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September 13, 1984

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 Remand on Management)
Station, Unit No. 1)	)	

LICENSEE'S THIRD 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.

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

6. The phrase "Nuclear Regulatory Commission, its members, or its Staff" means the Commission, its branches, departments, sections, offices, boards, and/or any other subdivision, and any present or former NRC Commissioners, officials, directors, officers, employees, agents, representatives, consultants, or attorneys.

B. Specific Interrogatories

Interrogatory Nos. 1 through 18 anticipate that TMIA may seek to introduce or otherwise rely on the Report Prepared by the Majority Staff of the House Committee on Interior and Insular Affairs, "Reporting of Information Concerning the Accident at Three Mile Island" (March 1981). TMIA has identified this report and its principal author, Dr. Henry Myers, as a source of information for TMIA's answers to Licensee's interrogatories. See TMIA's Response to Licensee's Second Set of

Interrogatories (Sept. 5, 1984) at 14. TMIA has previously offered the report as evidence relevant to management issues in this proceeding. See Metropolitan Edison Co. (Three Mile Island Nuclear Station, Unit 1), LBP-81-32, 14 N.R.C. 381, 541 (1981). TMIA offered Dr. Myers as a sponsor for the report. See id. at 551 n.47. The purpose of Interrogatory Nos. 1 through 18 is to obtain information regarding the weight which might be accorded the report or the testimony of its author(s), i.e., the credibility of the report and the objectivity of its author(s).

1. Describe Dr. Henry Myers' relationship to TMIA.

2. Is Dr. Myers a member of or does he support financially or otherwise TMIA?

3. Is any other member of the majority staff of the House Committee on Interior and Insular Affairs a member or supporter of TMIA?

4. Has Dr. Myers ever supplied TMIA with information concerning the pressure spike, spray actuation, thud, any instruction given at TMI-2 not to energize electrical equipment, or the Dieckamp mailgram? If Dr. Myers has supplied such information, identify as precisely and completely as possible the person to whom the information was provided, the information that was provided, the date on which the information was provided, and the purpose for which it was provided.

5. Has any other member of the majority of the House Committee on Interior and Insular Affairs ever supplied TMIA with

information concerning the pressure spike, spray actuation, thud, any instruction given at TMI-2 not to energize electrical equipment, or the Dieckamp mailgram? If so, identify as precisely and completely as possible the information provided, the person to whom it was provided, the date on which it was provided, and the purpose for which it was provided.

6. Has Dr. Myers ever offered to act on behalf of or assist TMIA? If so, when did he make this offer and for what purpose.

7. Has any other member of the majority staff of the House Committee on Interior and Insular Affairs ever offered to act on behalf of TMIA in any capacity? If so, who made the offer, when was the offer made, and for what purpose was the offer made.

8. Has TMIA ever asked Dr. Myers to act on its behalf or assist it? If so, when did TMIA make this request and for what purpose?

9. Has TMIA ever asked any other member of the majority staff of the House Committee on Interior and Insular Affairs to act on TMIA's behalf or assist TMIA? If so, when, to whom, and for what purpose did TMIA make this request?

10. Has Dr. Myers ever acted on behalf of or assisted TMIA? If so, when and how?

11. Has any other member of the majority staff of the House Committee on Interior and Insular Affairs ever acted on behalf of or assisted TMIA? If so, who so acted, when, and how?

12. To TMIA's knowledge or belief, has Dr. Myers ever communicated with the Nuclear Regulatory Commission, its members, or its Staff with respect to the NRC's investigation(s) related to the subject matter of the Dieckamp mailgram, or with respect to Mr. Dieckamp's integrity generally, or with respect to the remanded hearings on the Dieckamp mailgram or the necessity or desirability of such hearings? If so, for each such communication, identify the person(s) with whom Dr. Myers communicated and state the date, substance, and purpose of the communication.

13. To TMIA's knowledge or belief, has any other member of the majority staff of the House Committee on Interior and Insular Affairs ever communicated with the Nuclear Regulatory Commission, its members, or its Staff with respect to the NRC's investigation(s) related to the subject matter of the Dieckamp mailgram, or with respect to Mr. Dieckamp's integrity generally, or with respect to the remanded hearings on the Dieckamp mailgram, or with respect to the necessity or desirability of such hearings? If so, for each such communication, identify the participants in the communication and state the date, substance, and purpose of the communication.

14. To TMIA's knowledge or belief, has Dr. Myers communicated with the Nuclear Regulatory Commission, its members, or its Staff with respect to the pressure spike, the actuation of containment sprays, the thud, any order not to energize electrical equipment at TMI-2, the Dieckamp mailgram, or the

withholding of information by Licensee? If so, for each such communication, identify the person(s) to whom Dr. Myers communicated and state the date, substance, and purpose of the communication.

