

04)

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

DOCKETED
USNRC

84 AGO 14 P2:12

COMMISSIONERS:

- Nunzio J. Palladino, Chairman ✓
- Thomas M. Roberts
- James K. Asselstine
- Frederick M. Bernthal
- Lando W. Zech, Jr.

OFFICE OF SECRETARY
DOCKETING & SERVICE
BRANCH

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

PROPOSED CORRECTION TO THE COMMISSION'S ORDER
OF AUGUST 6, 1984

A footnote on page 2 of the Commission's Order of August 6, 1984, states as follows:

"The Commission notes that UCS, having chosen not to participate in the hearing on management issues and having failed to file proposed findings on those issues after being directed to do so by the Licensing Board, was deemed to be in default by the Licensing Board and has forfeited its right to participate as a party on management issues. It is therefore participating in management issues as a matter of Commission discretion."

Both the statement and its implications are inaccurate. For the record, although UCS has explained this fully to the

DS03

Commission previously, the following is true: UCS did not participate in the initial hearings on management issues or in the cheating hearings. UCS was not "directed" to file findings by the Licensing Board nor was UCS "deemed to be in default by the Licensing Board."

After the original PID on hardware issues was followed by the Report of the Special Master, it became clear that the questions of hardware and operational safety raised and pursued by UCS throughout the hearings had become inextricably intertwined with the training and management competence and integrity issues brought out in the evidence at the cheating hearings. UCS made this point to the Licensing Board at the earliest opportunity, sought the appropriate relief from that Board ¹ and took an Appeal, which we fully briefed and argued from the Licensing Board's subsequent management decision. Indeed, the major point raised by UCS in its appeal - that the record on training does not support a finding of competence - was upheld by the Appeal Board in ALAB-774. UCS is, therefore, participating in the remanded hearings ordered by the Appeal Board and is, in fact, the lead Intervenor on certain questions

¹ Union of Concerned Scientists Comments on Report of the Special Master, May 18, 1982.

related to the adequacy of training. UCS' participation in the resolution of these issues is as a matter of right, not of Commission discretion. Moreover, no party has objected thereto.²

Nonetheless, the Commission seems determined to portray UCS's participation in an inaccurate and gratuitously deprecatory light. We hope that the above will at least serve to correct the record. The footnote on page two of the August 6, 1984 order should be expunged or modified to fully reflect the facts of this situation as described above.

Respectfully submitted:



Ellyn R. Weiss
General Counsel
Union of Concerned Scientists

Certification of Service

² GPU's recently-filed objection specifically excludes training issues. Licencee's Comments on July 13, 1984 Memorandum and Order... n.11 at 22.