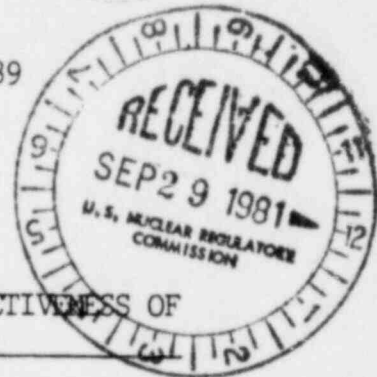


UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

BEFORE THE COMMISSION

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

Docket No. 50-289  
(Restart)



TMIA'S RESPONSE COMMENTS TO LICENSEE'S COMMENTS ON IMMEDIATE EFFECTIVENESS OF  
PARTIAL INITIAL DECISION

For the reasons stated in its request for stay and memorandum in support, TMIA disagrees with the Licensee's view that the Board's decision is fully supported by the record on management issues and should be made immediately effective.

Licensee has also provided in its comments some "amplification" to the Board's decision of Board Issue (10). First, with respect to Mr. Dieckamp's May 9th mailgram, Licensee supports the proposition the Mr. Dieckamp believed his statement in the mailgram to be true by citing remarks made during a September 12, 1980 IE deposition. This deposition was not in the record and in fact, TMIA has never heard it, nor has seen a transcript of it. We submit that reliance upon such remarks is clearly inappropriate. There is evidence on the record concerning Mr. Dieckamp's knowledge on May 9, 1980, which includes the extremely narrow conclusion of the IE investigation, NUREG-0760 at p. 45 that he made no material false statement under the Atomic Energy Act of 1954 since the statement was not made in a license application or under §182 of the Act. There is also some discussion on the record in which Mr. Mosely, who conducted the above-referenced deposition, states that the mailgram is "open to so many

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different interpretations that perhaps you may want to pursue with Mr. Dieckamp this matter." Tr. 13,062. The Board did not pursue the matter with Mr. Dieckamp, despite the inconclusive nature of the evidence on the record, and thus the Board was certainly not justified in setting the matter to rest as it did. Paragraph 501. But in addition, the Licensee should not expect the Commission and the parties to rely upon a deposition completely outside the record, not in the possession of the parties (at least not TMLA), and not considered by the Board, when it failed to offer testimony by Mr. Dieckamp at the hearing. When the Board went outside the record in evaluating Board Issue (10), it specifically examined only official, final investigations with which all parties were familiar. The Commission must reject this attempt and any future attempts by the Licensee to now bring in this type of evidence to clarify issues it wishes to clarify. This is grossly unfair if not a clear error.

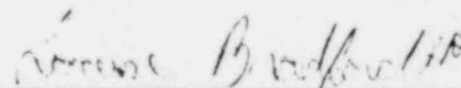
Second, with regard to the pressure spike itself, the Licensee cites the conclusions of NUREG-0760. However, the Commission should note that the Report of the Majority Staff of the House Committee on Interior and Insular Affairs (Udall Report), which the Board did examine in its decision (although refused to admit into evidence), concludes:

Statements made to TMI investigators indicate the following: most of those present in the control room were aware on March 28 of the pressure spike and associated actuation of containment sprays; several of those present were aware on March 28 that a detonation possibly involving hydrogen had occurred; and Station Manager Gary Miller...was more than likely aware of the detonation and its significance. p. 57-58.

Thus, the issue is certainly open to varying interpretations, notwithstanding Licensee's comments with respect to the issue and the Board's conclusion in Paragraph 501 of its partial initial decision.

September 24, 1981

Respectfully submitted

  
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Louise Bradford  
TMLA

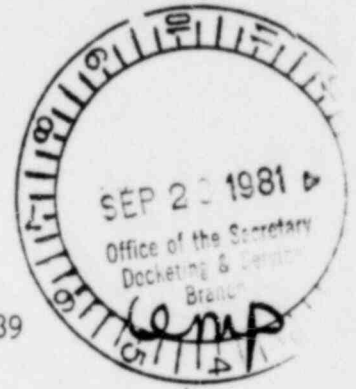
UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

BEFORE THE COMMISSION

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

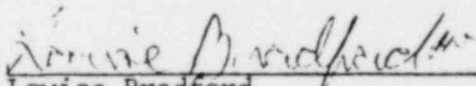
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Docket No. 50-289  
(Restart)



CERTIFICATE OF SERVICE

I hereby certify that copies of the attached "TMLA's Response Comments to the NRC Staff Comments on Immediate Effectiveness with Respect to Licensing Board Decision on Management Competence/Operator Training" and "TMLA's Response to Licensee's Comments on Immediate Effectiveness of Partial Initial Decision" were served the 24th day of September, 1981, by deposit in the U.S. Mail first class postage prepaid to the parties identified on the attached service list.

  
\_\_\_\_\_  
Louise Bradford  
TMLA

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION  
BEFORE THE COMMISSION

In the Matter of )  
Metropolitan Edison Company, )  
Three Mile Island Nuclear )  
Station, Unit No. 1 )

Docket No. 50-289  
(Restart)

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