

RELATED CORRESPONDENCE
UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

DOCKETED
USNRC

Before the Atomic Safety and Licensing Board

'84 OCT 15 P12

In the Matter of)	
)	
METROPOLITAN EDISON COMPANY)	Docket No. 50-289 <i>SP</i>
)	(Restart-Management Phase)
(Three Mile Island Nuclear)	
Station, Unit 1))	
)	

APPLICATION FOR ISSUANCE OF SUBPOENA FOR EDWIN ZEBROWSKI

Pursuant to Section 2.720 of the Commission's regulations, Intervenor Three Mile Island Alert ("TMIA") applies to this Atomic Safety and Licensing Board for the issuance of a Subpoena and Subpoena Duces Tecum to Dr. Edwin Zebrowski, a member of the Energy Studies Center, which is affiliated with the Electric Power Research Institute ("EPRI"), Palo Alto, California. Licensee indicated its intent to call Dr. Zebrowski as a witness on the remanded issue of the Dieckamp mailgram. Specifically, Dr. Zebrowski is expected to offer testimony about "the state of knowledge of the technical people involved and Mr. Dieckamp's access to and participation in their investigative efforts."

GPU did not inform TMIA of its intent to call Dr. Zebrowski or Mr. Van Whitbeck as witnesses until TMIA counsel received copies of Licensee's Supplemental Response to Three Mile Island Alert's Third Set of Interrogatories. On October 11, 1984, TMIA counsel informed Mr. Blake, licensee counsel, of its intent to call Dr. Gilinsky as a witness on the afternoon of

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Tuesday, October 9, as a courtesy, since formal supplementation of discovery responses would not reach licensee counsel until the following morning. TMIA also hand-delivered to Mr. Blake on Wednesday morning, October 10, 1984, a copy of the discovery responses, which listed TMIA's additional witness. Yet at neither of these times did Mr. Blake indicate licensee's intention to call additional witnesses.

TMIA's counsel traveled to Harrisburg on Wednesday to take a deposition.

On the morning of Thursday, October 11, 1984, TMIA counsel recieved for the first time a copy of Licensee's Supplemental Response to Three Mile Island Alert's Third Set of Interrogatories, which announced that licensee intended to call two additional witnesses.

TMIA counsel has contacted Dr. Zebrowski, who works and resides in California, to ask about his availability for a deposition in Washington on some date prior to the start of the hearing. Dr. Zebrowski indicated to TMIA counsel that he currently plans to be in Washington beginning on November 12, 1984, for a series of unrelated meetings, and to remain through the time he is expected to testify in these hearings. He also indicated that currently he is free the evening of November 13, 1984 from responsibilities related to his business meetings.

TMIA therefore requests that Dr. Zebrowski be subpoenaed to appear at a deposition scheduled to begin on November 13, 1984, at 7:30 p.m.

TMIA also requests that Dr. Zebrowski be subpoenaed to produce the following documents by or before November 1, 1984

in Washington, D.C.:

(a) All personal notes, files, logs or data Dr. Zebrowski or his staff collected during the course of conducting the Nuclear Safety Analysis Center ("NSAC") investigation and analysis of the accident, including but not limited to any personal notes of conversations with General Public Utilities ("GPU"), GPU Service Corporation, Met-Ed, or other GPU subsidiaries concerning the TMI-2 Accident.

(b) All correspondence and other written communication between licensee and NSAC and/or EPRI concerning the investigation and analysis conducted by NSAC or EPRI of the TMI-2 Accident;

(c) All correspondence, other written communication, or reports by, to or from NSAC and EPRI concerning the TMI-2 Accident and/or reporting of information concerning the TMI-2 Accident to the NRC or to the Commonwealth of Pennsylvania.

Licensee counsel has indicated that licensee does not object to discovery requests being made and answered outside the scheduled discovery cutoff date of October 15, 1984.

