

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

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



TMIA'S SUPPLEMENTAL RESPONSE TO  
INTERROGATORIES OF LICENSEE

5-1(b) & (c). TMIA, in its Response of May 6, 1980, included in Attachment "A" a list of work orders that had been identified up until that time. TMIA presently does not know which ones of those work orders and other subsequently identified or to be identified will provide the basis for "each and every fact" bearing upon the allegations contained in Contention 5. However, TMIA has used as criteria for identifying such work orders:

- (1) Extraordinary lag time from origination to completion of the Order based upon Licensee's description of its maintenance system and its priority system, as contained particularly in the deposition of Daniel Martin Shovlin taken on February 8 and 25, 1980.
- (2) Unexplained internal inconsistencies in the application and management of the maintenance system as explained in the same deposition.

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(3) Recurring problems with particular components on a chronic basis.

TMIA intends to provide by June 30, 1980, a specific description of all work orders to be relied upon in support of its contention and the facts contained therein or elsewhere upon which it will rely.

5-1(d). Attachment "C" contains the names of individuals who may have information bearing upon TMIA's Contention 5. Presently, TMIA does not know which of these individuals have information upon which TMIA will rely at the trial of this matter. TMIA will provide a specific list of individuals by June 30, 1980, whom it will identify as individuals upon whom it will rely in developing its contention.

5-3(b) & (c). See response to 5-1(b) & (c) above.

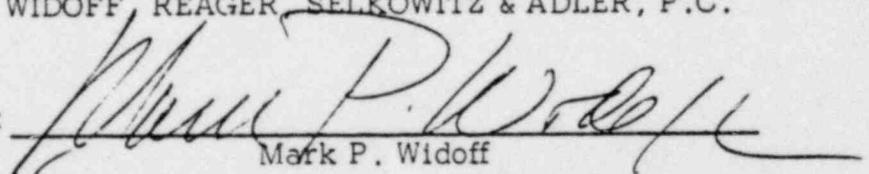
5-4. See response to 5-1(b) & (c) above.

5-6. Attachment "D" contains the employee clock numbers for those employees whom TMIA has identified as probably having worked excessive hours. TMIA does not know with certainty at this time that it will rely on the facts contained in each of these employees' records. By June 30, 1980, however, TMIA will provide this information and will identify specifically the facts and documents to be relied upon.

Respectfully submitted,

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

By:



Mark P. Widoff

P. O. Box 1547  
Harrisburg, PA 17105  
(717) 763-1383

Dated: May 20, 1980

CERTIFICATE OF SERVICE

I hereby certify that I caused a true and correct copy of the foregoing document, TMIA's Supplemental Response To Interrogatories Of Licensee, to be placed in the United States mail, first-class, postage prepaid, addressed to the persons listed below:

Ivan W. Smith, Chairman  
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  
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Washington, DC 20555

Executive Legal Director  
U.S. Nuclear Regulatory Commission  
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Informational copies sent to the following persons:

The Honorable John F. Ahearne, Chairman  
U.S. Nuclear Regulatory Commission  
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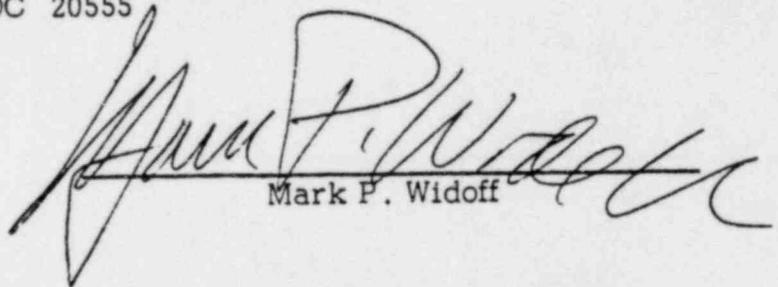


The Honorable Victor Gilinsky  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555

The Honorable Richard T. Kennedy  
U.S. Nuclear Regulatory Commission  
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The Honorable Joseph M. Hendrie  
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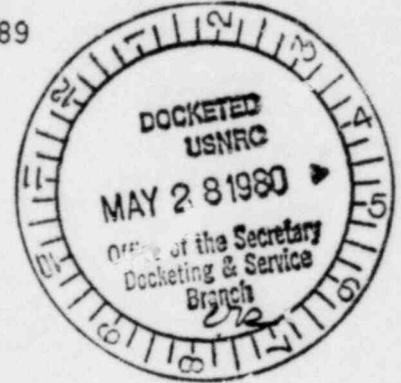
  
