

LIC 9/11/81

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

Before the Nuclear Regulatory Commission

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

Docket No. 50-289  
(Pestart)

LICENSEE'S COMMENTS ON  
IMMEDIATE EFFECTIVENESS OF  
PARTIAL INITIAL DECISION

The Commission's Order of August 20, 1981 (CLI-81-19) requested the parties to this proceeding to file comments on whether the Licensing Board's partial initial decision on management competence, dated August 27, 1981, should be made immediately effective. In Licensee's view, the Board's decision is fully supported by the record on management issues and should be made immediately effective.

In the Partial Initial Decision at paragraphs 461-506, the Licensing Board provides its opinion on the subject of Licensee's management response to the TMI-2 accident. In this section the Board focuses on the issue of deficiencies in the flow of information regarding plant conditions from the Licensee to NRC and State authorities particularly on the first day of the accident.



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See Partial Initial Decision, ¶¶ 469-503. Much of the Board's discussion is devoted to providing the reasons why it chose not to pursue this issue in more detail, including the fact that individual commissioners have addressed this issue before. Because the Board admittedly (and necessarily) has relied on extra-record materials to provide its views, Licensee believes it is appropriate to provide for the Commission's consideration some amplifications to this aspect of the Board's decision.<sup>\*/</sup>

First, the Licensing Board refers (¶ 499) to statements by two operators who were present in the TMI-2 control room on the day of the accident concerning their awareness and appreciation of what is now commonly known as the hydrogen spike. These statements are referred to in the context of judging the accuracy of Mr. Dieckamp's mailgram to Representative Udall on May 9, 1979, in which it was stated:

There is no evidence that anyone interpreted the "pressure spike" and the spray initiation in terms of reactor core damage at the time of the spike nor that anyone withheld any information.

The Commissioners should note that the earliest of the interviews of these two individuals through which their appreciation on March 28th of the hydrogen spike came later to be known was conducted by NRC I&E investigators almost two weeks after Mr. Dieckamp's mailgram, that the Company did not receive a transcript of this interview until months later, and, further,

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<sup>\*/</sup> One clarification has already been made by the Licensing Board. See Licensing Board Memorandum and Order Modifying Partial Initial Decision Finding No. 479, dated September 2, 1981.

that in the only interview of either of these individuals which took place prior to May 9, 1979 (conducted by GPU personnel on April 25th), no appreciation on the day of the accident, of the pressure spike was reported.

Second, it is instructive in this regard to note that the I&E investigative team which authored NUREG-0760 (Staff Ex. 5) specifically concluded that there was on March 28th no acknowledged cause for the pressure spike. See, e.g., Staff Ex. 5 (NUREG-0760), at 28, and Tr. 13061-62 (Moseley). NRC's investigative report states:

The investigators conclude that hydrogen was not believed to be the cause of the pressure spike. The testimony reviewed leads the investigators to further conclude that hydrogen was not discussed on March 28, 1979. This conclusion concerning hydrogen not being identified as the cause of the pressure spike on March 28, 1979, is based on the testimony of operators and a review of the engineered safety systems.

Staff Ex. 5 (NUREG-0760), at 24.

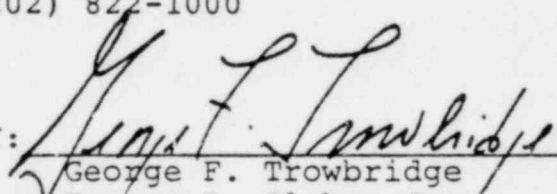
Finally, the Licensing Board reflects some pause over the question whether Mr. Dieckamp himself believed his May 9th mailgram statement to be true at the time he sent it (Partial Initial Decision, ¶ 501) and discloses that they were unable to determine whether Mr. Dieckamp was even questioned in this regard. Mr. Dieckamp was in fact questioned on this precise subject by the head of the I&E investigation team, Mr. Moseley, in a deposition which took place on September 12, 1980. At pages 2 to 6

of the transcript of that deposition, Mr. Dieckamp confirms that he believed the statement to be true when he sent the mailgram on May 9th, and that the statement was made based on his considerable degree of awareness of the available information at that time by virtue of his personal reviews of interviews conducted of personnel following the accident, his personal involvement in review sessions with GPU's team which was trying to recreate the conditions that followed the accident and trying to seek explanations of what had happened, and his detailed preparations for the presentation of testimony before the Subcommittee on Nuclear Regulation of the Senate Committee on Environment and Public Works on April 23, 1979.

Respectfully submitted,

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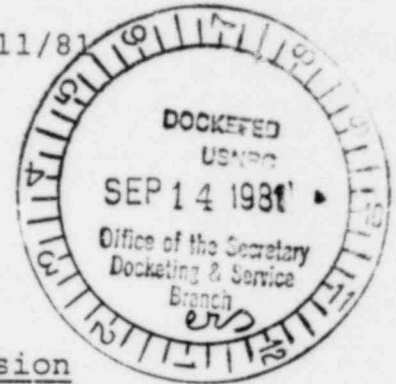
BY:

  
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Metropolitan Edison Company

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Station, Unit 1)	)	

CERTIFICATE OF SERVICE

I hereby certify that true and correct copies of the foregoing LICENSEE'S COMMENTS ON IMMEDIATE EFFECTIVENESS OF PARTIAL INITIAL DECISION were served by hand on Chairman Palladino, Commissioners Gilinsky, Ahearne, Bradford and Roberts, and the Secretary of the Nuclear Regulatory Commission, by delivery to the offices of the Nuclear Regulatory Commission, 1717 H Street, N.W., Washington, D.C.; and were served by deposit in the United States mail, postage prepaid, on those persons listed on the attached Service List, this 11th day of September, 1981.

*Ernest L. Blake, Jr.*

Ernest L. Blake, Jr.

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

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