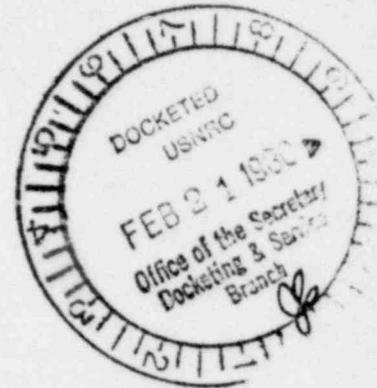


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R.D. 3, 183 Valley Rd.  
Etters, PA 17319  
Feb. 14, 1980



Peter A. Bradford  
Nuclear Regulatory Commission  
Washington, D.C. 20555

Dear Mr. Bradford:

After attending three days of NRC Prehearings on TMI, Unit I in Nov. 79, for the purpose of intervening on the restart of Unit I, I developed a clear picture in my mind of an act in futility. In observing yesterday's hearings on the same subject in Harrisburg, (Feb. 13) my opinion has not been altered. To the contrary, it leaves grave doubts about the NRC's ability to conduct an unbiased hearing.

My status as an intervenor was rejected by the Board via the newspapers. I do not intend to belabor the tardiness of the NRC and licensee in their responses to my request to intervene at this point. However, I am writing to apprise you of some of the more bizarre actions occurring in the proceedings.

It is quite obvious to even the most neutral observer that the Chairman, Mr. Smith, is practicing discrimination in his behavior, attitude and treatment of all parties involved in these proceedings.

Mr. Smith reveals a condescending and gracious response to the licensee (Erowbridge etc.) granting them every opportunity, with unlimited time to weigh their words carefully while presenting their arguments. The same treatment is rendered to the NRC Staff and is extended even further by explaining in detail to the NRC Staff precisely what the Board requires in the way of specifics - (see verbatim transcript on class 9 discussion).

In stark contrast, Intervenor's are treated with total contempt by Mr. Smith who ask one Intervenor if he now feels like he has "been had" or when the Intervenor replied that he was confused, Mr. Smith replied "now we are in agreement" and laughter followed. Mr. Smith has cut off Intervenor's by pleading "we are pressed for time". Intervenor's are ridiculed and humiliated because they are not familiar with legal jargon and proceedings. Mr. Smith's contemptuous behavior and attitude is not conducive to extinguishing the volatile, psychological distress see-saw that now permeates throughout the TMI area. While a presiding judge must weigh

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and lend balance in order to establish due process for all participants, it is important that that judge have the capacity to comprehend all the ramifications of his acts and to lend as much patience, humility and compassion as is necessary to both sides of the ~~position~~ position. Perhaps Mr. Smith's litigating mind deprives him of these virtues in such a complex, controversial and frustrating Hearing.

Whatever the problem may be and whatever the shortcomings of the Intervenors in the realm of legalities, it is important that everyone obtain the same freedom of expression and opportunity to prove their case no matter how long it takes. To do otherwise deprives citizens of due process and makes a mockery of the U.S. Constitution.

If the Mr. Smith, the Chairman, is unable to restrain his biased attitude, then I suggest that he resign or be removed from the Board on the ground of prejudicial treatment of the Intervenors and is further guilty of depriving citizens of due process.

It is my hope that the Commissioners will send an unbiased observer to the Hearings in order to establish a balanced hearing for all involved.

Sincerely,

Special cc: President of the U.S.  
James Carter

Jane Lee

cc: Peter Bradford  
Victor Gilinsky  
Richard T. Kennedy  
John F. Ahearne  
Joseph M. Hendrie  
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James R. Tourtellotte, Esq.  
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Ivan W. Smith, Esq.