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MEMORANDUM OF TMIA IN SUPPORT OF  
THE RESPONSES TO INTERROGATORIES  
PROVIDED TO LICENSEE

At the Board's pre-hearing conference of May 13, 1980, the Board expressed in strong language its displeasure with the responses provided to date by TMIA to Licensee's interrogatories 5-1, 5-2, 5-3, 5-4 and 5-6 (except 5-6 (a)). Further, in its Memorandum and Order on Licensee's Second Motion to Compel Discovery of TMIA, the Board stated: "We expected TMIA to be of assistance in developing the record by presenting specifics in support of its Contention 5. We are disappointed that TMIA has chosen not to timely respond to discovery on this subject (without making timely objection), and then, when a response is finally made, it in effect fails to respond substantively."

While TMIA can fully appreciate the concern and frustration of the Board

TMIA's part, we believe it necessary to

tempted to accomplish in discovery so as to

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obtain the necessary documentation and information to support its contention, what progress has been made and why the responses made to date (together with the supplemental responses filed simultaneously with this memorandum) should not be construed to be evidence of bad faith or lack of respect or concern for the Board's Orders.

Contention 5 basically alleges a pattern of systematic neglect of basic maintenance and repair procedures on the part of the Licensee that demonstrates managerial incompetence, or negligence, or willful disregard for the health and welfare of all those potentially affected by the operation of the nuclear facilities at TMI. At the time the contention was developed, it was based primarily on a lengthy report contained in the Philadelphia Inquirer of April 16, 1979. Since that time, reports have been filed by the President's Commission on Three Mile Island that provide further substance to the contention and, most recently, a federal criminal investigation appears to have begun that allegedly relates directly to this area of concern. With the Staff's disclosure that its SER on this subject will be delayed to some unspecified date, it is not possible at this time to determine what other information will ultimately become available for consideration in this proceeding. It is possible to state that the issue appears to be a very serious one that needs to receive full and careful consideration before the Licensee is allowed to restart Unit 1.

TMIA may have been somewhat naive in believing that it could carry out to a satisfactory conclusion the fact-finding that was necessary so as to adequately

deal with this issue. TMIA, through its counsel and with the help of lay volunteers, devoted itself to an intense discovery effort during the months of January and February. During the month of March this effort slowed down, and on March 21, 1980, TMIA informed the Board that it was "crippled by its lack of (financial) resources." That situation continues to the present day. After a hiatus where very little at all could be done, a group of unpaid volunteers, assisted by a law student, have attempted to resume the discovery effort. In particular, they have been attempting to review the information provided by Licensee in response to Sets 5 and 7 of TMIA's interrogatories. TMIA has been unable to obtain the technical backup it needs in reviewing this material and, for that reason, is seriously hampered in trying to determine upon what specific facts, persons and documents it will rely in presenting its case to the Board in support of Contention 5. It is for that reason that it has faced a dilemma in attempting to respond to Licensee's interrogatories, i.e., it has identified a large number of documents which contain information that it believes supports its contention; in addition, information obtained through depositions and other sources has also yielded information which it believes supports the contention; but it has not yet been able to cull and evaluate all the information obtained so as to present it in a systematic fashion.

To further clarify the problem, it is essential that the Board understand the magnitude of the task that TMIA has undertaken and what progress has been achieved.

In response to initial interrogatories, TMIA was informed that over 40,000 Work Requests and Job Tickets relating to Unit 1 existed and contained the information we wished on the maintenance and repair that has been carried out since the plant began operation. Boxes of these tickets were placed in the Discovery Room for our inspection. Laboriously, TMIA began to review them on a ticket-by-ticket basis. Much later, after additional discovery, we learned of the existence of certain summaries and computer print-outs which made it possible to do a more comprehensive review. However, the Licensee has steadfastly refused to further facilitate prompt discovery by programming its computer to provide specific information we have requested. If the program does not exist, TMIA is forced to pursue its time-consuming ticket-by-ticket search. (While it is possible that TMIA, through a Motion to Compel, might be able to get an order directing Licensee to prepare new computer programs providing such information, TMIA determined up to now that it could not afford to spend precious resources in such a battle.) TMIA has had a similarly difficult experience in obtaining the necessary information on overtime hours worked by maintenance personnel. Again, we have been inundated with huge amounts of material located in Reading, and only after persistent questioning, became aware of computer summaries. Even with these computer summaries, it will take many man-hours to sort this information. Only after the sorting is done, can evaluation begin. Given these circumstances, we believe it should be understandable why TMIA has not been able to provide the kind of detailed and specific responses that the Board desires. That is not to

