

**GOVERNMENT ACCOUNTABILITY PROJECT**

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Washington, D.C. 20036

DOCKETED  
USNRC

(202) 232-8550

HAND-DELIVERED '84 SEP 24 P1:15

September 20, 1984

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BRANCH

Ernest L. Blake, Jr., Esquire  
Shaw, Pittman, Potts & Trowbridge  
1800 M Street N.W.  
Washington, D.C. 20036

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57-2895P

Dear Ernie:

First, I would like to confirm that John Flint will not be appearing at his deposition since, according to the Babcox and Wilcox attorney, Mr. Flint is currently out of the country and is not expected to return by the time of the hearing, now scheduled to commence on November 15, 1984. His attorney is checking to determine if he will be in the United States anytime prior to November 15, 1984. Please inform me as to whether or not you will object to his deposition being taken at some time outside the discovery period, but prior to the hearing date if Mr. Flint is available only during that time period.

Second, as you suggested when we spoke this morning, I am compiling a list of documents and/or interrogatories for which I intend to file a motion to compel in the event our good faith negotiations do not lead us to a mutually agreeable settlement.

I understand from conversations held with you the evening of September 17 after the prehearing conference that you will not object to my filing a motion to compel by September 21, for those documents and interrogatories whose response depends on documents produced in Washington on September 11, 1984. I understand from my conversation with you and Mr. Trowbridge today that you will not object to my filing a motion to compel regarding those interrogatories which I believe should be more fully answered by the same date, even though GPU's response to those interrogatories did not rely on document production.

Specifically, I would like a more specific response concerning the following interrogatories:

Interrogatory No. 2

The interrogatory requests a description of all lines and methods of communication between the NRC and GPU. I believe at a minimum that description should include a description of the following: the place from which and to which the line or method of communication runs; the time at which it was installed if installed or instituted at some time on March 28 or March 29, 1979; and the length of time it existed for those two days, that is, for a portion of the day or the entire day.

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Interrogatory No. 4

The interrogatory requests a description of all lines and methods of communication between the NRC and B&W. I believe that description should include at a minimum a description of the place from which and to which the line or method of communication runs; the time at which it was installed if installed or instituted at some time on March 28 or March 29, 1979; and the length of time it existed for these two days, that is for a portion of the day or the entire day.

Interrogatory No. 5

The interrogatory requests a description of all lines or methods of communication between GPU and the Commonwealth of Pennsylvania. That description should include the information listed above regarding Interrogatories No. 2 and 4.

Interrogatory No. 6

The interrogatory requests a description of all lines or methods of communication between GPU and B&W. That description should include the information listed above regarding interrogatories 2 and 4.

From my discussion with you and Mr. Lewis last night, I understand that you may be able to determine if there were dedicated phone lines to which additional lines were added during March 28 or March 29, which would aid in answering these interrogatories.

Interrogatory No. 12

The interrogatory requests a description of all alarms actuated by the pressure spike. That description should include a description of whether the alarm was a light or sound alarm and the location of the alarm in the control room.

Interrogatory No. 13

GPU has produced 20 volumes of documents to respond to this interrogatory. The specific documents which I would like are any charts or graphic representations of the pressure spike which were created or made on March 28, 1979.

Interrogatory No. 15

GPU has answered this interrogatory by providing Mr. Dieckamp's knowledge and information about the May 7, 1979 visit of the Subcommittee to TMI-2. GPU should provide all information under GPU's possession and control, which includes the information and knowledge within the possession and control of current and former GPU officials, employees, and attorneys.

Interrogatory No. 16

GPU has answered this interrogatory by providing Mr. Dieckamp's knowledge and information concerning communications to and from Mr. Dieckamp on March 28 to March 30, 1979. GPU is under an obligation to provide all information within GPU's possession and control concerning these communications, including that information within the possession and control of all current and former GPU officials, employees and attorneys.

Also, GPU has failed to fully identify the communications pursuant to the instructions for the interrogatories. TMIA is interested primarily in the following with regard to the communications identified in response to this interrogatory:

- (a) the purpose of each communication;
- (b) the persons who participated in each such communication and the nature or substance of his/her participation;
- (c) the exact time, date and location of each communication; and
- (d) identification of any documents which recorded, mentioned, or referenced in any way this communication.

In addition, the interrogatory requests information as to any person to whom information was transferred subsequent to the time of communications between Mr. Dieckamp and others.

Interrogatory No. 28

GPU's response to Interrogatory No. 28 does not provide Mr. Dieckamp's knowledge or information concerning identification of the persons who instructed Emergency Team personnel to cease the depressurization strategy and begin a repressurization strategy. Therefore, GPU's response contained in Licensee's Supplemental Response to TMIA's First Set of Interrogatories is nonresponsive.

Interrogatory No. 34

GPU's response to Interrogatory No. 34 only provides Mr. Dieckamp's knowledge or information about conversations between him and Mr. Miller, Mr. Herbein and Mr. Kunder on March 28, 1979. GPU is under an obligation to provide the information and knowledge within GPU's current and former officials, employees and attorneys' possession or control.

Interrogatory No. 37

GPU has not responded to Interrogatory No. 37.

Interrogatory No. 39

GPU has failed to answer the interrogatory fully in that there is no answer to the question of the details which Mr.



