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USNRCUNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

'84 DEC 10 A10:37

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of )

METROPOLITAN EDISON COMPANY )

(Three Mile Island Nuclear  
Station, Unit No. 1) )Docket No. 50-289 SP  
(Restart-Management Remand)STIPULATION ON MAILGRAM EVIDENCE

In accordance with the Licensing Board's ruling and suggestions during its Prehearing Conference on November 13, 1984, (See Prehearing Conference Tr. at 27,928 to 27,944) and in order to obviate the asserted need for TMIA to call Robert C. Arnold as a witness, Licensee hereby stipulates as follows:

1. Licensee will not object to the admission into evidence of pages 90 to 100 of Robert C. Arnold's October 4, 1984 deposition (attached) in which he discusses a September 17, 1980 memorandum from E. G. Wallace which has been admitted as TMIA Mailgram Exhibit 15 in this proceeding.
2. The job titles of Donald H. Reppert, Scott L. Guibord, and William H. Behrle, at the time they completed the work contained in an attachment to the September 17, 1980 memorandum, were as follows:

8412100526 841206  
PDR ADDCK 05000289  
G PDR

DS03

Donald H. Reppert - Engineering Associate Sr. II,  
Safety and Licensing, GPUSC

Scott L. Guibord - Analyst II, Licensing, GPUSC

William H. Behrle - Engineer Sr. I, Generation, Met-Ed

Respectfully submitted  
SHAW, PITIMAN, POTTS & TROWBRIDGE

*Ernest L. Blake Jr.*  
\_\_\_\_\_  
Ernest L. Blake, Jr., P.C.  
Counsel for Licensee

Dated: December 6, 1984

1 Q Prior to talking to Mr. <sup>Dieckamp</sup>~~Deikamp~~?

2 A Yes. I may have talked to him twice that evening with  
3 Mr. <sup>Dieckamp</sup>~~Deikamp~~'s conversation being in-between two of them or  
4 after the two of them. I have a sense that I talked to Mr.  
5 Wilson twice, but I don't have a recollection of two con-  
6 versations. The only specific information I can recall in  
7 whatever conversation I had with him was his identification  
8 of his discussions with Mr. Volmer of the NRC. And I  
9 don't remember what information Mr. Wilson gave me or what  
10 were the subject of conversations between him and Mr. Volmer.

11 Q Do you remember whether or not you received any  
12 information prior in time to these conversations with Mr.  
13 Wilson about what that site group was finding?

14 A I do not have any recollection of that and I don't  
15 have any information from what I have reviewed that would  
16 indicate what specifically I got from them on Thursday, if  
17 anything.

18 Q I would like to refer you now to Moore Exhibit One,  
19 Ignoring the top sheet for the moment, that is, page one of  
20 the exhibit, have you seen that document before (handing)?

21 A This is the top sheet you are referring to ignore  
22 (indicating)?

23 Q Yes.

24 A I haven't had a chance to read it yet which if you  
25 want to ask questions I will but <sup>the</sup>~~I~~ answer <sup>to</sup>~~1~~ your question is

1 yes, I saw it today before this interview in terms of seeing  
2 the document.

3 Q Now, referring you specifically to page one, that is  
4 a memorandum addressed to you from Mr. Wallace; is that  
5 correct?

6 A Yes, ma'am.

7 Q It is dated September 17th, is that correct,  
8 September 17th, 1980; is that correct?

9 A Yes, ma'am.

10 Q Now, did you receive that at or near the time it is  
11 dated?

12 A I don't know but I don't know anything to the con-  
13 trary. And I was told yesterday I believe that this was  
14 obtained from my office files or the files I had at the time  
15 I was with the <sup>Nuclear Corp.</sup> [nuclear corps] so the best of my information  
16 is yes, I got it but I don't have any recollection.

17 Q Now, given the time frame of September of 1980,  
18 do you remember whether you got that in the course of pre-  
19 paring for interviews conducted in the investigation of  
20 reporting failure by the NRC?

21 A Can I have time to read it, try to refresh my  
22 memory because I don't have any current memory of it.

23 Q Sure.

24 A May I have the question again, please?

25 Q Yes. After reviewing that, do you have any memory

1 of reviewing -- let me ask the question again.

2 Given the time of the document and the date, that is,  
3 September 17, 1980, is it your understanding that that was  
4 prepared for you in preparation for the interviews conducted  
5 by the NRC's investigators into reporting failures?

6 A That's not my understanding, but I don't have a  
7 contrary understanding, either.

8 Q Do you have any idea why that document was prepared  
9 for you by Mr. Wallace?

10 A Could you use something other than any idea?  
11 I think that --

12 Q Do you have any information as to why Mr. Wallace  
13 prepared that for you?

14 A I don't have any information that I am aware of as  
15 to <sup>why</sup> ~~whether~~ Mr. Wallace prepared it.

16 Q The subject matter is internal work related to  
17 GPU for damage following the TMI accident; is that correct?  
18 *Dependent believes question is improper transcribed*

19 A That is the subject, yes.

20 Q This is approximately a year and a half after the  
21 accident; is that correct?

22 A Yes, ma'am.

23 Q Do you have any reason to believe that -- well let  
24 me -- there are cc's to two attorneys, Mr. Blake and Mr.

*Behrle*  
24 ~~Behrle~~

25 A Only Mr. Blake is an honored attorney. Mr. *Behrle* ~~Behrle~~

1 is an engineer. Honored engineer.

