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September 26, 1984

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In the Matter of
Metropolitan Edison Company
(Three Mile Island Nuclear Station, Unit 1)
Docket No. 50-289 *SP*

Dear Lynne:

This is in response to your letter to me dated September 24 posing informally a number of questions to Ernie Blake in the hope of avoiding the need to take his deposition.

In our discussions on Friday, September 21, I informed you that in any deposition you might take we intended to assert wherever appropriate the attorney-client privilege with respect to client communications and that I was unwilling to have Ernie

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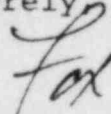
Lynne Bernabei, Esquire
September 26, 1984
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Blake answer informal questions, however innocuous his responses, which risked a broader waiver of that privilege. I thought it possible, however, that Ernie might be able to supply certain factual information without breaching or waiving the attorney-client privilege.

I have discussed your letter with our litigation department and I am advised that disclosure not only of privileged communications but of facts imparted to Ernie in the course of such communications can result in a broad waiver of the attorney-client privilege. Virtually all of the questions in your September 24 letter seek information which is privileged. Many of the questions inquire directly into communications between Ernie Blake and GPU and are not confined to facts. Others seek facts or information which could only have been imparted to Ernie Blake in communications to him by GPU.

Under these circumstances I do not think it is profitable to pursue further the process of informal questioning of Ernie Blake. I regret that my unfamiliarity with the ground rules of attorney-client privilege and waiver may have led to greater expectations on both our parts.

Sincerely,



George F. Trowbridge

cc:Service List

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter)
)
METROPOLITAN EDISON COMPANY) Docket No. 50-289 SP
) (Restart Remand on Management)
(Three Mile Island Nuclear)
Station, Unit No. 1))

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