

gen burn and demonstrative of core damage. 32

G. Conclusion

310. We find Dieckamp should have known that the statements in his mailgram were, and are today, false. Moreover, with minimal investigation, he would have discovered that licensee personnel properly interpreted the pressure spike as a hydrogen burn and in response changed to repressurize to stabilize the reactor. The Board finds unconvincing licensee's arguments in support of the "thrust" of Dieckamp's mailgram.

311. Licensee has continued to defend the accuracy of the mailgram. The Board believes that Dieckamp and licensee's intransigence on this point, given the extensive evidence presented of Met Ed and GPU Service Corporation awareness of the significance of the pressure spike on March 28, 1979, reflects poorly on management competence and character.

V. DIECKAMP SHOULD HAVE CORRECTED THE MAILGRAM ONCE HE DETERMINED THAT STATEMENTS IN THE MAILGRAM WERE FALSE.

312. Licensee argues in its Proposed Findings that "given the fact that the mailgram was accurate when sent, that its thrust remains a reasonable conclusion today, and that all subsequently adduced contrary evidence was fully known by all concerned, it was certainly unnecessary for Mr. Dieckamp to inform the mailgram recipients that the prefatory phrase 'there

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32 Dieckamp testified that even though Faust, in this interview, indicated he understood the spike was real and was a type of explosion, Dieckamp was "not able to go beyond that in terms of any significance he might have ascribed to it." Tr. 28,674. However, Dieckamp could not come up with any other plausible explanation for an explosion other than the actual one -- a hydrogen burn. Tr. 28,964-966. See also JME 1-C(114) at 2.

is not evidence' was no longer literal." Licensee's Proposed Findings of Fact and Conclusions of Law (January 28, 1985), at 94.

313. None of the statements contained in the above conclusion is true. As discussed in Part II, supra, the Board believes Dieckamp did possess evidence, and in fact positive knowledge, that Met-Ed and GPU Service Corporation personnel properly interpreted the pressure spike as a hydrogen burn on the first day of the accident. Therefore Dieckamp knew at the time he sent it that he was making false and inaccurate statements in the mailgram.

314. Even if he did not know on May 9, 1979 the statements were false, the reality is that on May 9, 1979, persons such as Chwastyk, Mehler and Illjes had properly interpreted and responded to the pressure spike at the time it occurred. If Dieckamp had done any investigation he would have discovered this substantial evidence at that time. See Section IV, supra.

315. Moreover, Dieckamp's statement that the "thrust" of the mailgram is correct although the words may be literally false makes no sense to this Licensing Board. Licensee and its top management are obliged to be meticulous in fully disclosing all material information within their possession to the NRC in order for the NRC to carry out its mission to protect the public health and safety. That responsibility cannot be any more important than during an accident. Thus licensee's failure to provide information about the pressure spike and hydrogen burn to the Commission on March 28 seriously compromised the Commission's effectiveness in carrying out that mission. This fact licensee does not appre-

ciate, even today, after multiple investigations, inquiries and hearings on this matter.

## VI. CONCLUSION.

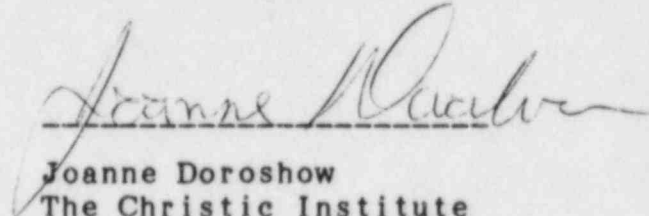
316. The Board concludes that Dieckamp's mailgram of May 9, 1979 contains false statements since licensee personnel did properly interpret the pressure spike and containment sprays to indicate a hydrogen burn and core damage. Moreover, the highest levels of licensee management, including Dieckamp, were aware of the pressure spike and its significance by early on March 29. Yet licensee failed to disclose this information to the NRC or to Commonwealth of Pennsylvania authorities until March 30. The Board therefore finds false Dieckamp's claim in the mailgram that there was no withholding of information.

317. The Board has also found from the extensive record developed in this hearing, that Dieckamp knew that his mailgram was false at the time he sent it since he was informed during the afternoon of March 28 by Herbein, Miller and Kunder of their understanding of the pressure spike, and later on the morning of March 29 through Keaten of the GPUSC group's evaluation of the hydrogen burn.

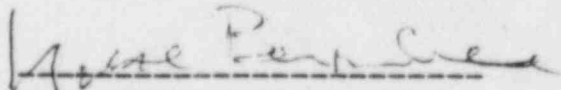
318. Even if Dieckamp did not know on May 9, 1979 that the statements in his mailgram were false at the time he sent it, he should have known given the extensive information available to the company that licensee employees understood the pressure spike to be a hydrogen burn and responded by changing to a repressurization evolution. A minimal investigation would have uncovered the simple fact that the mailgram contained false statements.

319. We conclude licensee management has demonstrated extremely poor character in continuing to defend false statements in Dieckamp's mailgram of May 9, 1979. Licensee's refusal to accept reporting responsibilities to the NRC demonstrates a basic lack of integrity which prevents this Board from finding licensee management has adequate integrity and competence to operate TMI-1 safely.

Respectfully submitted,



Joanne Doroshow  
The Christic Institute  
1324 North Capitol Street  
Washington, D.C. 20036



Lynne Bernabei  
George Shohet  
Government Accountability Project  
1555 Connecticut Avenue, N.W.  
Suite 202  
Washington, D. C. 20036

Attorneys for  
Three Mile Island Alert

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