2 Q Do you have any idea at this time why the memo was  
3 prepared on September 17, 1980?

4 A I do not. In terms of what I know about the subject  
5 matter it goes back to earlier efforts, as I think that the  
6 memo identifies but what prompted kind of pulling together  
7 the earlier effort at this time I don't have any information  
8 as to why that was done that I can recall, anyway.

9 Q Now, the first portion of this document -- the first  
10 enclosure is Mr. Moore's note, is that correct, ten pages  
11 of notes?

12 A I understand them to be Mr. Moore's, though I  
13 certainly don't know anything to the contrary.

14 Q Did you read those notes or that attachment at or  
15 near the time you received this memorandum?

16 A I don't have any recollection of that.

17 Q Would you in the normal course of business have  
18 read the enclosures to him and this memorandum?

*Dependent  
believer  
question is  
improperly  
transcribed*

19 A It depends on why it was being prepared at the time.  
20 If --

21 Q I am asking you a more simple question. In the  
22 usual course of your business in your position do you review  
23 the attachments or enclosures to memorandums of this nature?

24 A And I'm answering you that it depends on what the  
25 purpose of the work effort was that I -- in some cases the



1 answer would be yes; in other cases would be no.

2 Q After reviewing this memorandum and the enclosure,  
3 do you believe that this type of memorandum and the type of  
4 enclosure in the normal course of business you would have  
5 reviewed?

6 A My expectation is that I would have had scanned  
7 through it but not looked at it in a great deal of detail.

8 Q Why is that? In terms of your expectations that you  
9 would have scanned through it, why is it your expectation  
10 you would have not read it thoroughly?

11 A I think --

12 Q I am asking now about the enclosures including the  
13 Moore notes.

14 A I understand. I think the draft TDR115 I was aware  
15 of and probably had looked at closer to the time of preparation,  
16 which would have been in 1979, I think.

17 Q So you most likely had reviewed that prior to  
18 receiving this memo with that document as an enclosure?

19 A Yes. Closer to the time when it was responding  
20 to the assignment of its preparation.

21 Q Mr. Arnold, to shortcut this I am talking now  
22 specifically about the Moore notes. You had never seen those,  
23 I assume, prior to receipt of this memorandum on September 17,  
24 1980?

25 A I don't know if I did or did not.

1 Q So you may have?

2 A Yes.

3 Q Now, are those the kind -- is that the kind of  
4 information you would have reviewed carefully at the time?

5 A As I indicated earlier, I don't think so. I think  
6 that <sup>if</sup> in scanning through it I became interested at the level  
7 at which I would suggest careful reading of it, I would have  
8 gotten together with the preparer of the notes to deal more  
9 directly on it.

10 Q Mr. Wallace?

11 A Mr. Moore I think we said it was.

12 Q I am sorry. I thought you meant the person who  
13 prepared the memorandum, Mr. Wallace.

14 MR. KIRSCHBAUM: That is not what he said.

15 BY MS. BERNABEI:

16 Q You said you would have gotten together with the  
17 preparer of the notes?

18 A Yes.

19 Q That is Mr. Moore?

20 A Yes.

21 Q Now, so what you are saying is you may not have  
22 read them carefully but it is likely that together with Mr.  
23 Moore?

24 A No. I am saying if at that time I had -- and I  
25 am answering a speculation because that was what the question



asked me to do.

Q I am not asking for speculation. I am asking in the usual course of business what you do.

First of all, you told me you scan it. Then you said, listen, I have seen some of this before. My usual course of business is enclosures of this sort I would have scanned and I said to you it seems pretty important to you.

A That is not what I said.

MR. KIRSCHBAUM: Let him finish.

MS. BERNABEI: He is not answering my question.

BY MS. BERNABEI:

Q These notes, would you have read them carefully in your usual course of business?

A I don't know.

Q You don't know. How would you have determined whether to read those notes carefully or not given the copy of the memorandum to the notes?

A And I don't think I can answer that without knowing what prompted the preparation of the memorandum and the pulling together of those. It may have been something that was just pulling into a particular documentation, something that I was already familiar with, although I don't in this case have a recollection. I get probably literally tons of documents in the job I was in at that time and I don't read all of them thoroughly. I had to make a judgment or I had to

1 at that time.

2 Q Did you ever read Mr. Moore's note prior to a few  
3 days ago in preparation for this deposition?

4 A I read Mr. Moore's notes during the time in which  
5 response to interrogatories were being provided. I don't  
6 recall looking at ten full pages of them.

7 Q Can you remember what time period we are talking  
8 about?

9 A Four weeks ago maybe.

10 Q Four weeks ago. Now, when you reviewed those notes  
11 at that time did you remember that you had reviewed them at a  
12 prior time?

