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

MODIFIED STIPULATION OF PARTIES  
ON MAILGRAM EVIDENCE

On September 21, 1984 Licensee and TMIA entered into a Stipulation of Parties on Mailgram Evidence. They agreed that documents listed in the stipulation would be admitted into evidence without objection. The NRC Staff joined in the stipulation on September 26, 1984. The parties also agreed that the stipulation would not foreclose further stipulation with respect to the admissibility of additional documents.

The parties have now agreed to modify the list of stipulated documents that may pertain in whole or part to the Dieckamp Mailgram issue. Accordingly, the undersigned parties, Licensee, NRC Staff, and TMIA (lead intervenor on this issue), hereby enter into the following modified stipulation, which supersedes the previous stipulation. The parties stipulate as follows:

1. At the evidentiary hearing presently scheduled to convene on November 14, 1984, the below listed documents or portions of documents shall be admitted into evidence without objection. All listed documents are admitted only in so far as they contain information within the scope of the Dieckamp mailgram issue, such scope as determined by the presiding Licensing Board in this proceeding. Some listed documents (notably NUREG-0600, NUREG-0760 and the Report of the Majority Staff of the Committee on Interior and Insular Affairs as well as a number of individuals' statements or depositions) are recognized to include information beyond the scope of the Dieckamp mailgram issue, but are to be admitted in their entirety because relevant and material information therein is intertwined with irrelevant or immaterial information.

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).

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).

Met-Ed Interview of E. Frederick (April 6, 1979)

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

NRC Interview of G. Miller (April 11, 1979)

Statement by G. Miller et al. (April, 1979)

Met-Ed Interview of J. Flint (April 20, 1979)  
NRC Interview of C. Faust (April 21, 1979)  
NRC Interview of D. Berry (April 21, 1979)  
NRC Interview of J. Flint (April 23, 1979)  
NRC Interview of J. Flint (April 23, 1979)  
NRC Interview of W. Zewe (April 23, 1979)  
NRC Interview of M. Ross (April 25, 1979)  
Met Ed Interview of B. Mehler (April 25, 1979)  
NRC Interview of G. Kunder (April 25, 1979)  
NRC Interview of J. Higgins (May 1, 1979)  
NRC Interview of L. Rogers (May 4, 1979)  
Met Ed Interview of H. McGovern (May 4, 1979)  
NRC Interview of R. Bensei (May 7, 1979)  
NRC Interview of G. Miller (May 7, 1979)  
NRC Interview of L. Wright (May 9, 1979)  
NRC Interview of J. Logan (May 9, 1979)  
NRC Interview of R. Arnold (May 9, 1979)  
NRC Interview of J. Herbein (May 10, 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 G. Kunder (May 17, 1979)  
NRC Interview of W. Marshall (May 17, 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)  
NRC Interview of G. Kunder (May 23, 1979)  
NRC Interview of D. Weaver (May 24, 1979)  
Third Meeting of the President's Commission on the  
Accident at Three Mile Island: Testimony of G.  
Miller (May 31, 1979)  
NRC Interview of J. Hilbish (May 31, 1979)  
NRC Interview of D. Croneberger (June 1, 1979)  
NRC Interview of G. Capodanno (June 1, 1979)  
NRC Interview of R. Wilson (June 1, 1979)  
NRC Interview of G. Lehmann (June 1, 1979)  
NRC Interview of R. Keaten (June 1, 1979)  
NRC Interview of J. Thorpe (June 1, 1979)  
NRC Interview of R. Lentz (June 1, 1979)  
NRC Interview of T. Broughton (June 11, 1979)  
NRC Interview of J. Moore (June 11, 1979)  
NRC Interview of J. Abramovici (June 11, 1979)  
Statement of L. Rogers (June 12, 1979)  
NRC Interview of T. Wright (June 15, 1979)  
NRC Interview of N. Bennett (June 19, 1979)  
NRC Interview of W. Yeager (June 20, 1979)  
Kemeny Comm. Interview of J. Flint (June 30, 1979)  
NRC Interview of J. Flint (July 2, 1979)  
NRC Interview of I. Porter (July 2, 1979)  
NRC Interview of R. Bensel (July 5, 1979)  
NRC Interview of G. Kunder (July 11, 1979)  
NRC Interview of C. Mell (July 14, 1979)

NUREG-0600 (July, 1979)

NSAC, "Analysis of Three Mile Island-Unit 2 Accident"  
(July 1979 and Oct. 1979 Supp.)

