

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

DOCKETED  
USNRC

ATOMIC SAFETY AND LICENSING APPEAL BOARD

'82 SEP -3 P1:49

Administrative Judges:

OFFICE OF SECRETARY  
DOCKETING & SERVICE  
BRANCH

Gary J. Edles, Chairman  
Dr. John H. Buck  
Christine N. Kohl

SERVED SEP 3 1982

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

ORDER

September 2, 1982

On August 23, 1982, two individuals designated O and VV requested leave to intervene in the appellate proceedings in this case. In a supplemental document filed on August 26, they indicated that they would file a responsive brief in the event that the briefs of any of the appellants argue for relief inimical to their interests. O and VV contend that no other party can adequately represent their interests. By order issued on August 27, 1982 (unpublished), we invited parties having objection to the motion to inform us of that fact by close of business September 1, 1982. Only intervenor TMIA filed a reply in opposition, arguing, among other things, that O and VV have not demonstrated sufficient standing to warrant intervention and that the asserted untimeliness of the motion militates against the grant of discretionary intervention.

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In addition, TMIA filed two separate motions. In one, it requests an extension of time for filing its brief in support of exceptions and a waiver of the page limitation. TMIA asks that the date for filing its opening brief be extended to October 15 and that the page limitation be expanded from 70 to 140 pages. In the other motion, TMIA requests a suspension of briefing on its exceptions 20-55 regarding safety-related maintenance practices. This request is based on a staff Board Notification (BN-82-83 (August 13, 1982)), which identifies certain inadequate corrective maintenance actions at TMI-2 and indicates that Region I will inspect the TMI-1 maintenance system to determine if similar problems exist there.

We shall defer ruling on the motion of O and VV at this time because we believe it preferable to await the receipt of appellants' briefs. As O and VV point out, it may be that none of the appellants will suggest action inimical to the interests of O or VV so that their request to intervene will become moot. Accordingly, we direct all appellants to serve their briefs on counsel for O and VV.

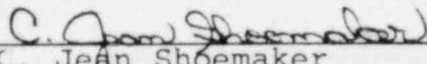
With respect to TMIA's motions, we request the early submission of the views of other parties. We note, in this connection, that we are disinclined to grant any substantial expansion of the page limitation inasmuch as certain of the parties may have positions that overlap and could thus result in redundant presentations. We believe a division of

responsibility among the parties for the presentation of issues may be feasible and we encourage affected parties to consider this possibility. We are inclined, however, to accord appellants some reasonable amount of additional time to prepare their briefs. We urge all parties to the proceeding on appeal to cooperate in developing a briefing schedule acceptable to all, which they can then recommend to us for our consideration.

Parties having objection to TMIA's motions should so inform us, in writing, no later than close of business, Thursday, September 9, 1982. Other comments, including any agreements acceptable to all the parties regarding the briefing schedule, should be submitted for our consideration at the same time.

It is so ORDERED.

FOR THE APPEAL BOARD

  
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C. Jean Shoemaker  
Secretary to the  
Appeal Board