

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

RELATED CORRESPONDENCE

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)
)
METROPOLITAN EDISON COMPANY))
)
(Three Mile Island Nuclear)
Station, Unit No. 1))
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)
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DOCKETED
USNRC

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Docket No. 50-289
(Restart- Management Phase)

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THREE MILE ISLAND ALERT'S MOTION TO COMPEL
LICENSEE RESPONSE TO ITS FOURTH SET
OF INTERROGATORIES AND FOURTH REQUEST FOR PRODUCTION

Three Mile Island Alert ("TMIA") submits the following motion to compel Licensee Response to TMIA's Fourth Set of Interrogatories and Fourth Request for Production.

On the evening of October 16, 1979, TMIA and licensee counsel negotiated to determine whether or not the two parties could settle disputes concerning licensee's response to TMIA's fourth set of discovery. General Public Utilities ("GPU") Counsel agreed to bring back to his client consideration of a supplemental or clarifying response to interrogatories 4, 5, 14 and 15, and 16 through 19. Therefore TMIA files this motion to compel regarding all other interrogatories on which a dispute exists. It reserves the right to file a motion to compel at such time as it receives information from licensee as to its position on supplementation of prior responses on these interrogatories.

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TMIA HAS THE RIGHT TO DISCOVERY ON
KNOWLEDGE OF LICENSEE PERSONNEL OF INCORE
THERMOCOUPLE TEMPERATURES ON MARCH 28 AND 29, 1979

General Public Utilities ("GPU") has objected to responding to interrogatories which request information about incore thermocouple temperatures on the ground that the Protective Order granted by this Licensing Board on August 31, 1983, Memorandum and Order Ruling on First GPU-TMIA Discovery Dispute specifically grants the motion for protective order. Licensee, in its response, labels information about "knowledge of persons other than Mr. Dieckamp of incore thermocouple indications" as irrelevant to this proceeding. See General Objection 1, Licensee Response to TMIA's Fourth Set of Interrogatories and Request for Production, at 1-2.

To the contrary, this Board, on September 17, 1984, in a prehearing conference held on discovery disputes between the parties, partially denied a protective order with regard to subpoenas to produce documents for the then scheduled deposition. The Board stated at the prehearing conference that it would permit discovery in the future as to licensee personnel's knowledge about incore thermocouple temperatures, since temperatures above certain limits indicated the production of hydrogen as a product of the zirconium-steam reaction. The Board

further ruled that licensee would not be required to amend or supplement its prior response to include information about individuals' state of knowledge about high incore thermocouple readings.

However the Board clearly indicated that discovery in the future should be allowed into GPU management and employees' knowledge of high incore thermocouple temperatures.

The Board also considered the question as to the relevant dates which could be inquired into regarding such individuals' knowledge. The Board appeared to rule that discovery was permissible regarding individuals' knowledge on March 28, 1979, the first day of the Accident, as well as individuals' knowledge on March 29, 1979, to the extent it reflected information obtained from an individual who obtained such knowledge on March 28. The latter ruling was made in response to a suggestion from TMIA counsel that certain individuals who were not at work on March 28, 1979, may have learned of hydrogen, the pressure spike, the combustion of hydrogen or high incore thermocouple temperatures from a fellow worker who was aware of such conditions on March 28, 1979.

TMIA has therefore proceeded with discovery on the basis that the permissible area of inquiry was GPU management and employees' knowledge of these conditions on March 28 or March 29.

It is apparent from a review of TMIA's interrogatories that TMIA has so limited its interrogatories in its fourth set.

In addition, TMIA, in accordance with the Board's order not to repeat past discovery, requested information about incore thermocouple temperatures only of those individuals who it had reason to believe would have information, whether the relevant group of people at the TMI site or Observation Center, or the relevant group of people in Parsippany.