15. To TMIA's knowledge or belief, has any other member of the majority staff the House Committee on Interior and Insular Affairs ever communicated with the Nuclear Regulatory Commission, its members, or its Staff with respect to the pressure spike, the actuation of containment sprays, the thud, any order not to energize electrical equipment at TMI-2, the Dieckamp mailgram, or the withholding of information by Licensee? If so, for each such communication, identify the participants in the communication and state the date, substance, and the purpose of the communication.

16. Did any member of TMIA help prepare or in any manner contribute to the preparation of the Report Prepared by the Majority Staff of the House Committee on Interior and Insular Affairs, "Reporting of Information Concerning the Accident at Three Mile Island" (March 1981)? If so, identify the TMIA member(s). How did they assist or contribute?

17. Did Dr. Myers or any other member of the majority staff of the House Committee on Interior and Insular Affairs consult or otherwise communicate with any member of TMIA with regard to the preparation of the Report Prepared by the Majority Staff of the House Committee on Interior and Insular Affairs, "Reporting of Information Concerning the Accident at



Three Mile Island" (March 1981)?" If so, state the date, substance, and purpose of, and the participants in each such communication or consultation.

18. Did Mr. Myers or any other member of the majority staff of the House Committee on Interior and Insular Affairs prepare, provide information used in the preparation of, or advise or otherwise assist in the preparation of TMIA's First Set of Interrogatories to General Public Utilities (July 31, 1984), TMIA's First Request for Production to General Public Utilities (July 31, 1984), or TMIA's Response to Licensee's Second Set of Interrogatories to TMIA (Sept. 5, 1984)? If so, identify the person(s) who provided the information or assistance, the date on which the information was provided, and the substance of the information or the nature of the assistance provided.

19. With respect to Licensee's Second Set of Interrogatories and Request for Production of Documents to Intervenor Three Mile Island Alert, Inc., supplement any response that is no longer complete, current, or accurate.

20. Identify every document of which you are aware, other than those listed below, that pertains to

a) the pressure spike, hydrogen combustion, or hydrogen explosion which occurred at TMI-2 at approximately 1:50 p.m. on March 28, 1979.

b) the actuation of 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 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 on.

e) the recognition on March 28, 1979 through March 30, 1979 that hydrogen had been generated by a zirconium-water reaction.

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

Met Ed Chronology dictated by H. McGovern (March 29, 1979)

Met Ed Interview of C. Faust (March 30, 1979).

Met Ed Interview of E. Frederick (March 30, 1979)

NRC Meeting (March 30, 1979)

Met Ed Interview of C. Faust (April 6, 1979)

TMI Nuclear Power Plant Accident: Hearings Before the Subcommittee on Nuclear Regulation of the Senate Committee on Environment and Public Works, 96th Cong., 1st Sess., Parts 1 and 2 (1979).

Statement by G. Miller et al. (April 14, 1978)

Met Ed Interview of B. Mehler (April 25, 1979)

Met Ed Interview of J. Flint (April 25, 1979)

Met Ed Interview of H. McGovern (May 4, 1979)

NRC Interview of G. Miller (May 7, 1979)

NRC Interview of J. Logan (May 9, 1979)

Accident at Three Mile Island: Oversight Hearings before a Task Force of the Subcommittee on Energy and

the Environment of the House Committee on Interior and Insular Affairs, 96 Cong., 1st Sess., Parts 1 and 2 (1979).

NRC Interview of B. Mehler (May 17, 1979)

NRC Interview of M. Ross (May 19, 1979)

NRC Interview of I. Porter (May 21, 1979)

NRC Interview of J. Chwastyk (May 21, 1979)

NRC Interview of T. Illjes (May 23, 1979)

Third Meeting of the President's Commission on the Accident at Three Mile Island: Testimony on G. Miller (May 31, 1979)

Statement of L. Rogers (June 12, 1979)

NRC Interview of C. Mell (July 14, 1979)

NUREG-0600 (July 1979)

Hart Comm. Interview of B. Mehler (Aug. 22, 1979)

Hart Comm. Interview of C. Mell (Aug. 22, 1979)

Hart Comm. Interview of I. Porter (Aug. 22, 1979)

Hart Comm. Interview of E. Frederick (Aug. 22, 1979)

Hart Comm. Interview of G. Kunder (Aug. 22, 1979)

NRC Interview of J. Higgins (Aug. 24, 1979)

NRC Interview of Faust, Frederick, Scheimann and Zewe (Sep. 11, 1979)

NRC Interview of J. Logan (Sep. 12, 1979)

NRC Interview of J. Floyd (Sep. 13, 1979)

