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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

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Before the Atomic Safety and Licensing Board Panel

OFFICE OF PUBLIC AFFAIRS
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In the Matter of)

GPU NUCLEAR CORPORATION, et al.)

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

) Docket Nos. 50-289 OLA-1
) and 50-289-OLA-2
) (Steam Generator
) Plugging Criteria)
)

LICENSEE'S RESPONSE TO TMIA'S MOTION FOR EXTENSION OF TIME

On April 11, 1986, Three Mile Island Alert, Inc. ("TMIA") filed its "Motion for Extension of Time or, in the Alternative, Notice of Withdraw" (hereinafter "Motion") in the above captioned consolidated proceedings. TMIA therein moved for a six-month extension of time to complete discovery in both proceedings because it lacks a representative to replace Ms. Doroshov who apparently cannot continue to represent TMIA for personal reasons, and because it lacks the resources to hire a new representative. Motion at 1. TMIA, the sole intervenor in these proceedings, stated that, if the requested six-month extension is not granted, "TMIA hereby withdraws as a party in this proceeding." Motion at 2. As discussed below, TMIA's motion for extension should be denied.

Contrary to TMIA's assertion, Motion at 1, Licensee would be extremely prejudiced by the extensive delay requested. TMIA incorrectly asserts that Licensee seeks to have Technical Specification Change Request No. 148 ("Change Request 148") implemented "after"

the next planned six-month refueling outage, currently scheduled for early November, 1986. Motion at 1. It has been clearly stated on the record that Licensee seeks to have Change Request 148 implemented before the scheduled outage so that it may utilize the proposed plugging criteria when it performs the tube examinations scheduled for that outage. Licensee's Answer to TMIA's Motion to Broaden Hearing Scope (March 20, 1986) at 1, n. 1; NRC Staff Response to TMIA's Motion to Broaden Hearing Scope (March 25, 1986) at 6, n. 6. The required six-month extension would call for completion of discovery on November 12, 1986. Tr. at 128. Such a delay would clearly prevent completion of the proceedings prior to the scheduled outage.

It is well settled that "a person who invokes the right to participate in an NRC proceeding also voluntarily accepts the obligations attendant upon such participation." Duke Power Company (Catawba Nuclear Station, Units 1 and 2), CLI-83-19, 17 N.R.C. 1041, 1048 (1983). Lack of resources to comply with its obligations as a party is not good cause for a lengthy delay in these proceedings, particularly under the conditions here of great prejudice to Licensee. It is well established Commission policy that "the fact that a party may have personal or other obligations or possess fewer resources than others to devote to the proceeding does not relieve that party of its hearing obligations." Statement of Policy on Conduct of Licensing Proceedings, CLI-81-8, 13 N.R.C. 452, 454 (1981); Philadelphia Electric Company (Limerick Generating Station,

Units 1 and 2), ALAB-819, 22 N.R.C. 681, 730 (1985); Wisconsin Electric Power Company (Point Beach Nuclear Plant, Unit 1), ALAB-696, 16 N.R.C. 1245, 1261, n. 29 (1982). A party that invokes the right to participate in an NRC proceeding should anticipate having to manipulate its personnel and financial resources, however limited, to meet its obligations. See Wisconsin Electric Power Company (Point Beach Nuclear Plant, Unit 1) ALAB-719, 17 N.R.C. 387, 394 (1983). TMIA, having participated in NRC adjudicatory proceedings for more than six years, is well aware of its duty to secure representation commensurate with its decision to petition for an adjudicatory hearing.

Moreover, the reasons given for the need for a six-month delay are speculative and uncertain. The only other TMIA representative identified is currently involved in other unidentified "NRC hearings," and "estimates" that her responsibilities there will end in six months. Motion at 1. Given the situation as stated in the motion, it seems that TMIA would not be able to participate effectively in these proceedings six months from now if the other proceedings had not terminated.

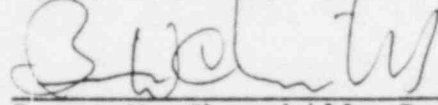
TMIA's extraordinary request is squarely at odds with the Commission's policy of efficient and expeditious conduct and timely completion of hearings. CLI-81-8, supra, at 453; Catawba, supra, at 1048; Duke Power Company (Catawba Nuclear Station, Units 1 and 2), ALAB-813, 22 N.R.C. 59, 83 (1985). TMIA's request that this hearing

be delayed is not sufficient to overcome the public interest (as well as the participating parties' interest) in the expeditious resolution of this proceeding.

For the aforementioned reasons, Licensee respectfully requests the Licensing Board to deny TMIA's motion for extension of time.

Respectfully submitted,

SHAW, PITTMAN, POTTS & TROWBRIDGE



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Dated: April 17, 1986

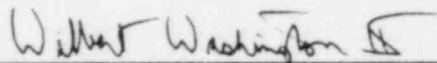
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)	50-289-OLA-2
(Three Mile Island Nuclear Station,))	
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CERTIFICATE OF SERVICE

This is to certify that copies of "Licensee's Response to TMIA's Motion for Extension of Time" were served by deposit in the United States Mail, first class, postage prepaid, to all those on the attached Service List on the 17th day of April, 1986.



Wilbert Washington II

Dated: April 17, 1986

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NUCLEAR REGULATORY COMMISSION

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)	Docket No. 50-289-OLA-1
GPU NUCLEAR CORPORATION, <u>et al.</u>)	and 50-289-OLA-2
)	(Steam Generator
(Three Mile Island Nuclear Station,)	Plugging Criteria)
Unit No. 1))	

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