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RELATED CORRESPONDENCE

August 17, 1984

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

DOCKETED
USNRC

Before the Atomic Safety and Licensing Board

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

LICENSEE'S SECOND SET OF INTERROGATORIES
AND REQUEST FOR PRODUCTION OF DOCUMENTS
TO INTERVENOR THREE MILE ISLAND ALERT, INC.

These interrogatories and document requests are directed to Intervenor Three Mile Island Alert, Inc. (hereinafter TMIA) and pertain to the reopened hearing on the Dieckamp mailgram. See Metropolitan Edison Co. (Three Mile Island Nuclear Generating Station, Unit 1), ALAB-772, 19 N.R.C. ___, slip op. at 128-134 (May 24, 1984). See also Memorandum and Order Following Prehearing Conference (July 9, 1984).

The interrogatories are filed pursuant to 10 C.F.R. § 2.740b, which requires that they be answered separately and fully in writing under oath or affirmation, within 14 days after service. The interrogatories are intended to be continuing in nature, and the answers must be immediately supplemented or amended, as appropriate, should TMIA obtain any new or differing information responsive to the interrogatories.

The document production request is filed pursuant to 10 C.F.R. § 2.741, which requires that, within 30 days, TMIA

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produce and either furnish copies of, or permit Licensee to inspect and copy, any documents that are responsive to the request and that are in the possession, custody or control of TMIA. The document production request is also continuing in nature, and TMIA must produce immediately any documents they obtain which are responsive to the request.

Licensee makes these discovery requests of TMIA in its capacity as lead intervenor on the issue of the Dieckamp mailgram. Licensee assumes that TMIA's response will reflect the collective knowledge of any intervenor who has an interest in, or desires to participate on, this issue. If Licensee is incorrect in its assumption, TMIA should promptly inform Licensee so that appropriate discovery requests can be provided to other intervenors as well.

I. INTERROGATORIES

A. Instructions

Any reference to Intervenor Three Mile Island Alert, Inc. (TMIA) shall be deemed to include all members of TMIA, and any other intervenor and its members on whose behalf TMIA is acting. When knowledge or information of TMIA is requested, such request includes knowledge or information of TMIA's members, employees, consultants, and unless privileged, its attorneys, and also includes the information of any other intervenor on whose behalf TMIA is acting and such intervenor's members, employees, consultants, or attorneys.

When identification of a document is requested, briefly describe the document (i.e., letter, memorandum, book, pamphlet, etc.) and state the following information as applicable to the particular document: name, title, number, author, date of publication and publisher, addressee, date written or approved, and the name and address of the person(s) having possession of the document. With respect to any interview or deposition, state in addition to the information requested above the name and affiliation of the interviewer or deposer, and the date of the interview or deposition. With respect to any testimony, state in addition to the information requested above before whom and on what date the testimony was given.

The following definitions apply to each of the interrogatories:

1. "Document" means all writings and records of every type, including, but not limited to, memorandum, correspondence, reports, surveys, tabulations, maps, bulletins, minutes, notes, speeches, articles, transcripts, voice recordings, and all other writings or recordings of any kind. "Document" shall also mean every copy of a document when such copy is not an identical duplicate of the original.
2. "Pressure spike" means the increase in the containment pressure that occurred at Three Mile Island, Unit 2, at approximately 1:50 p.m. on March 28, 1979, or the corresponding recordings on any strip recorder or other instrument, or the corresponding actuation of any alarm.

3. "Spray actuation" means the activation of containment sprays at Three Mile Island Unit 2 at approximately 1:50 p.m. on March 28, 1979.

4. "The "thud" refers to the thud or similar noise that was heard at Three Mile Island Unit 2 at approximately 1:50 p.m. on March 28, 1979.

5. The "Dieckamp mailgram" refers to the mailgram from Herman Dieckamp to Senator Morris Udall dated May 9, 1979.

B. Specific Interrogatories

1. (a) State the name, address, title, employer, and educational and professional qualifications of each person you intend to call as a witness in the reopened hearing.

