

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION  
ATOMIC SAFETY AND LICENSING APPEAL BOARD

DOCKETED  
MAR -4 P2:20

OFFICE OF PUBLIC  
DOCKETING & SERVICE  
BRANCH

Administrative Judges:

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

SERVED MAR 4 1982

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

Docket No. 50-289



ORDER

March 4, 1982

The Licensing Board issued its Partial Initial Decision in this case on December 14, 1981. Among other things, the Board required as a condition for restart that the licensee suspend work in the Unit 1 area of the fuel handling building during any fuel movements at Unit 2. PID Para. 1256, 1326. The licensee excepted to this finding as unsupported by the evidence and inappropriate for inclusion as a license condition. <sup>1/</sup> The Board also required that the staff provide it with the details of a staff enforcement plan for insuring compliance with licensee commitments, staff requirements and Board conditions. The licensee was directed to respond to the plan and other parties were permitted to do so. PID Para. 1217. The staff (on February 1, 1982) and the licensee (on February 22, 1982) addressed the issue of fuel movements in their responses to the Board's directive.

<sup>1/</sup> This issue is the subject of licensee Exception 2, submitted on February 8, 1982.

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Briefs in support of exceptions are due to be filed on March 10, 1982. On March 1, 1982, the licensee filed a motion to suspend briefing with respect to the fuel handling exception. The licensee asserts that it believes it is likely that it will be able to reach agreement with the staff within the next few weeks regarding this condition and, if the joint staff/licensee proposal is acceptable to the Licensing Board, the licensee would withdraw its exception.

We have decided to grant a 30 day deferral of the briefing schedule insofar as licensee Exception No. 2 is concerned. Briefs dealing with Exception 2 must be filed no later than April 9, 1982, however. We have decided to establish a fixed date for the filing of briefs on this issue for two reasons. First, we are reluctant to grant any motions that may delay the handling of the appeal in this case for an indefinite period. Second, it appears to us on preliminary analysis that any requests for changes in the Licensing Board's decision, including the issue embraced in Exception 2, should now be addressed to us. We want to assure, in this regard, that other parties that have been interested in this issue, such as the Commonwealth of Pennsylvania, have an opportunity to present us with their views regarding any changes from the Licensing Board's decision. We appreciate, however, that the issues included in Exception 2 are also part of the conditions now being considered by the Licensing Board. To that extent, they may not yet be suitable for appellate resolution.<sup>2/</sup> In any event, we would find it useful to consider as part of our review any views the Licensing Board may wish to offer on the substance of the licensee's concerns.

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<sup>2/</sup> Under the Commission's August 9, 1979, order, the Licensing Board has authority to approve or disapprove those steps which the staff believes are necessary to implement actions the Board may require. CLI-79-8, 10 NRC 141, 148 (1979).

We believe a 30 day deferral of the briefing schedule on Exception 2 holds out the most promise for presenting us with issues that are genuinely ripe for appeal without undue delay in the ultimate disposition of the appellate proceedings.

It is so ORDERED.

FOR THE APPEAL BOARD

C. Jean Shoemaker  
C. Jean Shoemaker  
Secretary to the  
Appeal Board