

## SHAW, PITTMAN, POTTS &amp; TROWBRIDGE

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October 19, 1984

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Lynne Bernabei, Esq.  
Government Accountability  
Project  
1555 Connecticut Avenue, N.W.  
Washington, D.C. 20036

In the Matter of  
Metropolitan Edison Company  
(Three Mile Island Nuclear Station, Unit 1)  
Docket No. 50-2895P

Dear Lynne:

Yesterday we received the late TMIA response to the single interrogatory which constituted Licensee's Fifth Set of Interrogatories. You object to the interrogatory which inquires whether Dr. Henry Myers conducted his own investigation relating to the subject matter of this remanded proceeding. We disagree both with your objection and the assertion that we are attempting to circumvent the parties' stipulation on evidence.

This interrogatory neither inquires into Dr. Myers' interactions with TMIA nor inquires into areas that might be privileged under the speech and debate clause of the Constitution. Rather, it seeks only TMIA's knowledge of the subject. The reasoning behind the interrogatory is simple. It is an inquiry into the weight that TMIA believes should be afforded the Report of the Majority Staff, authored principally by Dr. Myers. While the admissibility of reports into evidence is no longer at issue, the stipulation still leaves open the question of their probativeness. The Licensing Board's order approving the stipulation specifically calls this out.

In this respect, TMIA has made the assertion that the Report of the Majority Staff is based not only on information from other investigations, but on independent hearings and investigations. Tr. at 27,400. Licensee expects TMIA to again argue during the remanded hearing or in proposed findings that the conclusions in the Report of the Majority Staff are entitled to additional weight because they are based on such independent investigations rather than on second hand information. Licensee's interrogatory seeks the basis for TMIA's statement.

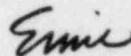
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Licensee believes that inquiry into the basis for TMIA's statement concerning the Report of the Majority Staff is both permissible under the stipulation and relevant. However, if you agree to stipulate that the Report of the Majority Staff, as it pertains to the subject of the remanded hearing, is not based on independent investigations, or if you stipulate that you will not make such assertions later in this proceeding, Licensee will withdraw its interrogatory and not seek a motion to compel. Please advise us of your response by Monday, October 22.

Sincerely,



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Ernest L. Blake, Jr. P.C.  
Counsel for Licensee

cc: Service List