(b) State the substance of the facts and opinions to which each such person is expected to testify.

(c) State a summary of the grounds for such opinions, and identify all documents upon which such person relies to substantiate such opinions.

2. Identify all documents in your possession, custody, or control, including all relevant page citations, pertaining to the following:

(a) the pressure spike, hydrogen combustion, or hydrogen explosion which occurred at Three Mile Island Unit 2 at approximately 1:50 p.m. on March 28, 1979.

(b) the actuation of the containment sprays at TMI-2 at approximately 1:50 p.m. on March 28, 1979.

(c) a "thud" or similar noise that was heard at at TMI-2 at approximately 1:50 p.m. on March 28, 1979.

(d) any order, instruction, request, recommendation, or suggestion by anyone on March 28, 1979 through March 30, 1979 to the effect that oil pumps or other electrical equipment at TMI-2 should not be turned in.

(e) a zirconium-water reaction or the generation of hydrogen at TMI-2 on March 28, 1979.

(f) the mailgram from Herman Dieckamp to Senator Morris Udall dated May 9, 1979.

3. Identify all documents, including all relevant page citations, which you intend to offer as exhibits during the re-opened hearing, or which you intend to use during cross-examination of witnesses presented by Licensee or the NRC.

4. (a) Identify every individual who, on March 28, 1979, was aware of the pressure spike or spray actuation, or who heard a thud.

(b) For every individual identified in your response to Interrogatory 4(a) above, identify all statements, interviews, depositions, or testimony of that individual that were given prior to May 9, 1979.

(c) For every individual identified in your response to Interrogatory 4(a) above, identify all documents discussing that individual's awareness of the pressure spike, spray actuation or the thud. Provide page citations.

5. (a) Identify every individual who, on March 28, 1979, associated the pressure spike, spray actuation, or the "thud" with a hydrogen combustion or explosion.

(b) For each individual identified in your response to Interrogatory 5(a):

(i) explain precisely why you believe that individual associated the pressure spike, spray actuation, or "thud" with a hydrogen combustion or explosion.

(ii) identify all documents discussing that association. Provide page citations.

6. (a) Identify, every individual who, on March 28, 1979, associated the pressure spike, spray actuation, or the "thud" with core damage.

(b) For each individual identified in your response to Interrogatory 6(a) above:

(i) Explain precisely why you believe that individual associated the pressure spike, spray actuation, or "thud" with core damage.

(ii) Identify all documents discussing that association. Provide page citations.

7. (a) On what date during period from March 28 to March 30, 1979, at what time, and by whom was any order given to the effect that oil pumps of other electrical equipment at TMI-2 should not be turned on or energized?

(b) Identify every individual who heard, received, or learned of such order.

(c) With respect to your responses to Interrogatories 7(a) and (b), identify all documents upon which you rely to support your responses, and provide all relevant page citations.

8. (a) On what date did Mr. Herman Dieckamp learn or know that any individual had interpreted the pressure spike or spray actuation in terms of core damage at the time of the spike?

(b) Explain precisely the basis for your answer to Interrogatory 8(a) above. Identify all documents upon which you rely to support your response, and provide all relevant page citations.

9. (a) If on or before May 9, 1979, Mr. Dieckamp did not know that any individual had interpreted the pressure spike or spray actuation in terms of core damage, should he have known?

(b) Explain precisely the basis for your answer to Interrogatory 9(a) above. Identify all documents upon which you rely to support your response, and provide all relevant page citations.

10. (a) Was the Dieckamp mailgram false or misleading?

(b) Explain precisely the basis for your answer for Interrogatory 10(a) above. Identify all documents upon which you rely to support your response and provide all relevant page citations.

11. (a) Should Mr. Dieckamp have corrected the mailgram?

(b) If so, on what date?

