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May 6, 1986



U.S. NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of	:	Docket No. 50-289 OLA-1
	:	50-289 OLA-2
GPU Nuclear Corporation,	:	(Steam Generator Plugging
(Three Mile Island Nuclear Station,	:	Criteria)
Unit No. 1)	:	

COMMONWEALTH OF PENNSYLVANIA'S RESPONSE  
TO TMIA'S MOTION FOR EXTENSION OF TIME

By motion dated April 11, 1986, Three Mile Island Alert, Inc. ("TMIA") requested this Board to grant a six month extension of time to complete discovery in these two consolidated proceedings.

In a response dated April 17, 1986, the Licensee GPU Nuclear Corporation has opposed this requested extension. In a response dated April 30, 1986, the NRC Staff stated that it does not oppose the requested extension for OLA-2, and that it does not oppose an extension for a lesser period for OLA-1.

The Commonwealth of Pennsylvania, an interested state in this proceeding, supports TMIA's request for a six month extension for completion of the discovery process. As a practical matter, the Commonwealth believes that the grant of the extension will not substantially prejudice any party and that the grant of the extension will not materially delay the ultimate resolution of these proceedings.

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With respect to OLA-2, the requested extension does not prejudice anyone. The Licensee's requested amendment is in effect, and is due to expire on its own terms at the next fuel outage (scheduled for approximately December, 1986). 51 Fed. Reg. 10472 (March 26, 1986). If a hearing cannot be completed prior to the expiration date of the amendment, the matter may become moot.

With respect of OLA-1, the requested six month delay in the completion of the discovery process is reasonable because the case will not be ripe for a full hearing on all the issues before the Board prior to the completion of tests on the pulled tubes, which will occur sometime during the next scheduled fuel outage in December, 1986. The NRC Staff has stated quite clearly that it must await the testing of certain pulled tubes during the next fuel outage before it can make a final determination on the acceptability of the Licensee's proposed amendment. Although the NRC Staff is offering to provide certain testimony on the proposed amendment prior to the testing of the tubes, this testimony would be subject to certain assumptions and conditions. The value of this testimony is somewhat speculative. The "final Staff position" will not be known until after the NRC has evaluated the test results. Acceptance of the NRC Staff's proposed method of proceeding would lead to two hearings on the same subject matter, with duplication of witnesses and of cross-examination. Judicial economy would be promoted by holding one full hearing on all the relevant materials. Such a hearing would add only a day or two of time, and need not delay the Board's ultimate consideration of the case.

The requested licensing amendment in OLA-1 involves issues which may have significant safety consequences. The Commission has not chosen to issue this requested amendment under its authority to consider amendments which involve "no significant hazards." Instead, the Commission and the Staff have conducted more detailed review. Universal concern for the safe operation of nuclear plants dictates a careful consideration of a technical amendment of this type, which can have a significant impact on safety.

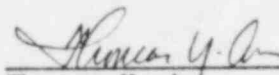
This is the first time that the Commission and the Staff have considered such a major change to the technical specifications relating to plugging criteria for nuclear plant design. In fact, the Commission has not permitted any nuclear plant in the country to operate with 70% throughwall defects in the steam generator tubes. This is one of the rare instances where the Commission has declined to make a finding of "no significant hazards." For these reasons, and others, the Commonwealth has concerns about the technical merits of the requested license amendment.

In the NRC Staff's Response to TMIA's Motion for Extension of Time, the Staff has stated that its Safety Evaluation Report would not be completed until the end of July. It would be premature to end the discovery process before this important document is available to the parties for review. At this time, the issues before the Board are not ready for hearing, and there is no sound reason for the Board to

expedite the consideration of this case before the necessary facts are developed.

For these reasons, the Commonwealth of Pennsylvania supports TMIA's request for an extension of six months to complete discovery.

Respectfully submitted,



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Counsel for the Commonwealth of  
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UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION



Before the Commission

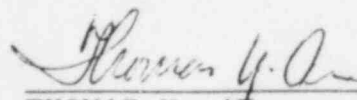
In the Matter of

METROPOLITAN EDISON COMPANY, : Docket No. 50-289 OLA  
et al. : (Steam Generator  
 : Plugging Criteria)  
(Three Mile Island Nuclear :  
Station, Unit No. 1) : ASLBP No. 86-520-01 OLA

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I certify that I have served the above by First Class Mail,  
postage prepaid, this 6th day of May, 1986.

  
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