

TERA

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

ATOMIC SAFETY AND LICENSING BOARD

Ivan W. Smith, Chairman
Dr. Walter H. Jordan
Dr. Linda W. Little

In the Matter of:)
)
Metropolitan Edison Company)
)
(Three Mile Island Nuclear)
Station, Unit No. 1))

Docket No. 50-289

STATEMENT OF THE PENNSYLVANIA
PUBLIC UTILITY COMMISSION

The PENNSYLVANIA PUBLIC UTILITY COMMISSION ("Public Utility Commission") hereby states, pursuant to the order of the Atomic Safety and Licensing Board ("Board") dated September 21, 1979 setting the special prehearing conference, the subject matters on which it desires to participate, and alerts the Board and the parties to matters which should be developed on the record, as follows:

The Order and Notice of Hearing of the Nuclear Regulatory Commission ("NRC") dated August 9, 1979 and the unique circumstances of this proceeding require that the Board go beyond the technical and engineering requirements

1236 152

7910300 447

of safe operation of TMI-1 to develop a record on and fully consider the operational, managerial and financial ability of the licensee to meet the requirements to be set by the NRC. The existing obligations of Metropolitan Edison Company as licensee of TMI-1, and of TMI-2, are definite, relevant limitations of the resources of the licensee. In addition, Metropolitan Edison Company is a public utility subject to the jurisdiction of the Public Utility Commission and is required to provide safe, adequate, and reliable electric public utility service at just and reasonable rates. The licensee's concurrent Pennsylvania statutory obligation to provide safe, adequate and reliable public utility service at just and reasonable rates is a definite, relevant limitation on the resources of the licensee available to fulfill the requirements to be set by the NRC.

The Public Utility Commission desires to participate in these proceedings to develop an adequate record on and urge full consideration of the operational, managerial, and financial limitations of the licensee in meeting the requirements to be set by the NRC, and in particular the obligations imposed by State law on the licensee as a public utility. The Public Utility Commission's participation will be directed toward the following subject matters:

- A. With respect to actions required to maintain TMI-1 in a safe and stable shutdown condition:
 - (1) the costs associated with those actions,
 - (2) the timing of such costs,

1236 153

- (3) the effect of those actions on the licensee's operation and maintenance of its generation, transmission and distribution facilities,
- (4) the sources of funds required to finance those actions, and
- (5) the amounts and timing of rate relief requests necessary in order to finance those actions.

B. With respect to actions required to permanently shutdown TMI-1:

- (1) the costs associated with those actions,
- (2) the timing of such costs,
- (3) the effect of those actions on the licensee's operation and maintenance of its generation, transmission and distribution facilities,
- (4) the sources of funds required to finance those actions, and
- (5) the amounts and timing of rate relief requests necessary in order to finance those actions.

C. With respect to actions required to convert TMI-1 to a non-nuclear generating facility:

- (1) the costs associated with those actions,
- (2) the timing of such costs,

1236 154

- (3) the effect of those actions on the licensee's operation and maintenance of its generation, transmission and distribution facilities,
- (4) the sources of funds required to finance those actions, and
- (5) the amounts and timing of rate relief requests necessary in order to finance those actions.

D. With respect to actions required to start up TMI-1:

- (1) the costs associated with those actions,
- (2) the timing of such costs,
- (3) the effect of those actions on the licensee's operation and maintenance of its generation, transmission and distribution facilities,
- (4) the sources of funds required to finance those actions, and
- (5) the amounts and timing or rate relief requests necessary in order to finance those actions.

E. With respect to actions required to operate TMI-1 after start up:

- (1) the costs associated with those actions,
- (2) the timing of such costs,

- (3) the effect of those actions on the licensee's operation and maintenance of its generation, transmission and distribution facilities,
- (4) the sources of funds required to finance those actions, and
- (5) the amounts and timing of rate relief requests necessary in order to finance those actions.

Because of its status as a quasi-judicial administrative body, the Public Utility Commission may be required to hear and decide contested issues with respect to the public utility service, facilities and rates of Metropolitan Edison Company. In the interests of affording all potential litigants before it adequate opportunity to present arguments and defenses, and to preserve the due process of law, the Public Utility Commission cannot decide issues not presently before it. For that reason, the Public Utility Commission reserves the right to decline to argue or take a position on specific issues raised in this proceeding to the extent that such actions may be

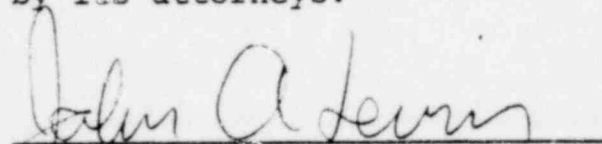
1236 156

inconsistent with its responsibilities to hear and decide matters within its jurisdiction.

