

441
GOVERNMENT ACCOUNTABILITY PROJECT

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

RELATED CORRESPONDENCE

(202) 232-8550

HAND DELIVERED

August 29, 1984

David Lewis, Esquire
Shaw, Pittman, Potts & Trowbridge
1800 M Street, NW
Washington, DC 20036

DOCKETED
USNRC PROD. & DISC. DIV. 50-289 SP

'84 AGO 31 P2:20

OFFICE OF SOLICITOR
DOCKETING & SERVICE
BRANCH

Dear Mr. Lewis:

Yesterday I returned from a trip out of town and received your letter of August 21, 1984. Since I was unable to reach you by telephone I am writing to respond.

As you know, on August 13, 1984 we negotiated for over four hours to attempt to narrow the scope of TMIA's First Set of Interrogatories and First Request for Production to GPU to eliminate certain of GPU's objections to our discovery requests. It must be obvious to you and the other two GPU attorneys present, Fox Trowbridge and Ernie Blake, that TMIA was willing to forego production of information to which it believes it is legally entitled only if it received in exchange a benefit. My understanding was that if we agreed to narrow the discovery requests, GPU in turn, would withdraw any objection to the discovery requests on the grounds of overbreadth or burdensomeness. In fact, the only concept of negotiation with which I am familiar is that two parties who disagree compromise their positions to avoid carrying on the dispute in the future. There was absolutely no reason for me to negotiate with three GPU attorneys for over four hours if it would not in some way benefit my client, TMIA.

Your letter of August 21, 1984 indicates that GPU does not intend to withdraw its objection stated to me on August 13, 1984, that TMIA's Interrogatory Numbers 2,3,4,5,6,7,9 and 42 and Document Request Number 7 are overbroad and burdensome. Under this condition I have not and will not agree to any of the changes outlined in your letter of August 17, 1984.

Further, I consider your most current response as an indication that neither you nor the other GPU attorneys intended to, or did in fact negotiate in good faith over the scope of TMIA's First Set of Interrogatories and First Request for Production.

B409040:35 B40829
PDR ADCK 05000289
PDR

Sincerely yours,
Lynne Bernabei
Lynne Bernabei

cc: Service List

DS03