

November 13, 1984

SECRET
NRC

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

'84 NOV 14 P3:58

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))	
)	

APPLICATION FOR ISSUANCE OF SUBPOENA

Pursuant to 10 CFR 2.720 Intervenor Three Mile Island Alert ("TMIA") applies to the Atomic Safety and Licensing Board for the issuance of a Subpoena to David H. Gamble, for the purpose of requiring him to appear and give testimony at this hearing on the matters which appear in Mr. Gamble's written testimony prefiled with this Licensing Board on November 1, 1984.

TMIA requests a subpoena directing him to appear and give testimony on November 20, 1984, at 9:30 a.m.

Mr. Gamble has requested that he be subpoenaed to testify with regard to the matters included within his prefiled testimony and other relevant matters regarding his official duties while he was at the NRC. See November 2, 1984, Letter of D. Gamble to TMIA Counsel L. Bernabei, attached and incorporated herein as Exhibit 1.

A copy of the proposed subpoena is attached.

DS03

WHEREFORE Intervenor TMIA respectfully requests that the Chairman of the Licensing Board issue a Subpoena in the form attached hereto directing Mr. Gamble to appear and to give testimony in the abovementioned action on November 20, at 9:30 a.m.

Respectfully submitted,

Lynne Bernabei

Lynne Bernabei
Government Accountability Project
1555 Connecticut Ave. N.W.
Suite 202
Washington, D.C. 20036
(202) 232-8550

Joanne Doroshow/LB

Joanne Doroshow
The Christic Institute
1324 North Capitol
Washington, D.C. 20002
(202) 797-8106

DATED: November 13, 1984

Attorneys for Three Mile Island
Alert

RELATED CORRESPONDENCE

COLLECTED
USNRG

'84 NOV 14 P3:58

November 2, 1984

Lynne Bernabei, Esquire
Government Accountability Project
1555 Connecticut Avenue, NW
Washington, DC 20009

Dear Ms. Bernabei:

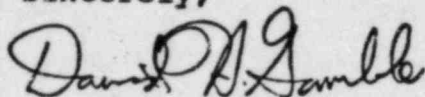
This confirms our recent telephone conversations during which you inquired as to my availability to testify at an upcoming hearing before a U.S. Nuclear Regulatory Commission (NRC) Atomic Safety and Licensing Board. You indicated that you wished me to testify concerning the NRC's investigations relating to the accident at Three Mile Island Nuclear Power Station. My reply was that, in response to a subpoena, I would testify at such a hearing regarding my official duties at the NRC.

Subsequently you requested that I provide you informally with details regarding the matters on which I would testify so you could (1) respond to interrogatories and (2) "pre-file" my testimony. You will recall my initial reluctance to provide this information outside the context of a hearing. I was flabbergasted to learn that the NRC was the party requesting this information of me, through you. The net result was that a Government attorney was requesting information of another Government official by going through a non-Government attorney. While not questioning either your integrity or ability to faithfully recount my answers to the NRC, I find this procedure to be rather strange indeed.

I eventually consented to providing this information to you only after receiving assurances from both you and NRC attorney Jack R. Goldberg that this constituted standard NRC procedure. (Note that Mr. Goldberg and I did not communicate directly. He apparently feels strongly that such direct contact would be unethical because you are subpoenaing my testimony; therefore I obtained these assurances via another current NRC employee who was in direct contact with Mr. Goldberg.) Finally I am also relying on your assurances that the proper subpoena is forthcoming.

One last point which I wish to re-emphasize is that I am not testifying as an official representative of the Department of Defense; my testimony relates only to my former duties with the NRC.

Sincerely,

A handwritten signature in cursive script, appearing to read "David H. Gamble".

David H. Gamble
c/o DCIS
P.O. Box 9290
Alexandria, VA 22304-9998

Copy to Jack R. Goldberg, Esq., NRC

RELATED CORRESPONDENCE
UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

Before the Atomic Safety and Licensing Board

DOCKETED
USNRC

'84 NOV 14 P3:58

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

SUBPOENA

THE NUCLEAR REGULATORY COMMISSION AND IVAN W. SMITH, CHAIRMAN,
ATOMIC SAFETY AND LICENSING BOARD, TO: David H. Gamble,
c/o DCIS, P.O. Box 9290, Alexandria, Virginia, 22304-9998.

YOU ARE HEREBY COMMANDED to appear and to give testimony
in the abovementioned action on the subject matter of your
written testimony prefiled with this Atomic Safety and Licens-
ing Board on November 1, 1984, and other matters deemed
relevant by this Board on the Dieckamp Mailgram issue.

You have been subpoenaed to appear to testify on November
20, at 9:30 a.m., by Intervenor Three Mile Island Alert, Inc.

Pursuant to the Commission's regulations at 10 CFR 2.270(f),
on motion made by you promptly, and in any event before 9:30
a.m., on November 20, 1984, and on notice to Attorney for
Intervenor, the Chairman of the Atomic Safety and Licensing
Board, or if he is unavailable, any alternative chairman of
the Board, may (1) quash or modify the subpoena if it is
unreasonable or requires evidence not relevant to any matter
in issue, or (2) condition denial of the motion on just and
reasonable ground.

YOU ARE HEREBY NOTIFIED THAT ANY FAILURE TO OBEY THIS
SUBPOENA MAY BE DEEMED A CONTEMPT AND APPROPRIATE SACTIONS
MAY BE ORDERED.

DATED THIS _____ DAY OF _____, 1984.

ATOMIC SAFETY AND LICENSING BOARD

By: _____
Ivan W. Smith, Chairman