In all cases, TMIA worked from available testimony or documents to request particular information concerning licensee's knowledge of incore temperatures. The available testimony or documents included Mr. Moore's notes taken on March 28, 1979 at TMI; Mr. Wallace's deposition taken in the course of the GPU v. Babcock and Wilcox litigation; and Mr. Lentz's prior testimony to the NRC in 1979.

GPU has, however, refused to respond in any manner to these interrogatories, which TMIA attempted to tailor specifically to the Board's rulings and guidance of September 17, 1984.¹

¹TMIA does not have access to a transcript of the Prehearing Conference held on September 17, 1984. Therefore, it has reconstructed the substance of that conference from TMIA counsel's notes. TMIA counsel believes that her recollection of the prehearing conference is fairly accurate.

In addition, Mr. Blake, GPUN counsel, at depositions of witnesses held within the last several weeks, has indicated his agreement with this definition of the allowable discovery. Although the transcripts of the majority of the depositions are not currently available, TMIA counsel will make available to this Board the counsel statements at such time as the deposition transcripts become available.

TMIA therefore requests this Board to compel licensee's response with regard to the following interrogatories to which GPU has raised the general objection that information about GPU management and employees' knowledge about incore thermocouple temperatures will not be produced. These are interrogatories 1, 2, 3, 4, 7, 8, 9, 10, 11, 12, 13, and 20.

LICENSEE'S RESPONSE DOES NOT ADEQUATELY
ADDRESS TMIA INTERROGATORY NOS. 3, 4 AND 20

Licensee has answered a number of interrogatories by referring TMIA to questionnaires of licensee management and employees (General Objection 2). In many cases these questionnaires do not respond or respond only partially to TMIA's interrogatories.

With regard to Interrogatory No. 3 GPU has not provided information through the questionnaires concerning subparts (b), (c), (d), (e), and (f). The questionnaires address only particular individuals' knowledge on March 28 concerning the pressure spike, hydrogen combustion, or actuation of containment sprays. They do not address communications that individual may have had with others outside GPU concerning these conditions, or evaluations or actions taken by GPU personnel.

Further, subpart (b) requests information concerning the established lines of communication between GPU in

Parsippany, and the TMI site, the NRC or the Commonwealth of Pennsylvania to establish the general responsibilities of licensee personnel on the first day of the accident. If individuals located in Parsippany were involved with communicating on a regular basis with the TMI site, the NRC or the Commonwealth of Pennsylvania, it appears likely that they would have received information transmitted from the site regardless of whether or not they now remember such communications.

Therefore, information about the reporting relationships set up between the GPUSC individuals in Parsippany and the GPUSC personnel sent to the site on March 28, 1979 is relevant. Moreover, information about the general duties and functions of the GPU management in Parsippany with regard to the TMI Accident is also relevant.²

²The depositions taken thus far in this proceeding indicate that Richard Wilson, who reported directly to Robert Arnold, sent to the TMI-2 site, a group of GPU Service Corporation engineers to analyze the TMI accident and provide technical support to the site personnel. This decision was made at a meeting which was held at 10:05 a.m. in Parsippany. The individuals sent to the site included T. Gary Broughton, James Moore, Richard Lentz, Julien Abramovici and George Lehman. The five individuals arrived at the Observation Center during the period from 2:00 p.m. to 5:30 p.m. and remained at the Observation Center for times varying from about midnight through 7:00 a.m. on March 29, 1979. All remained at the TMI Site or the Observation Center for the next few days after March 28, 1979.

Interrogatory No. 4 requests information concerning the general lines of communication and responsibilities for GPU Service Corporation managers in Parsippany on March 28, 1979. This information is relevant to an understanding of these individuals' responsibilities on March 28 and March 29, 1979 concerning the Accident. Even though they may not now remember specific conversations about hydrogen, actuation of the containment sprays or incore thermocouple temperatures it can be established through the lines of communication existing on March 28 and March 29 that they were likely to receive information communicated from the GPUSC engineers sent to the TMI-2 site.

