

UNITED STATES OF AMERICA
 NUCLEAR REGULATORY COMMISSION

Before the Atomic Safety and Licensing Board DOCKETED
ARC

In the Matter of)	'84 OCT 15 P12:12
)	
METROPOLITAN EDISON COMPANY)	Docket No. 50-289
)	(Restart-Management Phase)
(Three Mile Island Nuclear)	
Station, Unit 1))	
)	

APPLICATION FOR ISSUANCE OF SUBPOENA AND SUBPOENA DUCES TECUM


Pursuant to Section 2.720 of the Commission's regulations, Intervenor Three Mile Island Alert ("TMIA") applies to the Atomic Safety and Licensing Board for the issuance of a Subpoena and Subpoena Duces Tecum to William Lowe, formerly a consultant of Licensee, for the purpose of requiring the abovementioned individual to appear and produce documents for a deposition scheduled to commence in this matter on October 19, 1984, at 9:30 a.m. A copy of the proposed Subpoena is attached.

Licensee has proposed Mr. Lowe to testify that he was the first person to recognize the significance of the pressure spike on the late evening of March 29, 1979. Since that time, Licensee has indicated that it intends to call two additional witnesses to testify as to analysis of production of hydrogen which occurred on March 28, 1979, the first day of the Accident, in addition to Mr. Lowe. Therefore TMIA wishes to take Mr. Lowe's deposition to determine the substance of his testimony given the fact that other consultants will testify as to Mr. Dieckamp's state of mind. TMIA requests that a subpoena be issued that Mr. Lowe testify and produce the documents requested

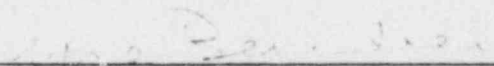
in the subpoena.

WHEREFORE Intervenor TMIA respectfully requests that the Chairman of the Licensing Board, or in his absence, any alternative chairman, issue a Subpoena Duces Tecum in the form attached hereto directing Mr. Lowe to appear for deposition and to produce the documents listed in the subpoena at his October 19, 1984, deposition.

Respectfully submitted,



Joanne Doroshow
The Christic Institute
1324 North Capitol Street
Washington, D.C. 20002
(202) 797-8106



Lynne Bernabei
Government Accountability Project
1555 Connecticut Ave. N.W.
Suite 202
Washington, D.C. 20036
(202) 232-8550

Dated: October 11, 1984

Attorneys for Three Mile Island
Alert

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

DOCKETED
USNRC

Before the Atomic Safety and Licensing Board

'84 OCT 15 P12:12

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

OFFICE OF SECRETARY
DOCKETING & SERVICE
BRANCH
Docket No. 50-289
(Restart-Management Phase)

SUBPOENA AND SUBPOENA DUCES TECUM

THE NUCLEAR REGULATORY COMMISSION AND IVAN W. SMITH, CHAIRMAN,
ATOMIC SAFETY AND LICENSING BOARD, TO: William Lowe, Pickard,
Lowe and Garrick, Inc., 1200 18th Street, N.W., Suite 612,
Washington, D.C. 20036.

YOU ARE HEREBY COMMANDED to appear at a deposition to
begin on Friday, October 19, 1984 at 9:30 a.m. at 1555
Connecticut Avenue N.W., Washington, D.C. 20036, to testify
in the abovecaptioned matter by Intervenor Three Mile Island
Alert ("TMIA"). The deposition is scheduled to begin at
9:30 a.m. and to continue thereafter until completed. The
subject matter of the deposition is related to matters per-
taining to the Dieckamp mailgram issue on which licensee has
proposed you as a witness.

YOU ARE FURTHER COMMANDED to produce the following docu-
ments at your deposition on Friday, October 19, 1984, at
9:30 a.m., at 1555 Connecticut Avenue N.W., Washington, D.C.,
20036:

- (1) All personal notes, logs, diaries, or other documents
contained in your personal or business files concerning the
Three Mile Island Accident or any events occurring at TMI-2,
on March 28, March 29, or March 30, 1979.

(2) All interviews or other statements concerning the TMI-2 Accident.

(3) Any analysis, calculations or other evaluations of the events or conditions of TMI-2 on March 28, 1979, conducted by you or by any of your staff.

(4) All correspondence and other written communications between you and General Public Utilities, Metropolitan Edison Company, GPU Service Corporation, GPU Nuclear Corporation or Group, Pennsylvania Electric Company, or Jersey Central Power and Light Corporation, or management or employees thereof, regarding your involvement in analyzing the TMI-2 Accident, in particular the generation and production of hydrogen as a result of the zirconium-steam reaction occurring March 28, 1979.

You have been subpoenaed by Intervenor Three Mile Island Alert, Inc.

Pursuant to the Commission's regulations at 10 CFR 2.270(f), on motion made by you promptly, and in any event before 9:30 a.m., on October 19, 1984, and on notice to attorney for Intervenor, the Chairman of the Atomic Safety and Licensing Board, or, if he is unavailable, the Commission may (1) quash or modify the Supoena if it is unreasonable or requires evidence not relevant to any matter in issue, or (2) condition denial of the motion on just and reasonable ground.

YOU ARE HEREBY NOTIFIED THAT ANY FAILURE TO OBEY THIS SUBPOENA MAY BE DEEMED A CONTEMPT AND APPROPRIATE SANCTIONS MAY BE ORDERED.

DATED THIS _____ day of _____, 1984.

ATOMIC SAFETY AND LICENSING BOARD

By: _____
Ivan W. Smith, Chairman

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 SP
)
(Three Mile Island Nuclear) (Restart - Management Phase)
Station, Unit No. 1))

DOCKETED
USNRC

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OFFICE OF SECRETARY
DOCKETING & SERVICE
BRANCH

I hereby certify that I have served this ^{12th} day of October, 1984, a copy of the foregoing Application for Subpoena and Subpoena for Edwin Zebrowski, and Application for Subpoena for William Lowe, by mailing a copy, first class, postage prepaid to the following:

SERVICE LIST

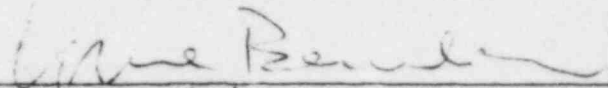
- | | |
|--|--|
| Administrative Judge
Ivan W. Smith, Chairman
Atomic Safety & Licensing Board
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555 | Thomas Au, Esq.
Office of Chief Counsel
Department of Environmental
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505 Executive House
P.O. Box 2357
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| Administrative Judge
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Atomic Safety & Licensing Board
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Washington, D.C. 20555 | John A. Levin, Esq.
Assistant Counsel
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Commission
P.O. Box 3265
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| Administrative Judge
Gustave A. Linenberger, Jr.
Atomic Safety & Licensing Board
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555 | Ernest L. Blake, Jr.
Shaw, Pittman, Potts & Trowbridge
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Washington, D.C. 20036 |
| Docketing and Service Section (3)
Office of the Secretary
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555 | Mr. Henry D. Hukill
Vice President
GPU Nuclear Corporation
P.O. Box 480
Middletown, PA 17057 |
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Washington, D.C. 20555 | Mr. and Mrs. Norman Aamodt
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| Atomic Safety & Licensing Appeal
Board Panel
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555 | Ms. Louise Bradford
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1011 Green Street
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Washington, D.C. 20555 | Joanne Doroshow, Esq.
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Harrisburg, Penn. 17103



Lynne Bernabei