say that TMIA will not be able to do so. In a supplemental response filed together with this memorandum, we have indicated our intention to provide a detailed account of the facts, documents and persons which we believe will support our contention at trial. In light of the announced delay in obtaining the SER on this subject and in light of the fact that trial on this subject must be correspondingly delayed, it is difficult to see how the Licensee would be prejudiced by obtaining all the information requested no later than June 30, 1980. (It is our hope to provide the information in installments beginning in early June.) Since there will apparently be additional time available before testimony is due on Contention 5, we would hope that the Board will see fit to allow the parties to use this time in a productive way.

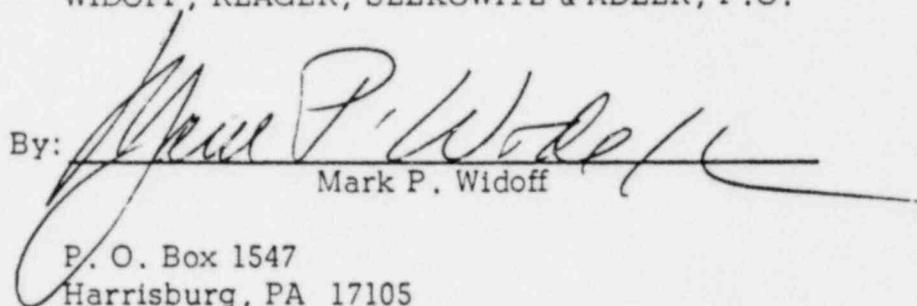
When all is said and done, however, it is obvious that TMIA faces terrible problems in presenting its case as it had hoped to do. It is a sad commentary on our system of regulation that, in a proceeding of such unprecedented importance, where it is critical that public confidence in the integrity of the nuclear regulatory process be re-established, funds cannot be made available to intervenors who have demonstrated that they can contribute to a better and more complete record. We believe that TMIA has demonstrated this in this case. As discovery is cut off and as deadlines approach, it is becoming painfully obvious that, even if allowed to present the evidence it will have collected, TMIA will not be able to provide the kind of careful, detailed and comprehensive case that it hoped in support of its contention. In its Memorandum of April 24, 1980, the Board expressed its own

sense of frustration at this reality. For its efforts in this regard, however unsuccessful, TMIA is grateful. We must question, however, the fundamental fairness of a system that permits the expenditure of hundreds of thousands of dollars by Licensee in these proceedings, but cannot find a way to allow intervenors to make a decent record on issues of critical importance to the residents of the area surrounding TMI and, indeed, to the citizenry of the entire United States.

Respectfully submitted,

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

By:

A handwritten signature in black ink, appearing to read "Mark P. Widoff", written over a horizontal line.

Mark P. Widoff

P. O. Box 1547  
Harrisburg, PA 17105  
(717) 763-1383

Dated: May 20, 1980

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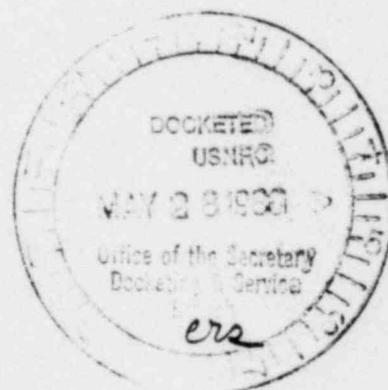
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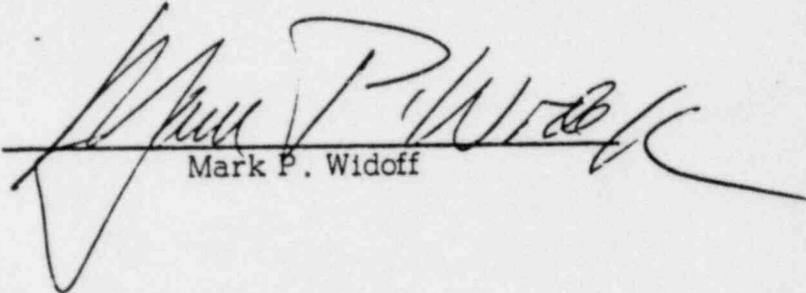


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