

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

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

RESPONSE OF TMIA, INC. TO BOARD
MEMORANDUM AND ORDER DATED
MARCH 25, 1980



In response to this Board's Order of March 25, 1980, TMIA, Inc., submits the following:

The primary objective of TMIA's discovery and deposition program, as it relates to management, is to continue some of the work the Kemeny staff had begun but had neither the time nor resources to continue,¹ and to develop those areas which had not been investigated at all. These latter areas include: (1) deferred and temporary maintenance on safety-related components, (2) lack of objective and uniform priorities for maintenance work orders, (3) sufficiency of competent manpower in all areas, (4) the competency of contractors and suppliers, (5) quality control, and (6) health physics.

¹See Report of the Office of Chief Counsel on The Role of the Managing Utility and Its Suppliers, pp. 2 (Paragraphs 2-4), 198.

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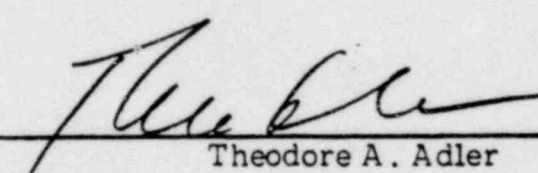
The information that would be developed, TMIA believes, will spotlight the internal weaknesses of Licensee that were a contributing factor to the TMI-2 accident and will demonstrate that these weaknesses continue today. Apart from the depositions scheduled, however, is the need to track down former employees who, TMIA believes, have information relevant to the operations at TMI-1. The lack of funding has made it virtually impossible to employ private investigators to track these people down. Furthermore, former employees, particularly Terry Mackey, who headed quality control and is now in Brazil working for NUS, are beyond the reach of this Board unless funds are made available.

The Board also asks whether counsel for TMIA will participate in depositions if they are underwritten by the staff. Presently, counsel for TMIA has spent in excess of 400 hours on this proceeding and the related Public Utility Commission proceeding without payment. Ultimately, counsel hopes that it will be paid. As to whether counsel can continue to participate on an unlimited basis as it has done in the past is uncertain. Nevertheless, before any schedule of future depositions was agreed upon, TMIA counsel's participation would be clear one way or the other.

Respectfully submitted,

WIDOFF, REAGER, SELKOWITZ & ADLER, P.C.

By: _____


Theodore A. Adler

Dated: April 2, 1980

CERTIFICATE OF SERVICE

I hereby certify that I caused a true and correct copy of the foregoing document, Response Of TMIA, Inc., To Board Memorandum And Order Dated March 25, 1980, to be placed in the United States mail, first-class, postage prepaid, addressed to the persons listed below:

Ivan W. Smith, Esquire
Atomic Safety & Licensing Board Panel
U.S. Nuclear Regulatory Commission
Washington, DC 20555

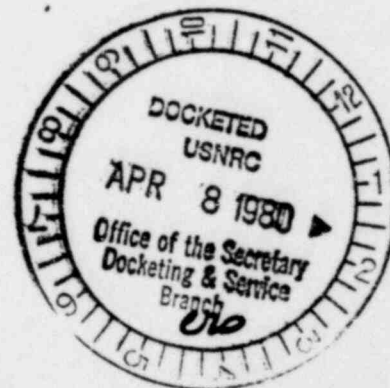
Dr. Walter H. Jordan
881 West Outer Drive
Oak Ridge, TN 37830

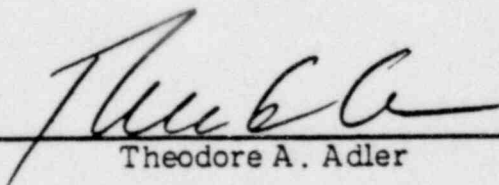
Dr. Linda W. Little
5000 Hermitage Drive
Raleigh, NC 27612

George F. Trowbridge, Esquire
Shaw, Pittman, Potts & Trowbridge
1800 M Street, N.W.
Washington, DC 20006

Docketing and Service Section
U.S. Nuclear Regulatory Commission
Washington, DC 20555

Executive Legal Director
U.S. Nuclear Regulatory Commission
Washington, DC 20555




Theodore A. Adler

Dated: April 2, 1980