(c) Explain precisely the basis for your answers to Interrogatories 12(a) and (b) above. Identify all documents upon which you rely to support your responses and provide all relevant page citations.

12. (a) How does the Dieckamp mailgram bear on Licensee's management integrity or capability?

(b) Explain precisely the basis for your answer to Interrogatory 11(a) above. Identify all documents upon which you rely to support your response, and provide all relevant page citations.

13. TMIA's First Set of Interrogatories to General Public Utilities (July 31, 1984) and TMIA's First Request for Production to General Public Utilities (July 31, 1984) indicate the compilation of or familiarity with considerable background information. State the name, title or position, address, and employer of each person who prepared, or who provided information used in preparing, or who was contacted in connection with the preparation of, TMIA's discovery requests. Include in your answer any staff member of the House Committee on Interior and Insular Affairs or of any of its subcommittees. The purpose of this interrogatory is to identify potential witnesses and/or deponents.

C. General Interrogatories

14. State the name, title or position, address, and employer of each person who provided information used in preparing responses to any of the foregoing interrogatories.

15. For each person identified in response to the preceding interrogatory, state the number of the interrogatories for which information was supplied.

16. State the name, title or position, address, and employer of each person who searched for documents in order to respond to any of the foregoing requests for identification of the documents.

17. For each person identified in response to the preceding interrogatory, state the numbers of the interrogatories for which the search was conducted and the location where the search was conducted.

18. Identify any written or recorded statement of any individual which you claim pertains to the subject matter of the reopened hearing on the Dieckamp Mailgram and which has not been previously identified in response to the foregoing interrogatories.

19. For each document identified in your responses to any of the foregoing interrogatories, identify the person(s) who provided TMIA with that document, or any copy thereof, his title or position, address and employer. Include in your answer any staff member of the House Committee on Interior and Insular Affairs or of any of its subcommittees. Also identify

the date on which that document was provided and the circumstances under which it was provided.

II. REQUEST FOR PRODUCTION OF DOCUMENTS

Licensee requests that TMIA respond in writing to the following request for production of documents and produce or make available for copying the original or best copy of each of the documents requested below, at a designated location.

The term "document(s)" means all writings and records of every type in the possession, control or custody of TMIA, its members, employees, or attorney(s), or and in the possession, control, or custody of any other intervenor whose behalf TMIA is acting. The term "document(s)" includes, but is not limited to, memoranda, correspondence, reports, surveys, tabulations, charts, books, pamphlets, photographs, maps, bulletins, minutes, notes, speeches, articles, transcripts, voice records, and all other writings or recordings of any kind. "Document(s)" shall also mean copies of documents even though the originals thereof are not in the possession, custody or control of the TMIA.

A document shall be deemed to be within the "control" of the TMIA or TMIA's attorney(s) if they have ownership, possession or custody of the document or copy thereof, or have the right to secure the document or copy thereof from any person or public or private entity having physical possession thereof.

Licensee requests that TMIA produce or make available for copying each and every document identified or described in the answers to Interrogatories 1 through 18 above.

Respectfully submitted,

SHAW, PITTMAN, POTTS AND TROWBRIDGE

Ernest L. Blake

George F. Trowbridge, P.C.
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David R. Lewis

Counsel for Licensee

Dated: August 17, 1984

August 17, 1984

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

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USNRC
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OFFICE OF SECRETARY
DOCKETING & SERVICE
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BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

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

CERTIFICATE OF SERVICE

I hereby certify that copies of "Licensee's Second Set of Interrogatories and Request for Production of Documents to Intervenor Three Mile Island Alert, Inc." were served this 17th day of August, 1984, by hand delivery to the parties identified with an asterisk and by deposit in the U.S. mail, first class, postage prepaid, to the other parties on the attached Service List.

Ernest L. Blake, Jr.
Ernest L. Blake, Jr., P.C.

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

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METROPOLITAN EDISON COMPANY) Docket No. 50-289 SP
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Station, Unit No. 1))

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