

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

Before the Atomic Safety and Licensing Board

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USNRC

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In the Matter of)
METROPOLITAN EDISON COMPANY)
(Three Mile Island Nuclear)
Station, Unit 1))

Docket No. 50-289

(Steam Generator Repair)

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TMIA'S RESPONSE TO LICENSEE AND NRC STAFF
OPPOSITION TO APPOINTMENT OF SPECIAL PANEL

TMIA has some very brief comments in response to arguments made by the Licensee and the NRC Staff in opposition to TMIA's motion for appointment of a special panel.

First, this is not some sort of backhanded attempt to obtain intervenor funding. TMIA is flatly not asking for funds, and under its proposal, it would receive none. TMIA suggested that all parties, including intervenors, appoint one panel member each for purposes of fairness, but TMIA fully recognizes it would have no control over the reports produced by even its own appointment.

Further, this is not an attempt to escape responsibilities as an intervenor. TMIA has been an extraordinarily hard work intervening party in the TMI restart hearing. It has never tried to shirk responsibilities, and we resent any such implication. TMIA's sole motivation in submitting this motion is to expedite this process and assist in proper resolution of the issues. These objectives, which were made clear in TMIA's motion, are completely in line with those of both the Licensee and the Staff.

Yet both responses deliberately avoid addressing in any meaningful way how these objectives can be more satisfactorily

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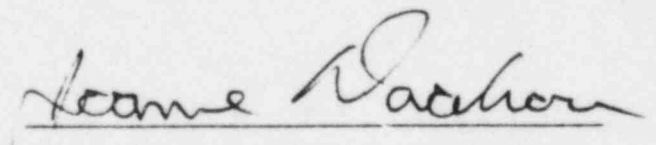
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obtained. Moreover, the unreasonably harsh tone of both Licensee's and Staff's responses, both of which imply some devious motive on TMIA's part, indicates perhaps more clearly than any technical document the fear each has of seeing their work judged by independent experts. We hope the Board feels free to draw additional inferences solely from the reaction TMIA's motion produced.

In addition, it is ironic that the argument is made that the Commission and Congress would be opposed to this motion. To the contrary, this is exactly the type of informal process which key members of Congress and the Commission have recently endorsed, and it is the opposition of the public interest community which has prevented its official adoption. In this case, however, it is we the intervenors who have made the proposal. Thus, both the Commission and Congress would be hard put to explain any opposition to it.

TMIA encourages the Board to consult with the Commission and Congress to determine the proposal's legality if all parties consent, and then determine from Licensee what further objections it has. It is simply ludicrous to assume that no possible alternative mechanism, such as has been proposed by TMIA, can be developed for purposes of this case.

Respectfully submitted,


Joanne Doroshow
Louise Bradford

February 24, 1984