



**GPU Nuclear Corporation**  
100 Interpace Parkway  
Parsippany, New Jersey 07054  
201 263-6500  
TELEX 136-482  
Writer's Direct Dial Number:

August 23, 1984

(201) 263-6797

Mr. Harold R. Denton  
Office of Nuclear Reactor Regulation  
United States Nuclear Regulatory Commission  
Washington, DC 20555

Dear Mr. Denton:

Subject: Docket No. 50-289

During the course of their presentation at the Commission meeting on August 15, 1984, Mr. & Mrs. Aamodt stated (transcript, page 225) that ". . . there is a study by John Biay of the source terms of that plant that is in GPU's hands that the court has not released." Their statement that this study "is in GPU's hands" is not correct. Moreover, any implication that GPU is responsible for the fact that the court has not released that study is also incorrect.

In light of the Aamodt's statement, we have made some inquiries.

The following information may be helpful in any effort to pursue this matter. We believe the study referred to is the so-called "Beyea Report". Specifically, we received this week a copy of a document, dated July 31, 1984, entitled, "The Three Mile Island Public Health Fund. The First Two Years: A Report to the Court and the Public". (A copy of that document is enclosed as Appendix 1.) We do not know what distribution has been made of that Report. The Public Health Fund therein referred to was created as a part of the settlement of some of the TMI-2 public liability class action claims which were the subject of an agreement on behalf of the class action plaintiffs with the insurance pools providing public liability insurance under the Price-Anderson Act. That settlement agreement, which was entered into as of February 17, 1981, approved by that Court on September 9, 1981, and became effective on November 9, 1981, provided that the insurance pools would create a Public Health Fund of \$5 million which would be available for various purposes to be approved by the Court. As set forth in that Report (at page 2), the Public Health Fund:

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". . . is in the nature of a trust . . . as to which the [United States District] Court [for the Middle District of Pennsylvania] is the exclusive trustee. For the purpose of administration, the administrators of the Fund and scientific advisors are agents of the trustee."

The Report also states (at pages 5-6):

"David Berger, Esq. . . ., the plaintiffs' chief trial counsel during the litigation and plaintiffs' liaison counsel, is the administrator of the Fund and reports to Judge Rambo."

The GPU companies are not involved in the administration of the Fund.

The Report states (at pages 18-19) that the Fund commissioned a major review of the published literature on the subject of the radiation releases due to the TMI accident, which was conducted by Dr. Jan Beyea and "has now been completed and submitted to the Fund for transmittal to the Court." We do not have a copy of Dr. Beyea's review, but we assume that the Report's summary description of its nature and contents is accurate. You will note the further steps with respect to this matter which the Report states that the Fund will be recommending to the Court.

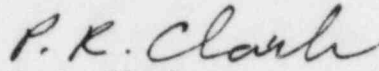
We also received this week a copy of petition, dated July 10, 1984, of the plaintiffs' liaison counsel to the Court for authority to make expenditures from the Public Health Fund; that petition transmits to the Court a copy of Dr. Beyea's report. We enclose, as Appendix 2, a copy of that petition, and, as Appendix 3, a copy of the letter, dated August 21, 1984, of counsel to the insurance pools stating that "Dr. Beyea's report remains under seal."

We do not know the circumstances under which Dr. Beyea's report was placed under seal by the Court. It is possible that the action by the Court in placing Dr. Beyea's report under seal was related to the fact that there are now pending before the Court approximately three hundred personal injury claims which have been the subject of active discovery and pre-trial preparation and some of which are moving towards early trial.

You will note that the petition (Appendix 2) states that it has the concurrence of the insurance pools. Although the petition is silent on the subject, we assume that at least some limited public distribution of Dr. Beyea's report is contemplated by the Fund, since that would appear to be a necessary predicate for the convening of the workshop proposed by the petition. In any event, we have urged counsel for the insurance pools to suggest that Dr. Beyea's report be made publicly available.

Further information with respect to the status of Dr. Beyea's report can, most likely, be obtained from John G. Harkins, Esq., of the Philadelphia law firm of Pepper, Hamilton & Sheetz, The Fidelity Building, 20th Floor, 123 South Broad Street, Philadelphia, PA 19109, counsel to the insurance pools, and/or David Berger, Esq., 1622 Locust Street, Philadelphia, PA 19103, liaison counsel to the class action plaintiffs.

Very truly yours,



P. R. Clark  
President

pfk

Enclosure

cc: David Berger, Esq.  
John G. Harkins, Esq.

LAW OFFICES

APPENDIX 1

DRINKER BIDDLE & REATH

PHILADELPHIA NATIONAL BANK BUILDING

BROAD AND CHESTNUT STREETS

PHILADELPHIA, PA. 19107

TELEX 834684 DEBEMAC

(215) 988-2700

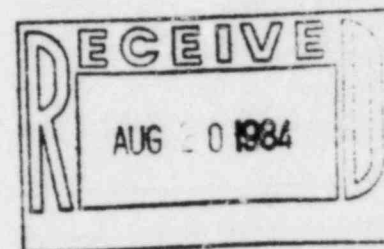
SUITE 500  
1752 N STREET, N.W.  
WASHINGTON, D. C. 20036  
(202) 429-7400

645 MADISON AVENUE  
NEW YORK, N. Y. 10022  
(212) 980-1200

DIRECT DIAL (215) 988-2936

August 16, 1984

James B. Liberman, Esq.  
Bishop, Liberman & Cook  
1155 Avenue of the Americas  
New York, NY 10036



RE: TMI - Public Health Fund

Dear Jim:

I am enclosing a document entitled "The Three Mile Island Public Health Fund, The First Two Years: A Report to the Court and the Public". We received this document earlier in the week.

Best Regards.

Very truly yours,

A handwritten signature in dark ink, appearing to be "James M. Sweet".

James M. Sweet

JMS:hh  
encl

cc: John F. Wilson, Esq. (w/encl)  
Mr. Thomas Murphy (w/encl)