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October 13, 1982

Administrative Judge
Gary J. Edles, Chairman
Atomic Safety & Licensing
Appeal Board
U.S. Nuclear Regulatory
Commission
Washington, DC 20555

Administrative Judge
John H. Buck
Atomic Safety & Licensing
Appeal Board
U.S. Nuclear Regulatory
Commission
Washington, DC 20555

Administrative Judge
Christine N. Kohl
Atomic Safety & Licensing
Appeal Board
U.S. Nuclear Regulatory
Commission
Washington, DC 20555

Re: In the Matter of Metropolitan Edison Company
(Three Mile Island Nuclear Station, Unit No. 1)
Docket No. 50-289 SP (Restart)

Dear Madam and Sirs:

We have reviewed the briefs in support of exceptions of the Union of Concerned Scientists, Commonwealth of Pennsylvania, Three Mile Island Alert, and the Aamodts, and have determined that, on behalf of our two clients, O and VV, no response to those briefs is required. Under longstanding Appeal Board precedent exceptions that are not briefed are waived. E.g., Public Service Company of Indiana, Inc. (Marble Hill Nuclear Generating Station, Units 1 and 2), 7 N.R.C. 179, 203 n.66 (1978). Accordingly, at least with respect to TMIA exceptions 23, 24, and Aamodt exception 133, we presume that those exceptions will be treated as waived, despite TMIA's transmittal letter to the contrary. Should the Appeal Board decide to consider the issue of criminal prosecution sua sponte, we presume that we will receive notice of that decision and the opportunity to be heard on that issue.

Very truly yours,

Harry H. Voigt

cc: Parties of Record

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