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UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

Before the Atomic Safety and Licensing Appeal Board

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

LICENSEE'S ANSWER TO AAMODT MOTION  
FOR EXTENSION OF TIME TO FILE BRIEF

On September 7, 1982, Licensee received Aamodt Motion For Extension of Time to File Brief, dated September 3, 1982.<sup>\*/</sup> Licensee was alerted later the same day by the Appeal Board that responses to the Aamodt Motion were due by close of business, September 9. Licensee opposes the Aamodt Motion.

In a one paragraph document, the Aamodts request that the briefing of exceptions on all management issues be deferred, citing as their total basis:

A new matter, the subject of our motion of today to the Licensing Board, clouds the issues, findings and conclusions of the Reopened Proceeding on cheating.

The Aamodts request that the briefing be deferred "[u]ntil this matter is resolved."

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<sup>\*/</sup> At the same time, Licensee received two other related Aamodt pleadings -- an Addendum to earlier Aamodt comments on immediate effectiveness, filed with the Commission, and a motion filed with the Licensing Board seeking to reopen the record in this proceeding.

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The referenced Aamodt "motion of today to the Licensing Board" is a request to reopen the record in the reopened phase of the captioned proceeding. Licensee will be responding to that motion, and will oppose it. At this juncture, to defer all further briefing on all management exceptions pending resolution of the motion to reopen would be truly extraordinary.

Licensee in its Answers of September 8 to recent TMIA motions to defer the instant briefing schedule on exceptions and to extend that briefing schedule has emphasized the potential impact of the Appeal Board's review process on the timing of TMI-1 restart. We must assume at this juncture, absent a Commission determination on immediate effectiveness of the Licensing Board's decisions, that the Appeal Board's review controls the restart schedule. With exceptions on other matters having already been briefed and argued to the Appeal Board, the management exceptions appear to control the Appeal Board's review schedule.

Despite the extraordinary remedy they seek and the import of that remedy, the Aamodts provide no justification at all for deferring the management exceptions briefing schedule. It is particularly noteworthy that no reason is even asserted why the briefing of existing exceptions should not proceed regardless of the prospects for reopening. The Aamodts' Motion is silent as to how their ability to brief their already existing 225 management exceptions is hampered by awaiting resolution of the motion to reopen. Nor do the prospects that the record

actually will be reopened appear very real. The burden on a party seeking to reopen the record in a case where, as here, the initial decision has already been rendered, is heavy.

See, e.g., Kansas Gas and Electric Company, et al. (Wolf Creek Generating Station, Unit No. 1), ALAB-462, 7 N.R.C. 320, 338 (1978); Public Service Company of Oklahoma, et al. (Black Fox Station, Units 1 and 2), ALAB-573, 10 N.R.C. 775, 804 (1979). The Aamodts' motion to reopen, Licensee will argue, falls considerably short of meeting that test. On the face of the very document upon which the Aamodts rely, it appears that their request stems from an incident attributable to a single individual's practices, detected by Licensee itself and reported by Licensee to the NRC whose subsequent inspection disclosed that the practice did not represent conditions elsewhere in Licensee's training sections and that Licensee took adequate corrective action as a result of the incident. See Attachment 1 to Aamodt Motion.

On the basis of the above, Licensee opposes the Aamodt request to defer briefing of all management-related exceptions until a pending Aamodt request to reopen the record is resolved, which request is yet to be answered or considered.

Respectfully submitted,

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Counsel for Licensee

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing LICENSEE'S ANSWER TO AAMODT MOTION FOR EXTENSION OF TIME TO FILE BRIEF was served this 9th 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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Ernest L. Blake, Jr.

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SERVICE LIST

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|---|---|
| * Administrative Judge<br>Gary J. Edles, Chairman<br>Atomic Safety & Licensing<br>Appeal Board<br>U.S. Nuclear Regulatory<br>Commission<br>Washington, D.C. 20555 | Administrative Judge<br>Ivan W. Smith, Chairman<br>Atomic Safety & Licensing Board<br>U.S. Nuclear Regulatory<br>Commission<br>Washington, D.C. 20555   |
| * Administrative Judge<br>John H. Buck<br>Atomic Safety & Licensing<br>Appeal Board<br>U.S. Nuclear Regulatory<br>Commission<br>Washington, D.C. 20555            | Administrative Judge<br>Walter H. Jordan<br>Atomic Safety & Licensing Board<br>881 West Outer Drive<br>Oak Ridge, TN 37830                              |
| * Administrative Judge<br>Christine N. Kohl<br>Atomic Safety & Licensing<br>Appeal Board<br>U.S. Nuclear Regulatory<br>Commission<br>Washington, D.C. 20555       | Administrative Judge<br>Linda W. Little<br>Atomic Safety & Licensing Board<br>5000 Hermitage Drive<br>Raleigh, NC 27612                                 |
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