Interrogatory No. 20 requests information concerning four individuals' communications with Mr. Lentz about information Mr. Lentz collected in the Unit 2 Control Room during the late evening of March 28, 1979. The information Mr. Lentz collected would enable GPU management to determine that a hydrogen explosion had occurred at 1:50 p.m. Therefore information about whether Mr. Lentz communicated this data at any time to GPUSC engineers is relevant. In addition, whether such information was communicated to Mr Dieckamp at any time, even if after March 28, is relevant in that the data collected by Mr. Lentz should have alerted Mr. Dieckamp to the fact that a hydrogen combustion had

occurred on March 28, 1979. Certainly, TMIA is entitled to discover whether information Mr. Lentz gathered in the Unit 2 Control Room late March 28, 1979, was communicated to GPU Service Corporation personnel on site or to the GPU Service Corporation management in Parsippany, including Mr. Dieckamp.³

GPU HAS FAILED TO PRODUCE DOCUMENTS
RESPONSIVE TO INTERROGATORY NO. 21

GPU has produced in response to Interrogatory No. 21 only the two graphs which Mr. Broughton prepared during the evening of March 28, 1979 from data Mr. Lentz brought from Unit 2 to the Observation Center. TMIA has reason to believe that other documents record or memorialize the data including Mr. Moore and Mr. Abramovici's notes of March 28 and the early morning of March 29. Although TMIA has made two separate requests of licensee for these written notes GPU has not yet agreed to produce them.

³The information Mr. Lentz gathered in the Unit 2 Control Room appears to include copies of alarm printouts for a period of the Accident. Richard Bensel, an electrical engineer at TMI has testified that from the alarm printout anyone with an adequate technical background could determine that a hydrogen explosion or combustion occurred at 1:50 p.m. on March 28, 1979. In fact, he testified that he reached this conclusion by reviewing the alarm printout for this period.

In addition, the original data collected by Mr. Lentz, which he has testified was maintained and filed, should be produced, as well as any documents which index or describe this data.

Information about the data collected by Mr. Lentz during the evening of March 28, 1979 is relevant to the issue of whether any licensee personnel determined that the pressure spike which occurred at 1:50 p.m. indicated hydrogen combustion or core damage.

GPU HAS FAILED TO RESPOND TO INTERROGATORY NO. 22

TMIA Interrogatory No. 22 requests information concerning Richard Bensel's duties and responsibilities on the first day of the Accident, March 28, 1979. Mr. Bensel has been identified as the individual who informed Mr. Moore and Mr. Abramovici that incore temperature readings in excess of 2500 degrees F were measured on March 28, 1979.

TMIA was unable to discover from Mr. Bensel during his deposition any clear definition of his duties and responsibilities on March 28, 1979. In fact, he did not recall his briefing of GPU Service Corporation personnel and could only state that during the time he was at the Observation Center on the afternoon of March 28 he was "standing by," without any duties.

Information about Mr. Bensel's duties and responsibilities including any reporting responsibilities to GPU Service Corporation personnel or the NRC, is probative of the reliability of information he gave to GPU Service Corporation personnel on site at 5:00 p.m. on March 28, 1979.

Respectfully submitted.

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DATED: October 17, 1984 Attorneys for Three Mile Island Alert

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

RELATED CORRESPONDENCE

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DOCKETING & SERVICE
BRANCH

I hereby certify that a copy of the foregoing Three-Mile Island Alert's Response to Licensee's Fifth Set of Interrogatories and Motion to Compel Licensee Answer on TMIA's Fourth Set of Interrogatories and Request for Production have been served this 17th day of September, 1984, by mailing a copy, first class postage prepaid to the following:

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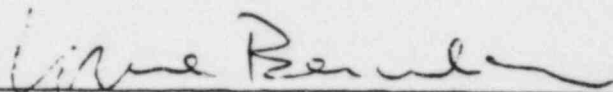
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