

085

September 26, 1984

RELATED CORRESPONDENCE

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

DOCKETED
USNRC

Before the Atomic Safety and Licensing Board ⁸⁴ SEP 27 P4:20

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

OFFICE OF SECRETARY
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LICENSEE'S MOTION TO WITHDRAW ITS MOTION TO COMPEL
DISCOVERY ON LICENSEE'S FIRST SET OF INTERROGATORIES
AND FIRST REQUEST FOR PRODUCTION OF DOCUMENTS TO UCS

On September 14, 1984, Licensee filed a Motion to Compel Discovery on Licensee's First Set of Interrogatories and First Request for Production of Documents to UCS. In the interest of resolving their discovery differences, counsel for Licensee and UCS met on Friday, September 21, at which time an agreement was reached that accommodates the initial discovery requests posed by both parties. The enclosed letter from Licensee's counsel to counsel for UCS, which was reviewed and approved by Ms. Weiss, reflects the parties' agreement.

In view of the agreement reached by Licensee and UCS, Licensee hereby requests the Board's permission to withdraw its September 14 Motion to Compel.

Respectfully submitted,

Deborah B. Bauser

Deborah B. Bauser
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Enclosure

D503

September 26, 1984

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

DOCKETED
USNRC

'84 SEP 27 P4:21

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

OFFICE OF SECRETARY
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BRANCH

In the Matter of)	
)	
METROPOLITAN EDISON COMPANY, <u>ET AL.</u>)	Docket No. 50-289 SP
(Three Mile Island Nuclear)	(Restart-Management Remand)
Station, Unit No. 1))	

CERTIFICATE OF SERVICE

I hereby certify that copies of "Licensee's Motion to Withdraw its Motion to Compel Discovery on Licensee's First Set of Interrogatories and First Request for Production of Documents to UCS" and a letter dated September 26, 1984 from D. Bauser, counsel for Licensee, to E. Weiss, counsel for UCS were served this 26th day of September, 1984, by deposit in the U.S. mail, first class, postage prepaid, to the parties on the attached Service List.

Deborah B Bauser
Deborah B. Bauser

cc: Attached Service List

SHAW, PITTMAN, POTTS & TROWBRIDGE

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September 26, 1984

HAND DELIVERED

Ellyn R. Weiss, Esquire
Harmon, Weiss & Jordan
2001 S Street, N.W., Suite 430
Washington, D.C. 20009

Dear Ellyn:

This letter confirms the agreement we reached on Friday to respond further to each other's initial discovery requests. As a result of this agreement, Licensee will seek leave of the Board to withdraw its September 14, 1984 motion to compel UCS to respond to Licensee's first set of discovery requests.

In response to Licensee's First Set of Interrogatories and First Request for Production of Documents to UCS, dated August 16, 1984, Licensee and UCS agree to the following:

Interrogatories U-4 and U-5. UCS will identify the procedures, which UCS has stated to Licensee are the procedures referred to in UCS' (first) document production request #3, that form the basis for UCS' concern about training keeping pace with changing plant procedures.

SHAW, PITTMAN, POTTS & TROWBRIDGE

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September 24, 1984
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Interrogatory U-6. UCS agrees to identify by name the individuals to whom UCS generally referred in its September 4 response to Interrogatory U-6, as well as the members of management UCS believes erred in their judgment to place the individuals in their respective positions within GPUN, to the extent UCS knows.

Interrogatories U-9, U-10, U-11, U-14 and U-15. UCS presently does not intend to pursue the issue of the adequacy of the TMI-1 licensed operator training curriculum, either during discovery or during the evidentiary proceeding. UCS will supplement the answers to Interrogatories U-9, U-10, U-11, U-14 and U-15 by October 15 if that intention should change.

Interrogatory U-17. UCS will provide specific page citations to the decisions and transcripts generally referred to in its September 4 response to Interrogatory U-17.

Interrogatory U-19. UCS will specify the exams to which it referred generally in its September 4 response to Interrogatory U-19.

Interrogatory U-24. UCS will identify with specificity any and all statements in the RHR Report on which its concerns about the TMI-1 licensed operator training program are based which were not identified in UCS' previous response to Interrogatory U-24.

Supplementation of Interrogatories. UCS recognizes its obligation to supplement its answers to Licensee's interrogatories, particularly those responses which state only that UCS has not yet reviewed a document, or had not completed its review. See UCS' response to Interrogatories U-4, U-16, U-18, U-20, U-25, U-26, U-27 and U-28.

In response to Union of Concerned Scientists' First Set of Interrogatories to General Public Utilities, dated August 28, 1984, Licensee and UCS agree to the following:

Interrogatory 2(a). Licensee will determine the availability of the CVs referred to in its September 12 response.

Interrogatory 2(c). Licensee will ask each of its prospective witnesses to identify the name(s) of previous cases, other than the restart proceeding, in which the individual previously has testified, and the subject-matter of the individual's testimony.

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Interrogatory 2(d). Licensee will provide to UCS a list of documents reviewed by its witnesses, other than those documents not readily subject to discovery under 10 C.F.R. §2.740(b)(2). Licensee also will identify the individuals with whom Licensee's witnesses have consulted in order to prepare testimony and the subject of the consultation, unless such identification will disclose counsel's work product. See 10 C.F.R. §2.740(b)(2).

Interrogatory 2(f). Licensee will identify the documents relied upon by its witnesses but not referred to in their testimony which are used in connection with forming the opinions contained in such testimony.

Interrogatory 2(g). Licensee will identify the topics to be covered in each of its witnesses' testimony.

Interrogatory 3(e). Licensee will ensure that its response to Interrogatory 3(e) includes any currently licensed TMI-1 operator who failed a qualification exam since the TMI-2 accident.

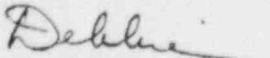
Interrogatory 5. Licensee will identify the documents available to UCS which identify who prepared the exams encompassed by Interrogatory 5 and who graded those exams.

Interrogatory 13. Licensee will verify that its September 12 response to Interrogatory 13 is complete.

UCS and Licensee will provide answers to the above-specified and agreed upon interrogatories by Friday, September 28, with the exceptions of UCS Interrogatories 2(d), (f) and (g), which Licensee will provide to UCS by October 15.

Ellyn, I appreciate your cooperation in settling our differences on our respective discovery requests. I also note here that you reviewed this letter in draft, so that it constitutes a mutual understanding of our agreement.

Sincerely,


Deborah B. Bauser