Respectfully submitted,

Pennsylvania Public Utility Commission

by its attorneys:



John A. Levin
Assistant Counsel

Steven A. McClaren
Deputy Chief Counsel

George M. Kashi
Chief Counsel

DATE: October 22nd, 1979

P.O. Box 3265
Harrisburg, PA 17120

(717) 783-2804

1236 157

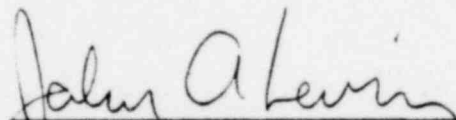
UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

| | | |
|-----------------------------|---|-------------------|
| In the Matter of |) | |
| |) | |
| METROPOLITAN EDISON COMPANY |) | Docket No. 50-289 |
| |) | (Restart) |
| (Three Mile Island Nuclear |) | |
| Station, Unit No. 1) |) | |

CERTIFICATE OF SERVICE

I hereby certify that I have caused to be forwarded the attached "Statement of the Pennsylvania Public Utility Commission" upon those persons as shown by the following Service List by deposit in the United States mail, postage prepaid, this 22nd day of October, 1979.



John A. Levin
Assistant Counsel
Pennsylvania Public Utility
Commission

1236 158

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

| | | |
|-----------------------------|---|-------------------|
| In the Matter of |) | |
| |) | |
| METROPOLITAN EDISON COMPANY |) | Docket No. 50-289 |
| |) | |
| (Three Mile Island Nuclear |) | |
| Station, Unit No. 1) |) | |

SERVICE LIST

Ivan W. Smith, Esquire
Chairman
Atomic Safety and Licensing
Board Panel
U.S. Nuclear Regulatory
Commission
Washington, D.C. 20555

Dr. Walter H. Jordan
Atomic Safety and Licensing
Board Panel
881 West Outer Drive
Oak Ridge, Tennessee 37830

Dr. Linda W. Little
Atomic Safety and Licensing
Board Panel
5000 Hermitage Drive
Raleigh, North Carolina 27612

James A. Tourtellotte, Esquire
Office of the Executive Legal
Director
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Docketing and Service Section
Office of the Secretary
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

George F. Trowbridge, Esquire
Shaw, Pittman, Potts & Trowbridge
1800 M Street, N.W.
Washington, D.C. 20006
For: Licensee

Marcia Mulkey, Esquire
Office of Executive Legal Director
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Ms. Marjorie M. Aamodt
R. D. #5
Coatesville, Pennsylvania 19320

Ms. Holly S. Keck, Leg. Chairman
Anti-Nuclear Group Representing
York (ANGRY)
245 W. Philadelphia Street
York, Pennsylvania 17404

Ms. Frieda Berryhill, Chairman
Coalition for Nuclear Power
Plant Postponement
2610 Grendon Drive
Wilmington, Delaware 19808

Mr. Robert Q. Pollard
Chesapeake Energy Alliance
609 Montepelier Street
Baltimore, Maryland 21218

Karin W. Carter, Esquire
Assistant Attorney General
505 Executive House
P.O. Box 2357
Harrisburg, Pennsylvania 17120

Walter W. Cohen, Esquire
Consumer Advocate
Department of Justice
Strawberry Square, 14th Floor
Harrisburg, Pennsylvania 17127

Dr. Chauncey Kepford
Environmental Coalition on Nuclear
Power
433 Orlando Avenue
State College, Pennsylvania 16801

Robert L. Knupp, Esquire
Assistant Solicitor
County of Dauphin
P.O. Box P, 407 N. Front Street
Harrisburg, Pennsylvania 17108

Mr. Marvin I. Lewis
6504 Bradford Terrace
Philadelphia, PA 19149

Jordan D. Cunningham, Esquire
Fox, Farr & Cunningham
2320 North Second Street
Harrisburg, Pennsylvania 17110
For: Newberry Twp. TMI Steering
Committee

Karin P. Sheldon, Esquire
Sheldon, Harmon, Roisman & Weiss
1725 I Street, N.W., Suite 506
Washington, D.C. 20006
For: PANE

Mr. Steven C. Shelly
304 South Market Street
Mechanicsburg, Pennsylvania 17055

Theodore A. Adler
Widoff, Reager, Selkowitz & Adler
3552 Old Gettysburg Road
Camp Hill, PA 17011
For: Three Mile Island Alert, Inc.

Ellyn P. Weiss, Esquire
Sheldon, Harmon, Roisman & Weiss
1725 I Street, N.W., Suite 506
Washington, D.C. 20006
For: Union of Concerned Scientists