

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

ATOMIC SAFETY AND LICENSING APPEAL BOARD

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USNRC
'82 FEB -1 AIO:01

Administrative Judges:

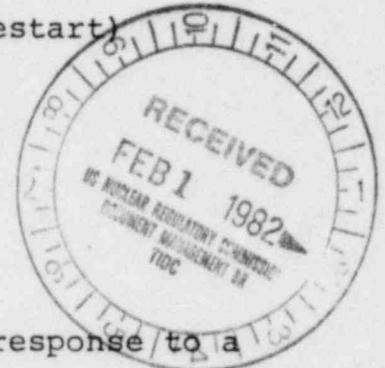
Gary J. Edles, Chairman
Dr. John H. Buck
Dr. Reginald L. Gotchy

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

Docket No. 50-289
(Restart)



ORDER

January 29, 1982

By order issued on December 23, 1981, in response to a request from the Union of Concerned Scientists (UCS) and others, we extended the due date for the filing of exceptions in this phase of the case from December 31, 1981 to February 1, 1982. On January 21, UCS filed a second request for extension, asking that we push back the date for filing exceptions to February 15 or March 1. We denied that request and UCS seeks reconsideration. The Licensee and the NRC staff oppose the request.

We will grant a one-week extension in the due date for filing exceptions. We find no basis for the overall one-month extension now sought by UCS. UCS contends only in the most general terms that the present schedule places a heavy burden

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on its small team of scientists and attorneys. We are, of course, sensitive to that burden. The Commission, however, has denied its motion to extend the date for filing comments on the immediate effectiveness issue so that work on those comments has now been completed. To some degree, moreover, the development of comments on immediate effectiveness has involved matters that will also be presented to us in exceptions. Thus, a portion of the substantive work in preparing exceptions should be complete.^{1/}

We are aware, though, that the Commission has recently invited comments from parties regarding the January 8, 1982 briefing the Commission received concerning water-level indicators. These comments are due on February 1, 1982, the same date as exceptions. (UCS may also choose to file comments with the Licensing Board on February 16, 1982, regarding the imposition of technical specifications or other forms of license conditions.) The need to file exceptions to us and comments with the Commission on the same day at a time when UCS is actively involved in the preparation of comments on a number of fronts in a highly complex proceeding, may pose

^{1/} Licensee observes, at note 1 of its January 5, 1982, reply to UCS' motion to extend the deadline for filing comments with the Commission regarding immediate effectiveness, which is attached to its reply to us, that over half the partial initial decision to which exceptions must be filed involves two issues -- emergency planning and separation of units 1 & 2 -- on which UCS did not participate at the hearing.

some litigation burdens. To help ameliorate them, we shall as a matter of discretion extend the date for filing exceptions until February 8. We hope that the additional week will permit all parties to hone their exceptions and make them more precise.

In our January 22, 1982, order we noted our belief that the one month extension originally granted should permit ample time for the preparation of the exceptions phase of UCS' case. UCS' request for reconsideration does not demonstrate the contrary. We are now extending the deadline for exceptions by an additional week. We are satisfied that UCS' ability to litigate its contentions has not been compromised and we do not plan any further extensions in the due date for filing exceptions.

It is so ORDERED.

FOR THE APPEAL BOARD


C. Jean Shoemaker
Secretary to the
Appeal Board

Dr. Buck did not participate in this order.