Tape of Kemeny Comm. Interview of J. Herbein (July 19, 1979)

Kemeny Comm. Interview of W. Creitz (August 14, 1979)

Kemeny Comm. Interview of H. Dieckamp (August 15, 1979)

Hart Comm. Interview of J. Herbein (August 21, 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)

Hart Comm. Interview of R. Arnold (August 23, 1979)

NRC Interview of J. Hilbish (September 5, 1979)

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

NRC Deposition of G. Hitz (Sep. 12, 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)

NRC Deposition of J. Herbein (Sep. 19, 1979)

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

NRC Interview of R. Arnold (Sep. 24, 1979)

Hart Comm. Interview of G. Miller (Sep. 28, 1979)

NRC Interview of H. Dieckamp (Oct. 3, 1979)

NRC Deposition of L. Rogers (Oct. 11, 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 J. Gilbert (Oct. 16, 1979)  
Hart Comm. Interview of W. Marshall (Oct. 17, 1979)  
Hart Comm. Interview of G. Miller (Oct. 18, 1979)  
NRC Interview of W. Creitz (Oct. 23, 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)  
Hart Comm. Interview of L. Rogers (Nov. 5, 1979)  
Hart Comm. Interview of E. Frederick (Nov. 14, 1979)  
Hart Comm. Interview of W. Zewe (Nov. 15, 1979)  
Hart Comm. Interview of J. Herbein (Nov. 15, 1979)  
SIG Interview Memo of W. Lowe (Dec. 4, 1979)  
Hart Comm. Interview of G. Miller (Dec. 19, 1979)  
NUREG/CR-1250: Report of the Special Inquiry Group  
(Jan. 1980)  
    SIG Interview Memo of W. Lowe (Dec. 4, 1979)  
    Vol. I, pages i-x (Intro)  
    Vol. I, pages 42-43 (The Thud)  
    Vol II, Part 3, pages 894-916 (Reporting  
    of Critical Information/Management Organization)  
Memorandum from Rogovin/Frampton to Chairman Ahearne  
(March 4, 1980)  
Subcommittee on Nuclear Regulation of the Senate  
Committee on Environment and Public Works, "Report  
to the U.S. Senate: Nuclear Accident and Recovery at  
Three Mile Island" (June 1980)

pages 1-5 (Introduction)  
pages 13-18 (Responses to the Accident)  
pages 93-160 (The First Day)

NRC Interview of J. Flint (Sep. 2, 1980)  
NRC Interview of L. Rogers (Sep. 2, 1980)  
NRC Interview of H. McGovern (Sep. 3, 1980)  
NRC Interview of J. Gilbert (Sep. 3, 1980)  
NRC Interview of D. Berry (Sep. 3, 1980) with  
notes attached.  
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 J. Herbein (Sep. 5, 1980)  
NRC Interview of R. Arnold (Sep. 5, 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 N. Bennett (Sep. 29, 1980)  
NRC Interview of J. Higgins (Oct. 7, 1980)  
NRC Interview of D. Neely (Oct. 7, 1980)  
NRC Interview of W. Raymond (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)  
NRC Interview of G. Miller (Nov. 10, 1980)  
OIA Interview Memo of G. Gallina (Dec. 2, 1980)  
OIA Interview Memo of K. Plumlee (Dec. 2, 1980)  
OIA Interview Memo of K. Plumlee (Dec. 3, 1980)  
OIA Interview Memo of A. Fasano (Dec. 4, 1980)  
OIA Interview Memo of D. Neely (Dec. 8, 1980)  
OIA Interview Memo of G. Gallina (Dec. 8, 1980)  
OIA Interview Memo of R. Nimitz (Dec. 8, 1980)  
OIA Interview Memo of G. Smith (Dec. 8, 1980)  
OIA Interview Memo of J. Seelinger (Dec. 23, 1980)  
NRC Deposition of K. Plumlee (Jan. 9, 1981)  
NRC Interview of D. Neely (Jan. 13, 1981)  
NUREG-0760 (Jan. 1981)

Majority Staff of the House Committee on Interior  
and Insular Affairs, "Reporting of Information  
Concerning the Accident at Three Mile Island)  
(March, 1981).

2. The parties stipulate that the "Wandling Notes", consisting of thirteen pages whose first page is a memorandum, dated March 29, 1979, to "Distribution" from "G. K. Wandling, Plant Startup Services" on the subject "Information from Transient of March 28, 1979" shall be admitted into evidence without objection for the sole purpose of showing that Mr. Wandling was receiving and recording at



B&W's offices in Lynchburg, Virginia on March 28, 1979, information on the TMI-2 transient on March 28, 1979.

3. For purposes of the evidentiary hearing presently scheduled to commence on November 14, 1984, the parties stipulate that in retrospect, if all the in-core thermocouple readings had been available and had been examined, it might have been recognized that the  $>2000^{\circ}\text{F}$  temperature indicated that the core was within the range in which an autocatalytic exothermic zircalloy-steam reaction could occur.

The signatory parties agree that acceptance of this stipulation by the Licensing Board will bind the parties at the evidentiary hearing and further obviate TMIA's calling Dr. Henry Myers as a witness in the captioned proceedings. Licensee agrees in the captioned proceedings not to depose Dr. Myers, and not to seek documents from Dr. Myers, TMIA or NRC related to Dr. Myers on the Dieckamp mailgram issue. Licensee further has withdrawn a number of outstanding interrogatories to TMIA

(namely, Interrogatory Nos. 13 and 19 of Licensee's Second Set of Interrogatories to TMIA and Interrogatory Nos. 1 through 18, 21, and 22 of Licensee's Third Set of Interrogatories to TMIA.)

Respectfully submitted,  
SHAW, PITTMAN, POTTS & TROWBRIDGE

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