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BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

OFFICE OF SECRETARY
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In the Matter of)	
)	
METROPOLITAN EDISON COMPANY, <u>ET AL.</u>)	Docket No. 50-289-OLA
)	ASLBP 83-491-04-OLA
(Three Mile Island Nuclear Station,)	(Steam Generator Repair)
Unit No. 1))	

LICENSEE'S RESPONSE TO TMIA'S MOTION FOR
 EXTENSIONS OF TIME FOR FILING RESPONSE
 TO LICENSEE AND STAFF MOTIONS
FOR SUMMARY DISPOSITION

Licensee has no objection to TMIA's request for an extension of time until March 30, 1984, to respond to both Licensee's and the NRC Staff's motions for summary disposition; however, Licensee is not satisfied that the grounds upon which TMIA bases its motion reasonably substantiate its request for an extension of time.

Licensee is specifically unimpressed by TMIA's allegation that Dr. Sih has been "invaluable" to TMIA. TMIA has only relied upon Dr. Sih's opinion to support TMIA Contention 1.d. TMIA by its own admission has only communicated with Dr. Sih on this contention during one brief meeting in September, 1983. TMIA's Response to Licensee's Third Set of Interrogatories and Request for Production of Documents, III-1.d-1, III-1.d-12. Furthermore, TMIA states that "it is just possible" that Dr. Sih will provide TMIA with an affidavit refuting a number of the factual assertions presented by Licensee and the NRC Staff in their respective motions

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for summary disposition. Thus, although TMIA apparantly has not secured a commitment to prepare an affidavit from Dr. Sih, they seek an extension based essentially on the possibility that Dr. Sih might be willing to draft an affidavit supporting TMIA's response to the aforementioned motions for summary disposition. Such a tenuous position is hardly substantial enough to justify a 10 day delay in the instant proceedings.

TMIA has had ample time to contact Dr. Sih if they needed his assistance in responding to Licensee's and the NRC Staff's motions for summary disposition. TMIA has been on notice that its responses to Licensee's and the NRC Staff's motions for summary disposition would be due by March 20, 1984, since February 8, 1984, when Licensee and the NRC Staff notified the Board that they intended to file motions for summary disposition of each of TMIA's and Joint Intervenors' contentions. Moreover, TMIA knew or should have known that its responses to the motions for summary disposition would be due by March 20, 1984, as long ago as November 29, 1983, when the Board issued its order calling for the submission of motions for summary disposition by February 24, 1984. It is inconceivable that TMIA could not anticipate that it might rely upon expert assistance before February 27, 1984. It is equally inconceivable that TMIA could not have made arrangements with Dr. Sih before this time if he is indeed so invaluable to the preparation of TMIA's response that his present absence warrants a request for a 10 day extension of time to respond to Licensee's and the NRC Staff's motions for summary disposition. TMIA's failure to discuss possible arrangements with Dr. Sih at an earlier date

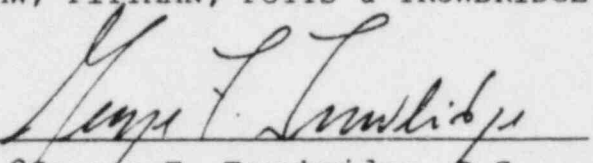
is inconsistent with TMIA's allegations that Dr. Sih's assistance is invaluable.

Nonetheless, in light of the voluminous nature of the motions for summary disposition submitted by Licensee and the NRC Staff, Licensee agrees that TMIA's request for an extension of time until March 30, 1984, is reasonable and should be granted.

Respectfully submitted,

SHAW, PITTMAN, POTTS & TROWBRIDGE

By


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Dated: March 15, 1984

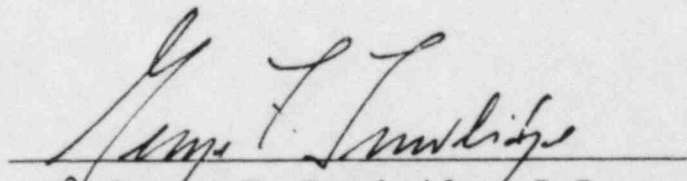
UNITED STATES OF AMERICA
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BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

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(Three Mile Island Nuclear Station,)	(Steam Generator Repair)
Unit No. 1))	

CERTIFICATE OF SERVICE

I hereby certify that copies of "Licensee's Response to TMIA's Motion for Extensions of Time for Filing Response to Licensee and Staff Motions for Summary Disposition," dated March 15, 1984, were served upon those persons on the attached Service List, by deposit in the United States mail, postage prepaid, this 15th day of March, 1984.


✓ George F. Trowbridge, P.C.

Dated: March 15, 1984

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

Before the Atomic Safety and Licensing Board

In the Matter of)	
)	
METROPOLITAN EDISON COMPANY, <u>ET AL.</u>)	Docket No. 50-289-OLA
)	ASLBP 83-491-04-OLA
(Three Mile Island Nuclear)	(Steam Generator Repair)
Station, Unit No. 1))	

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