13 A No, I did not.

14 Q Did you remember whether you had spoken to Mr. Moore  
15 about the information contained in those notes at a prior  
16 time?

17 A I have no recollection of ever talking to Mr. Moore  
18 about this note.

19 Q Do you have any recollection that you obtained the  
20 information contained in those notes regardless of whether  
21 you talked to Mr. Moore personally about that information?

22 A Obtained it when?

23 Q At any time.

24 A Well, I'd have to go through them item by item.

25 Q Let me ask you a specific point. Do you have any

1 indication that Mr. Moore was informed on March 28th that in-  
2 core temperature readings over 2500 degrees were indicated at  
3 Three Mile Island?

4 A Not to my knowledge or recollection.

5 Q It is your testimony that Mr. Moore never informed  
6 you either himself or through others on March 28th or 29th  
7 about his learning that fact?

8 A Yes, ma'am.

9 Q And it is your testimony that that's true even  
10 though Mr. Moore has testified that he believed those  
11 temperatures indicated to him core damage?

12 A Well, I don't know what he testified to but my  
13 answer --

14 Q I am telling you.

15 A My answer stands with regard to your previous  
16 question.

17 Q And even though Mr. Moore said he reported these  
18 to Mr. <sup>Broughton</sup>~~Breden~~ and he believed it was common information in  
19 the observation center?

20 MR. BLAKE: Excuse me. What was that representation?

21 BY MS. BERNABEI:

22 Q That other people in the observation knew about it  
23 and he would believe, had communicated it.

24 MR. KIRSCHBAUM: You are asking whether that changes  
25 this witness' testimony?

1 A It doesn't change my testimony.

2 BY MS. BERNABEI:

3 Q You still contend Mr. Moore never told you about those  
4 temperatures either himself or through others such as Mr.  
5 <sup>Broughton</sup>~~Bredon~~ or Mr. Wilson?

6 A Yes. I would even go further and say that I'm  
7 confident that in the time frame you are talking about I had  
8 no knowledge of any temperature indication of in-core  
9 thermocouples in that range.

10 Q Now, to your knowledge, did anyone underneath you  
11 have information of that sort on March 28th and March 29th?  
12 I am talking about in your organization, service corporation.

13 A The only knowledge I had about any possibility of  
14 that being the case is whatever is meant by these notes with  
15 the one entry I believe that -- which I don't know myself what  
16 it means and the awareness that I guess one person indicated  
17 in response to a questionnaire that all of us filled out,  
18 that he knew something on Wednesday but all of that is  
19 very recent awareness. Nothing in the time frame of 1978 --  
20 the time frame of the accident in March of '79.

21 Q Who is this person you are referring to, somebody  
22 knew on Wednesday --

23 A <sup>Rocking</sup>~~Roshino~~ I think is the individual that -- at least  
24 his initial answer.

25 Q You are familiar with --

1 A Let me just clarify, I may be wrong in my under-  
2 standing. I did not look at his survey answer.

3 Q Now, you know of Mr. <sup>Dieckamp</sup>~~Deikamp~~'s mail-o-gram to  
4 Congressman Udall; is that correct?

5 A Yes.

6 Q Did Mr. <sup>Dieckamp</sup>~~Deikamp~~ consult with you about that mail-o-  
7 gram or any of the information on that mail-o-gram?

8 A Not to my understanding.

9 Q Now, were you at a Board of Directors meeting prior  
10 -- or any of the surrounding meetings prior to an annual  
11 meeting that was held on May 8th or 9th?

12 A Of 1979?

13 Q Right.

14 A Do you recall where it was held?

15 MR. BLAKE: I think I'll be happy to represent that  
16 I think it was in the Johnstown area and I say that because I  
17 know Mr. <sup>Dieckamp</sup>~~Deikamp~~'s mail-o-gram came from the Johnstown area.  
18 I don't really know for sure, but that is my understanding.

19 A My, my recollection is that I did not attend that  
20 annual meeting. I don't think I have ever been to one that  
21 was held in Johnstown and if we had time there's a funny little  
22 story as to why I remember I wasn't there.

23 BY MS. BERNABEI:

24 Q So you remember no conversations or consultations  
25 with Mr. <sup>Dieckamp</sup>~~Deikamp~~ regarding the mail-o-gram prior to its being

UNITED STATES OF AMERICA  
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In the Matter of  
  
METROPOLITAN EDISON COMPANY  
  
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Station, Unit No. 1)

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Docket No. 50-289 SP  
(Restart-Management Remand)

CERTIFICATE OF SERVICE

A copy of "Stipulation on Mailgram Evidence", dated December 6, 1984, was served this 6th day of December, 1984, by hand delivery to the parties identified with an asterisk and by deposit in the U. S. Mail, first class, postage prepaid, to the other parties on the attached Service List.

Respectfully submitted,  
SHAW, PITMAN, POTTS & TROWBRIDGE

Ernest L. Blake, Jr.  
Ernest L. Blake, Jr., P.C.  
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NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter

METROPOLITAN EDISON COMPANY

(Three Mile Island Nuclear  
Station, Unit No. 1)

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Docket No. 50-289 SP  
(Restart Remand on Management)

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