NRC Deposition of J. Higgins (Sep. 13, 1979)

NRC Deposition of G. Kunder (Sep. 18, 1979)

NRC Deposition of M. Ross (Sep. 18, 1979)

Hart Comm. Interview of D. Eisenhut (Sep. 20, 1979)

NRC Interview of G. Miller (Sep. 20, 1979)

NRC Deposition of J. Chwastyk (Oct. 11, 1979)  
NRC Deposition of B. Mehler (Oct. 11, 1979)  
NRC Deposition of D. Neely (Oct. 12, 1979)  
Hart Comm. Interview of W. Marshall (Oct. 17, 1979)  
Hart Comm. Interview of G. Miller (Oct. 18, 1979)  
NRC Deposition of G. Miller (Oct. 29, 1979)  
NRC Deposition of M. Ross (Oct. 30, 1979)  
NRC Deposition of I. Porter (Oct. 30, 1979)  
NRC Deposition of B. Mehler (Oct. 30, 1979)  
NRC Deposition of J. Chwastyk (Oct. 30, 1979)  
NUREG/CR-1250: Report of the Special Inquiry Group  
(Jan. 1980)  
NRC Meeting: Report of the NRC/TMI Special Inquiry  
Group (Jan. 24, 1980)  
Memorandum from Rogovin/Frampton to Chairman Ahearne  
(March 4, 1980)  
Subcommittee on Nuclear Regulation of the Senate Com-  
mittee on Environment and Public Works, "Report to  
the U.S. Senate: Nuclear Accident and Recovery at  
Three Mile Island" (June 1980)  
NRC Interview of D. Berry (Sep. 3, 1980)  
NRC Interview of B. Mehler (Sep. 3, 1980)  
NRC Interview of L. Wright (Sep. 3, 1980)  
NRC Interview of J. Chwastyk (Sep. 4, 1980)  
NRC Interview of G. Kunder (Sep. 4, 1980)  
NRC Interview of W. Zewe (Sep. 4, 1980)  
NRC Interview of G. Miller (Sep. 5, 1980)  
NRC Interview of H. Dieckamp (Sep. 12, 1980)  
NRC Interview of M. Ross (Sep. 24, 1980)

NRC Interview of I. Porter (Sep. 24, 1980)  
NRC Interview of M. Benson (Sep. 24, 1980)  
NRC Interview of T. Illjes (Sep. 24, 1980)  
NRC Interview of J. Higgins (Oct. 7, 1980)  
NRC Interview of D. Neely (Oct. 7, 1980)  
NRC Deposition of E. Frederick (Oct. 9, 1980)  
NRC Deposition of C. Faust (Oct. 9, 1980)  
NRC Deposition of J. Scheimann (Oct. 9, 1980)  
NRC Deposition of W. Conaway (Oct. 9, 1980)  
NRC Deposition of J. Logan (Oct. 16, 1980)  
NRC Deposition of A. Miller (Oct. 28, 1980)  
NUREG-0760 (Jan. 1981)  
NRC Memorandum to the Files from William Clements  
(Feb. 24, 1981)  
Majority Staff of the House Committee on Interior and  
Insular Affairs, "Reporting of Information Concerning  
the Accident at Three Mile Island" (March 1981)  
NRC Meeting: Presentation on TMI Restart (Oct. 14,  
1981)  
NRC Meeting: Information Flow (Dec. 21, 1981)

21. Identify the specific individuals who prepared or who contributed to the preparation of the Report Prepared by the Majority Staff of the House Committee on Interior and Insular Affairs, "Reporting of Information Concerning the Accident at Three Mile Island" (March 1981).

C. General Interrogatory

22. With respect to Interrogatory Nos. 1 through 19, and 21, identify any document which discusses, memorializes, mentions, or refers to the substance of any of TMIA's responses to said interrogatories.

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.

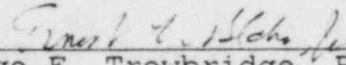
A document shall be deemed to be within the "control" of the TMIA or TMIA's attorney(s) if they have ownership, possession or custody of the document or copy thereof, or have the

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 22 above.

Respectfully submitted,

SHAW, PITTMAN, POTTS AND TROWBRIDGE

  
\_\_\_\_\_  
George F. Trowbridge, P.C.  
Ernest L. Blake, P.C.  
David R. Lewis

Counsel for Licensee

Dated: September 13, 1984

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September 13, 1984

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UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

OFFICE OF SECRETARY  
DOCKETING & SERVICE  
BRANCH

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of	)	
	)	
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 Third Set of Interrogatories and Request for Production of Documents to Intervenor Three Mile Island Alert, Inc." were served this 13th day of September, 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

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

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