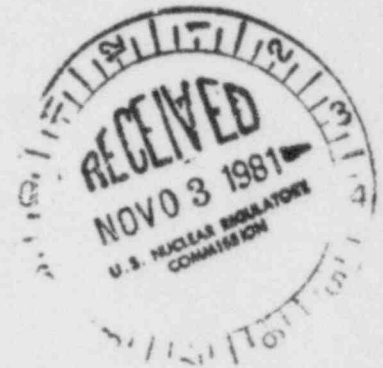


UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING APPEAL BOARD

In the Matter of)
METROPOLITAN EDISON COMPANY, ET AL.)
(Three Mile Island, Unit 1))

Docket No. 50-289
(Restart)



NRC STAFF RESPONSE TO THE JOINT MOTION BY
TMIA AND THE AAMODTS FOR AN EXTENSION OF TIME
FOR FILING BRIEFS IN SUPPORT OF EXCEPTIONS TO
THE PARTIAL INITIAL DECISION ON MANAGEMENT ISSUES

I. INTRODUCTION

On August 27, 1981, the Licensing Board issued its Partial Initial Decision (PID) on management issues. Exceptions to the PID were filed on October 26, 1981, by Intervenor Three Mile Island Alert (TMIA) and on October 24, 1981, by Intervenor Mr. and Mrs. Aamodt (Aamodts).^{1/} By Joint Motion dated October 26, 1981, TMIA and the Aamodts requested a 30 day extension of time for the filing of briefs in support of their exceptions. The Licensee, Metropolitan Edison Company, filed a response dated October 30, 1981, not opposing the requested extension. For the reasons set forth below, the Staff has no objection to the requested 30 day extension.

1/ By Order dated September 3, 1981, the Appeal Board granted the intervenor an extension of time to file their exceptions until the 10th day following the oral presentation to the Commission on the immediate effectiveness of the P.I.D.

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II. STAFF RESPONSE

In support of their Joint Motion, TMIA and the Aamodts state that they are participating in the reopened hearing concerning cheating-related issues,^{2/} which hearings are scheduled to begin November 10, 1981, and that all their time will be required in that effort. TMIA and the Aamodts also cite the voluminous record and lengthy PID as additional reasons for their request.

The Staff believes that TMIA and the Aamodts have shown good cause for their requested extension. The Staff notes that under the current schedule, the reopened hearing will likely not be completed until November 21, 1981, with proposed findings of fact and conclusions of law required to be filed on December 4, 1981, and reply findings due on December 11, 1981. Thus if TMIA and the Aamodts were not granted an extension of time, the entire 30 day period they would have to prepare their briefs in support of appeal would be consumed with matters directly related to the reopened hearing. Therefore little, if any, time would be available to them for preparation of appellate briefs. Moreover, the requested extension should not have any affect on the ultimate decision concerning the startup of TMI-1, since the Licensing Board has not yet

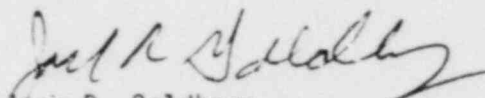
^{2/} In light of notifications from the NRC Staff concerning allegations of cheating by two of licensee's personnel on the NRC reactor and senior reactor operator examinations in April, 1981, the Licensing Board retained jurisdiction of the management issues. P.I.D. ¶45. By Memorandum and Order dated September 14, 1981, the Licensing Board reopened the record to hear evidence on the impact of the alleged cheating on certain of its management findings. Hearings are scheduled for November 10-21, 1981, before a Special Master.

issued the remainder of its initial decision on issues other than management.

III. CONCLUSION

Accordingly, the Staff does not oppose the requested 30 day extension of time for the filing of briefs in support of exceptions. The Staff suggests, however, that if the Appeal Board decides to grant the requested extension of time, both TMIA and the Amodts be given the requested 30 additional days from October 26, 1981, the later of the two dates on which exceptions were filed.

Respectfully submitted,


Jack R. Goldberg
Counsel for NRC Staff

Dated at Bethesda, Maryland
this 2nd day of November, 1981.

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NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

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

CERTIFICATE OF SERVICE

I hereby certify that copies of "NRC STAFF RESPONSE TO THE JOINT MOTION BY TMLA THE AAMODTS FOR AN EXTENSION OF TIME FOR FILING BRIEFS IN SUPPORT OF EXCEPTIONS TO THE PARTIAL INITIAL DECISION ON MANAGEMENT ISSUES" in the above-captioned proceeding have been served on the following by deposit in the United States mail, first class or, as indicated by an asterisk, by deposit in the Nuclear Regulatory Commission's internal mail system, this 2nd day of November, 1981:

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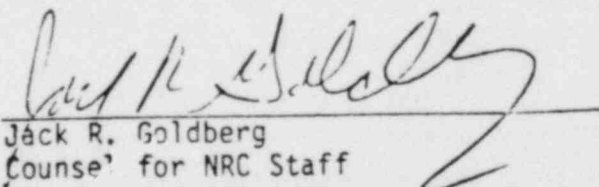
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