

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

Before the Atomic Safety and Licensing Board

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

Docket No. 50-289
(Steam Generator Repair)

'84 APR -3 P2:15

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TMIA MOTION FOR APPOINTMENT OF EXPERT OR, IN
THE ALTERNATIVE, FOR INTERVENOR FUNDING

TMIA hereby moves the Board:

1). To appoint one or more individual experts to study documents relevant to the above referenced case, including documents in the public document room and those obtained by TMIA in discovery and during the subsequent hearing process, and report to TMIA their opinions regarding the materiality of this information as it relates to TMIA Contentions.

2). To require that said experts file reports of their findings with the Board and to deliver same to all parties.

3). To require said experts to make themselves available as witnesses for or on behalf of any of the parties during the evidentiary hearings.

or in the alternative, TMIA hereby moves the Board to supply funding to TMIA for purposes of hiring an expert.

In support of this Motion, TMIA hereby states that:

1). TMIA is currently responsible for litigating a number of contentions in this proceeding. The subject matter of these contentions covers the broad range of issues which, by any reasonable standard, must be resolved before a conclusion regarding the safety of operation with the "as-repaired steam generators" can be reached.

2). The safety of operation with the as repaired TMI-1 steam generators has troubled not simply the intervenors in this case. Local officials, members of Congress, and NRC Commissioners have also expressed concern. (See TMIA Response to Licensee's Motion to Dismiss Contentions, dated January 20, 1984).

3). Concerns over the subject steam generator repairs are based in substantial part on the failure of the Licensee and the NRC Staff to provide adequate assurance that the repairs and clean up process will insure safe operation. This has been confirmed by at least one expert in the field of fracture mechanics, Dr. George Sih, Director of the Institute for Fracture and Solid Mechanics, Lehigh University. See, Written statement of Dr. George Sih submitted in hearings held by Senator Arlen Specter in Harrisburg, Pennsylvania, December 16, 1983. (Attachments 2 and 4 in accompanying TMIA response to Licensee and Staff motion for summary disposition)..

4). TMIA has received a large number of discovery documents of a highly technical nature in response to Interrogatories and discovery requests directed toward Licensee. TMIA's lack of technical expertise and difficulty in obtaining the cooperation of experts on a volutary basis to look at these documents has prevented TMIA from understanding all relevant aspects of these documents, and thus using them to most

effectively support its contentions. This problem was compounded by the following:

- a). The documents have been placed in a room 10 miles from TMIA and far from any expert consultant TMIA has been yet able to speak to;
- b). Louise Bradford, who is supervising the technical research in this case, does not drive, and it is extremely difficult for her to get to the "discovery room."
- d). Even if TMIA had sufficient access to the discovery room, it is absolutely worthless for TMIA members to attempt a thorough examination of these documents without expert help. Licensee has ordered TMIA to pay a copying fee of 10 cents a page, (twice the NRC's rate), and TMIA can not afford such an expense in order to get the vast number of documents involved in this case to an expert;

See, TMIA's Motion for Appointment of a Special Panel, January 25, 1984.

5). It is ludicrous to expect TMIA to analyze and defend each piece of evidence which could be supportive of these contentions, without expert assistance. TMIA has responded in good faith to all Licensee and Staff interrogatories and requests for production of documents, and to summary disposition motions, but without some expert technical assistance, TMIA simply can not respond to these requests in any more detail than has already been provided. See, Id.

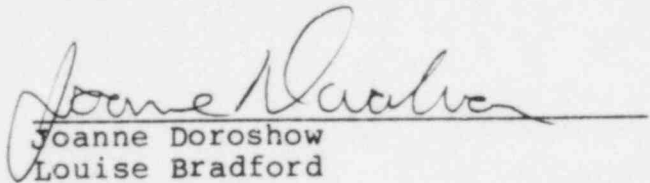
6). Dr. George C. Sih, Director to the Institute for Fracture and Solid Mechanics, Lehigh University, has provided invaluable, volutary assistance to TMIA in areas relevant to his field of fracture mechanics. However, Dr. Sih's help has necessarily been limited in that TMIA can not afford to pay him. TMIA understands that Dr. Sih would charge at least \$500.00 per week for expert consultant work.

7). Besides Dr. Sih, TMIA has been in touch with a number of individuals who, had TMIA the resources to get documents to them, and to pay a standard consultant fee, would be able to evaluate the

information available on the repairs and advise TMIA, the Board, and the parties on the technical aspects. These individuals include: Craig F. Cheng, President, ECA, Inc., 332 King's Cove, Lisle, Illinois, 60532; Raymond F. Mignogna, P.E., Adlar Technology, Inc., Metallurgical Services, 53 Someerset Drive, Commack, N.Y., 11725.

WHEREFORE, TMIA respectfully requests that this Board appoint one or more experts to study documents relevant to the above referenced case, as described above; to report to TMIA their opinions regarding the materiality of this information as it relates to TMIA Contentions; to require that said experts file reports of their findings with the Board and to deliver same to all parties; to require said experts to make themselves available as witnesses for or on behalf of any of the parties during the evidentiary hearings, or in the alternative, to supply funding to TMIA for purposes of hiring an expert. To expect TMIA to otherwise present technically competent support for its contentions would be manifestly unfair and inappropriate.

Respectfully submitted,


Joanne Doroshow
Louise Bradford
TMIA

April 3, 1984