WHEREFORE Intervenor TMIA respectfully requests that the Chairman of the Licensing Board issue a Subpoena in the form attached hereto directing Dr. Zebrowski to appear for deposition and a Subpoena Duces Tecum in the form attached hereto directing Mr. Zebrowski to produce the documents listed in the subpoena by or before November 1, 1984.¹

^{1/} TMIA requests that the Licensing Board adhere to the originally-scheduled hearing date of November 15, 1984. TMIA is now constrained to begin discovery against two new licensee witnesses of whom TMIA was not informed prior to the date of this filing, October 11, 1984. Therefore it appears impracticable for the Licensing Board to schedule the beginning of the hearing on November 14, 1984.

Respectfully submitted,

Joanne Doroshow /LB

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Dated: October 11, 1984

Attorneys for Three Mile Island
Alert

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

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) (Restart-Management Phase)
(Three Mile Island Nuclear)
Station, Unit 1))
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OFFICE OF SECRETARY
DOCKETING & SERVICE
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SUBPOENA

THE NUCLEAR REGULATORY COMMISSION AND IVAN W. SMITH, CHAIRMAN,
ATOMIC SAFETY AND LICENSING BOARD, TO: Edwin Zebrowski,
Electric Power Research Institute, 3412 Hillview Avenue,
Palo Alto, California, 94303.

YOU ARE HEREBY COMMANDED to appear at a deposition to
begin on Tuesday, November 13, 1984 at the Anchorage Building,
1555 Connecticut Avenue, N.W., Fifth Floor, Washington, D.C.
20036, to testify in the above-captioned matter by Intervenor
Three Mile Island Alert. The deposition is scheduled to
begin at 7:30 p.m., and to continue thereafter until completed.
The subject matter of the deposition relates to matters
pertaining to the Dieckamp mailgram issue.

You have been subpoenaed by Intervenor Three Mile Island
Alert, Inc.

Pursuant to the Commission's regulations at 10 CFR 2.720(f),
on motion made by you promptly, and in any event before 7:30
p.m., on November 13, 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 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
grounds.

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

DATED THIS _____ day of _____, 1984.

ATOMIC SAFETY AND LICENSING BOARD

By: _____
Ivan W. Smith, Chairman

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

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USNRC

Before the Atomic Safety and Licensing Board

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

THE NUCLEAR REGULATORY COMMISSION AND IVAN W. SMITH, CHAIRMAN,
ATOMIC SAFETY AND LICENSING BOARD, TO: Edwin Zebrowski,
Electric Power Research Institute, 3412 Hillview Avenue,
Palo Alto, California, 94303.

YOU ARE HEREBY COMMANDED to produce the following
documents by or before November 1, 1984, to Intervenor Three
Mile Island Alert ("TMIA") counsel:

1. All personal notes, files, logs or data of you or your
staff, as Director of the Nuclear Safety Analysis Center ("NSAC")
investigation and analysis of the TMI-2 Accident, collected
or obtained during the course of conducting the NSAC investiga-
tion and analysis of the accident, including but not limited to
personal notes of conversations, discussions or contacts with
General Public Utilities ("GPU"), GPU Service Corporation, Met-
Ed, or other GPU subsidiaries concerning the TMI-2 Accident.

2. All correspondence and other written communication
between licensee, on the one hand, and NSAC and/or EPRI, on the
other, concerning the investigation and analysis conducted by
NSAC or EPRI of the TMI-2 Accident; and

3. All correspondence, written communications, or reports
by, to, or from NSAC or EPRI concerning the TMI-2 Accident and/

or reporting of information concerning the TMI-2 Accident to the NRC or to the Commonwealth of Pennsylvania.

You have been subpoenaed by Intervenor Three Mile Island Alert, Inc.

Pursuant to the Commission regulations at 10 CRF 2.720(f), on motion made by you promptly, and in any event before November 1, 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, 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 grounds.

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

DATED THIS ____ day of _____, 1984.

ATOMIC SAFETY AND LICENSING BOARD

By: _____
Ivan W. Smith, Chairman