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October 22, 1984

Ernest L. Blake, Esquire
Shaw, Pittman, Potts & Trowbridge
1800 M Street, N.W.
Washington, D.C. 20036

DOCKET NUMBER 50-289-SP
DATE FILED, ETC.....

Dear Ernie:

I am writing to clarify TMIA's position on a number of items on which you requested information.

First, in response to your letter of October 9, 1984, regarding informal discovery from TMIA on the leak rate issues, TMIA, as you know, has not conducted an independent investigation into leak rate testing at either Unit 1 or Unit 2. We attempted, through requested participation in GPU's internal investigation into leak rate falsification at Unit 2, to shorten TMIA's investigation of the issue. However, you have refused to permit TMIA to participate or observe Mr. Stier's interviews which apparently have already begun. Given that fact, TMIA will need additional time to compile information about leak rate testing at Unit 2.

Additionally, GPU has not provided those documents which you have indicated will be made available relating to falsification of leak rate data at TMI-1 and TMI-2. In your letter of October 11, 1984, you indicated that you did not expect production to occur within the next two weeks. I find that difficult to understand given the fact that Mr. Stier is presently conducting interviews on falsification of leak rate data at Unit 2 and GPU has already completed its investigation into falsification of leak rate data at Unit 1. It appears that GPU should be ready at the present time to produce, at a minimum, those documents which it has provided to Mr. Stier for his investigations.

Given the fact that you have not produced documents as requested in my letter of October 8, 1984, pursuant to the Board's Order directing "informal voluntary discovery," and given that GPU has refused to permit a TMIA representative to attend Mr. Stier's interviews, TMIA's investigation into falsification of leak rates at both Unit 1 and Unit 2 is at a preliminary stage. Therefore, I am unable at this time to give

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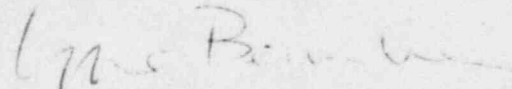
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you any estimate as to the time by which TMIA will be prepared to answer the questions you posed in your letter of October 9, 1984. In addition, it appears unfair to burden any other party with discovery of the type you have proposed prior to any release by GPU of any data. As you know, it is my position that GPU has within its control the great mass of information concerning both issues and discovery against GPU should normally precede discovery against the other parties, including TMIA.

I am filing today a motion with the Board requesting formal discovery on the issue of leak rate falsification at Unit 2, given the fact that GPU has refused to permit TMIA to participate in or observe Mr. Stier's interviews. I anticipate that GPU will make available documents relevant to leak rate falsification at both units shortly, and I will not be compelled to make a similar motion regarding these documents.

Sincerely yours,



Lynne Bernabei

cc: Service List

LB:jl