

420
GOVERNMENT ACCOUNTABILITY PROJECT

1555 Connecticut Avenue, N.W., Suite 202
Washington, D.C. 20036

RELATED CORRESPONDENCE

DOCKETED
USNRC
(202) 232-8550

HAND-DELIVERED

*84 OCT 11 AM 10:09

October 8, 1984

OFFICE OF SECRETARY
DOCKETING & SERVICE
BRANCH

David R. Lewis, Esquire
Shaw, Pittman, Potts & Trowbridge
1800 M Street, N.W.
Washington, D.C. 20036

DOCKET NUMBER
PROC. & UTIL. FAC.

50-289 SP

Dear Dave:

I was very surprised by your letter to me of October 4, 1984. Considering our prior conversations considering TMIA's response to Interrogatory No. 20 of Licensee's Third Set of Interrogatories on the Dieckamp mailgram issue, I believe we fully complied with our discovery obligations.

In negotiations with you and Mr. Blake during the week of September 17, 1984, you stated to me that you wished me to list in response to this interrogatory only those documents which were not listed in the Mailgram Stipulation or were not provided to TMIA in GPU's document production. I did not list the Kemeny Commission interviews since those are interviews which I understand you have provided us in discovery.

Similarly, I have no idea what documents relate to the Dieckamp mailgram issue other than those documents which TMIA or its attorneys have within their possession and control. TMIA is not required to do a search of the NRC's Public Document Room or to canvass those individuals who may have relevant documents in order to aid GPU in preparing for the hearing. We are only required to identify those documents which we believe are related to the issue within our possession and control.

Finally, I understand that you made at least four phone calls to my office in an attempt to locate documents TMIA agreed to produce in its response to Licensee's First Request for Production. As you know, these documents have been available to review for at least two weeks. In addition, you specifically told me in one of the settlement negotiations prior to September 24, 1984, that the only document which you believed you wished to review immediately was a telephone interview of Brian Mehler by Henry Myers, which I provided to you on September 20. You at no time prior to last week attempted to review or have copied the other documents TMIA agreed to produce. Moreover, as I informed you several weeks ago, all those documents are available in the Public Document Room.

I attempted to aid three individuals in my office in finding these documents which you had requested. As you knew, I was in Harrisburg with Mr. Blake all of last week for depositions. Since none of these individuals could find the file of documents to be produced, I told Mr. Blake that I

8410110489 841008
PDR ADOCK 05000289
G PDR

DS03

Page Two
Lewis Letter
October 8, 1984


would have copied all those documents in Harrisburg so that he could bring them back with him to Washington. He told me on Thursday, October 4, that would not be necessary and I should simply make them available on Tuesday, October 9.

Moreover, I do not feel compelled to supplement our response to list each and every interview conducted by the NRC in conjunction with NUREG-0600 and NUREG-0760. It is fair to say that TMIA either has within its possession or control, or has access to through the Public Document Room or through GPU's production of documents, all interviews conducted in the course of those investigations which are publicly available. It is a waste of time to compile a list of documents which are as readily available, if not more readily available, to you than to TMIA.

In addition, TMIA has not and does not intend to list each and every document which the NRC Staff produced in response to TMIA's First Request for Production to the NRC Staff. Since the NRC Staff and TMIA serve you with all copies of correspondence concerning their discovery responses, you are fully informed of all documents produced by the NRC Staff to TMIA pursuant to TMIA's discovery requests.

Finally, I have available in my office a copy of all documents which you have requested. I can either have them copied or simply produce them for your inspection at your convenience.

Sincerely yours,


Lynne Bernabei

cc: Service List