

DOCKETED
EIC October 27, 1982

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

OCT 29 11:09
OFFICE OF SECRETARY
DOCKETING & SERVICE
BRANCH

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 REQUEST FOR EXTENSION
OF TIME AND PAGE LIMITATION WAIVER

By letter to the Appeal Board dated October 14, 1982, Licensee noted that it had received four different appellant briefs to which it would respond in one consolidated pleading. The letter further noted Licensee's intention to file its responsive brief within the normal period allowed by the Commission's regulations (10 C.F.R. § 2.762(b)) and the 70-page limitation on appellate briefs (see 10 C.F.R. § 2.762(e)). It is now apparent that with the best of intentions, these goals cannot be met.

Licensee is responding to a total of some 170 pages of appellant briefs. Although some of the same subject matters are addressed in portions of more than one of appellants' briefs, the arguments seldom are the same and our response must deal with each of their arguments. Moreover, appellants' briefs vary greatly in format; it is frequently difficult or impossible to link appellant arguments to previously filed

DS03

exceptions. Because of the different and at times confused organization in appellants' briefs, our own efforts to organize the various arguments for response in a consolidated brief have been considerable, and more time consuming than we had anticipated. Additionally, we have by necessity needed to devote time to preparations for the oral presentations to the Commission, scheduled for November 9, 1982, and can foresee additional conflicts of time for this effort.

The Appeal Board earlier granted each of the appellants a 10-day extension in their briefing period, noting when it did so, *inter alia*, that appellants had the Licensing Board's initial Partial Initial Decision for many months in which to work on related portions of their briefs. Appeal Board Order of September 10, 1982, at 5-8. Licensee necessarily had to await appellants' briefs before any drafting of its responsive brief could begin.

Based on our present draft of the majority of the responsive brief, we anticipate that the completed draft will be about 150 pages. The present draft has been prepared mindful of the 70-page limitation and with a desire and intent to abide by that limit, if at all possible, consistent with a meaningful product. It is not realistic to expect that the draft can be reduced appreciably.

For the foregoing reasons, and in accordance with 10 C.F.R. § 2.762(e), Licensee requests that it be granted a waiver of the prescribed page limit to allow Licensee to file a 150-page

consolidated responsive brief, and that the time for filing such brief be extended to November 15, 1982. No prejudice to any other party is apparent; however, Licensee has advised counsel for the Staff of this request in view of its effect on the normal additional time the Staff is allowed to file its appellate briefs beyond that accorded other parties. See 10 C.F.R. § 2.762(a), (b).

Respectfully submitted,

SHAW, PITTMAN, POTTS & TROWBRIDGE
1800 M Street, N.W.
Washington, D.C. 20036
(202) 822-1000

By: Ernest L. Blake, Jr.
Ernest L. Blake, Jr.

Counsel for Licensee

Dated: October 27, 1982.

LIC October 27, 1982

DOCKETED
USNRC

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION
82 OCT 29 11:09

Before the Atomic Safety and Licensing Appeal Board

GENERAL COUNSEL
DOCKETING & SERVICE
BRANCH

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

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing LICENSEE'S REQUEST FOR EXTENSION OF TIME AND PAGE LIMITATION WAIVER was served this 27th day of October, 1982, by hand delivery to those persons on the attached Service List with an asterisk (*) preceding their names, and by deposit in the United States mail, postage prepaid, addressed to each of the other persons listed on the attached Service List.

Ernest L. Blake, Jr.

Ernest L. Blake, Jr.

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))

SERVICE LIST

- | | |
|---|---|
| * Administrative Judge
Gary J. Edles, Chairman
Atomic Safety & Licensing
Appeal Board
U.S. Nuclear Regulatory
Commission
Washington, D.C. 20555 | Administrative Judge
Ivan W. Smith, Chairman
Atomic Safety & Licensing Board
U.S. Nuclear Regulatory
Commission
Washington, D.C. 20555 |
| * Administrative Judge
John H. Buck
Atomic Safety & Licensing
Appeal Board
U.S. Nuclear Regulatory
Commission
Washington, D.C. 20555 | Administrative Judge
Walter H. Jordan
Atomic Safety & Licensing Board
881 West Outer Drive
Oak Ridge, TN 37830 |
| * Administrative Judge
Christine N. Kohl
Atomic Safety & Licensing
Appeal Board
U.S. Nuclear Regulatory
Commission
Washington, D.C. 20555 | Administrative Judge
Linda W. Little
Atomic Safety & Licensing Board
5000 Hermitage Drive
Raleigh, NC 27612 |
| * Jack R. Goldberg, Esquire (4)
Office of the Executive
Legal Director
U.S. Nuclear Regulatory
Commission
Washington, D.C. 20555 | Atomic Safety & Licensing
Board Panel
U.S. Nuclear Regulatory
Commission
Washington, D.C. 20555 |
| Docketing & Service Section (3)
Office of the Secretary
U.S. Nuclear Regulatory
Commission
Washington, D.C. 20555 | Atomic Safety & Licensing
Appeal Board Panel
U.S. Nuclear Regulatory
Commission
Washington, D.C. 20555 |
| | Robert Adler, Esquire
Karin W. Carter, Esquire
Assistant Attorneys General
505 Executive House
Post Office Box 2357
Harrisburg, PA 17120 |

John A. Levin, Esquire
Assistant Counsel
Pennsylvania Public Utility
Commission
Post Office Box 3265
Harrisburg, PA 17120

Mr. Henry D. Hukill
Vice President
GPU Nuclear Corporation
Post Office Box 480
Middletown, PA 17057

Michael F. McBride, Esquire
LeBouef, Lamb, Leiby & MacRae
1333 New Hampshire Avenue, N.W.
Suite 1100
Washington, D.C. 20036

Ms. Louise Bradford
TMI ALERT
1011 Green Street
Harrisburg, PA 17102

Mr. Norman Aamodt
R. D. 5
Coatesville, PA 19320

John Clewett, Esquire
The Christic Institute
1324 North Capitol Street
Washington, D.C. 20002

Michael W. Maupin, Esquire
Hunton & Williams
707 East Main Street
Post Office Box 1535
Richmond, VA 23212

Ms. Gail Phelps
ANGRY/TMI PIRC
1037 Maclay Street
Harrisburg, PA 17103

Jordan D. Cunningham, Esquire
Fox, Farr & Cunningham
2320 North Second Street
Harrisburg, PA 17110

Ellyn R. Weiss, Esquire (1)
William S. Jordan, III, Esquire (1)
Harmon & Weiss
1725 Eye Street, N.W., Suite 506
Washington, D.C. 20006

Mr. Steven C. Sholly
Union of Concerned Scientists
1346 Connecticut Avenue, N.W.
Dupont Circle Bldg., Suite 1101
Washington, D.C. 20036

Chauncey Kepford
Judith H. Johnsrud
Environmental Coalition on
Nuclear Power
433 Orlando Avenue
State College, PA 16801

David E. Cole, Esquire
Smith & Smith, P.C.
2931 Front Street
Harrisburg, PA 17110

Administrative Judge
Gary L. Milhollin
Atomic Safety & Licensing Board
4412 Greenwich Parkway, N.W.
Washington, D.C. 20007