delay." In fact, Mr. Husted may well be harmed by a delay. It is unlikely that he will be permitted to resume his work as a licensed operator or trainer of licensed operators or licensed training supervisor, if ever, until this proceeding has run its course. A delay in discovery is likely to result in a delay in the decision. TMIA, on the other hand, does not indicate how it will be harmed by going ahead with discovery. In addition, as we have demonstrated in Mr. Husted's Answer to TMIA's Motion to Dismiss and for Stay, filed with the Commission today, it is unlikely that TMIA will prevail on the merits of the Motion to Dismiss that it filed with the Commission on February 28.

For the foregoing reasons, the TMIA request for an extension of time and for a delay of discovery ought to be denied.

Respectfully submitted,

CHARLES HUSTED

By Michael W. Maupin
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Dated: March 13, 1986

March 13, 1986

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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

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Before the Administrative Law Judge

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BRANCH

In the Matter of)
)
GENERAL PUBLIC UTILITIES NUCLEAR) Docket No. 50-289 (CH)
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(Three Mile Island Nuclear Station,))
Unit No. 1))

CERTIFICATE OF SERVICE

I certify that copies of Mr. Husted's Answer to TMIA's Request for an Extension of Time and for a Delay of Discovery, dated March 13, 1986, was served upon the following persons today by deposit in the U.S. Mail, first class, postage pre-paid, addressed to them at the following addresses:

The Honorable Morton B. Margulies
Administrative Law Judge
Atomic Safety and Licensing Board Panel
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

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

Attention: Chief, Docketing and
Service Section

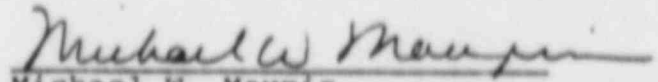
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Counsel for Charles Husted

Dated: March 13, 1986