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UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

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Before the Atomic Safety and Licensing Appeal Board

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

LICENSEE'S ANSWER TO TMIA MOTION  
TO SUSPEND BRIEFING ON  
TMIA'S EXCEPTIONS

By Motion dated September 1, 1982, TMIA requests the Appeal Board to suspend the briefing schedule on a portion of TMIA's exceptions to the Licensing Board's August 27, 1982 Partial Initial Decision. As grounds, TMIA points to a recent Board Notification that reports the NRC Staff plans to inspect safety-related maintenance practices at TMI-1. TMIA argues that briefing of exceptions on maintenance practices at TMI-1 should await the outcome of this Staff inspection (which TMIA mischaracterizes as an "investigation"). Licensee opposes TMIA's Motion.

First, the NRC I&E inspection of TMI-1's safety-related maintenance practices referenced in the Board Notification of August 13, 1982, has already been conducted. Inspection Report 82-10 dated September 1, 1982, states that the problems identified in the TMI-2 maintenance control program were not generic

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to TMI-1. In fact, this inspection of TMI-1's safety-related maintenance program resulted in no Unresolved Items. Thus there appears to be no support for TMIA's vision that the inspection would prove the maintenance practices at TMI-1 are inadequate to insure safety, would controvert earlier Board findings and could change the Staff position on the adequacy of current maintenance practices, thus substantially weakening support for the Board's decision. TMIA Motion at 2. Under these circumstances, there is absolutely no good cause for the Appeal Board to defer the briefing of TMIA's maintenance-related exceptions.

Even if the inspection were not complete, no sufficient cause would exist to defer briefing the maintenance exceptions. The NRC is involved in a continuum of ongoing activities related to TMI-1. These include many inspections of Licensee's activities at the plant site. That such an inspection is in the offing or underway is not grounds to stop the appellate process, even on a related issue. In the event NRC's ongoing surveillance or inspections of Licensee disclose a change in circumstances involving a sufficiently serious problem related to issues in the proceeding that the Appeal Board and parties should be informed, the NRC Staff (or Licensee) is obligated to bring this to light. Only at that time and with specifics to discuss can the parties take meaningful positions and the Appeal Board realistically decide what steps in the appellate process might be necessary to accommodate the development.

But to ask that the appellate process be deferred at the outset of an NRC inspection and pending its outcome provides a useless distraction to the business at hand.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that true and correct copies of the foregoing LICENSEE'S ANSWER TO TMIA MOTION FOR EXTENSION OF TIME ON FILING BRIEF ON EXCEPTIONS AND FOR WAIVER OF PAGE LIMITATION and LICENSEE'S ANSWER TO TMIA MOTION TO SUSPEND BRIEFING ON TMIA'S EXCEPTIONS were served this 8th day of September, 1982, by hand delivery to those persons on the attached Service List designated by an asterisk (\*) preceding their names, and by deposit in the United States mail, postage prepaid, addressed to all other persons on the attached Service List.

  
\_\_\_\_\_  
Ernest L. Blake, Jr.

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