Miller did not communicate to the Commonwealth of Pennsylvania authorities.

In addition, GPU has only answered the question as to Mr. Miller's knowledge or information concerning this conversation. GPU is under an obligation to answer the question with regard to all information and knowledge within the possession or control of GPU's present or former officials, employees or attorneys.

Interrogatory No. 42

GPU has responded that it was not aware of any containment checks made within four hours after the occurrence of the pressure spike. However, GPU has acknowledged in response to Interrogatory No. 43 that at 2:05 p.m. on March 28, 1979, a measurement of radiation was made "around Unit-2 Rx bldg." It appears that this is the type of "containment check" which Mr. Chwastyk and Mr. Rogers were referring to in their statements, referenced in GPU's response to this interrogatory.

GPU is obligated to supply the information requested by the interrogatory with regard to this radiation measurement.

Interrogatory No. 43

GPU has stated that it does not have a record of the individuals who performed the radiation measurement described in subpart (e). GPU is under an obligation to provide to the best of its knowledge information identifying those individuals who were in a position to perform such measurements. Since GPU has produced the radiation measurements it is under an obligation to inquire of those employees in the TMI-2 control room at that time whether or not they can identify those individuals.

Interrogatory Nos. 44, 45, 46 and 47

GPU has stated Mr. Dieckamp's knowledge and information in response to these interrogatories regarding misstatements and inaccurate statements in his mailgram to Congressman Udall. GPU is under an obligation to provide all information and knowledge within the possession and control of all GPU current and former officials, employees and attorneys.

Interrogatory No. 48

GPU has stated Mr. Dieckamp's awareness of the substance of the I&E interviews and not the corporation's knowledge or information. GPU should supplement its answer to include information concerning the awareness of all GPU's current and former officials, employees and attorneys concerning these interviews.

Interrogatory No. 51

GPU has failed to answer the last portion of the interrogatory requesting information regarding identification of all persons to whom such notes, memoranda, minutes or other documents were distributed. TMIA's review of the documents produced in response to Document Request No. 11 indicates that the documents do not provide that information.

Interrogatory No. 52

GPU has responded to this interrogatory by stating Mr. Dieckamp's knowledge and information concerning the purpose of the mailgram and the persons Mr. Dieckamp consulted prior to sending the mailgram. GPU is under an obligation to provide all information and knowledge within the possession or control of GPU's current and former officials, employees and attorneys.

Interrogatory No. 58

GPU has responded by stating Mr. Dieckamp's knowledge or information concerning Mr. Dieckamp's knowledge on May 8 and 9, 1979, of the reactor conditions and events occurring on March 28, March 29, and March 30, 1979. GPU is obligated to provide all information and knowledge concerning Mr. Dieckamp's knowledge on those dates within the possession and control of GPU's current and former officials, employees and attorneys.

In addition, you provided me with certain so-called supplemental responses for most of the 19 individuals who answered in response to questionnaires distributed to them that they had known that a hydrogen explosion had occurred on March 28, 1979 on that date. However, these responses are in the form of a letter from GPU counsel and are not statements of the individuals for which there are affidavits. I request that you make such a formal supplementation of GPU's response to TMIA's First Set of Interrogatories if it is to have any legal weight in these proceedings.

In addition, with respect to a number of documents produced in response to TMIA's First Set of Interrogatories, you have failed to identify the documents as required by the instructions to the interrogatories. In particular, TMIA requests this information with regard to this class of documents:

- (a) the document's date;
- (b) the document's author and his/her business affiliation, presently and at the time the document was prepared;
- (c) identification of all persons to whom the document was distributed; and
- (d) the general subject matter of the document.

I have not completed a full review of all documents which should be so identified. However, at a minimum this information

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should be provided for all documents which do not otherwise provide such information on their face, which are responsive to TMIA's First Set of Interrogatories. This would include, of course, most handwritten documents which are not identified as handwritten documents authored by a particular GPU or Met-Ed official or attorney. Specifically, this would include all those logs and records listed specifically in my letter to you of September 17, 1984. I believe from our conversation yesterday evening you are now fully familiar with these documents.

In addition, I understand that for at least one of those documents, you do not at this time know why the document stops at 1:40 p.m. I suggested that given that the document appeared to be part of a set of documents produced at a prior time, you could attempt to identify the documents through that production. If that cannot be done, I request that you make the original of that document available. The particular document to which I am referring appears as item 4 on page two of my letter.

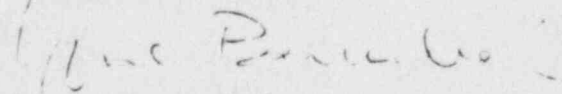
Finally, I am requesting at this time documents identified by your paralegal as documents referenced in GPU's responses which were going to be produced but which I have not yet received. These documents include the following:

- (a) thermocouple data for March 28; and
- (b) documents which Mr. Lentz identified in his questionnaire as relevant to the issues raised in the questionnaire.

In addition, I understand that GPU attorneys have identified Mr. Harbin and Mr. Orlandi's document not to be relevant to the issues in this proceeding. Since the two individuals involved appeared to have identified the documents as related to the questions posed on the questionnaire, I request an identification of the documents.

I look forward to meeting with you and Mr. Lewis this evening so that we can work toward resolving our differences.

Sincerely yours,

  
Lynne Bernabei

cc: Service List

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