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WRITERS DIRECT DIAL NUMBER

822-1026

March 14, 1984

Ms. Joanne Doroshow
Three Mile Island Alert, Inc.
315 Feffer Street
Harrisburg, PA 17102

Re: TMI-1 Steam Generator Repair Proceeding
ASLBP Docket No. 83-491-04 OLA
NRC Docket No. 50-289

Dear Ms. Doroshow:

In view of the allegations in your letter of February 20, 1984, of harassment by our associate, Mr. Washington, I have inquired carefully into the matter both of Mr. Churchill and Mr. Washington. A copy of Mr. Washington's memorandum to me detailing his contacts with Ms. Bradford on February 17, 1984, is enclosed. I am satisfied as to the accuracy of his account. I am also satisfied that his conscientious efforts to arrange to obtain documents which had both been promised by you and ordered by the Licensing Board to be available for pickup on February 17 did not in any sense amount to harassment. Mr. Washington is in fact, in my observation, a polite, well mannered individual against whom charges of personal abuse are peculiarly inappropriate.

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PDR ADOCK 05000289
PDR
Q

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SHAW, PITTMAN, POTTS & TROWBRIDGE

A PARTNERSHIP OF PROFESSIONAL CORPORATIONS

Ms. Joanne Doroshow

March 14, 1984

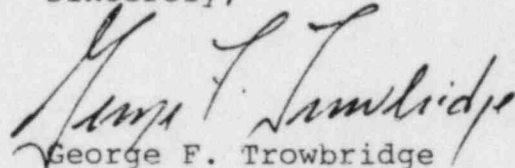
Page Two

I feel it necessary also to correct two of the premises which underlie your February 20 letter. First, you assert that TMIA had no obligation to provide hand-delivered copies of your interrogatory responses and that TMIA agreed solely in a spirit of cooperation to permit Licensee's representative to pick up the responses directly from Ms. Bradford. On the contrary, in keeping with your commitments during the conference call with the Licensing Board on January 30, 1984, the Board specifically ordered you in its Memorandum of February 1, 1984, memorializing the conference call, to "notify Mr. Churchill as to the time and place these submissions can be picked up on February 17th."

Second, you represent that the Board had ordered an extension of time until February 17 for your responses to both Licensee's second and third interrogatory requests. In fact, TMIA's response to the third set of interrogatories was due on February 13, 1984. TMIA never requested an extension of time to respond to this set of interrogatories, and no such extension was ordered by the Board. If Ms. Bradford had difficulty in getting out interrogatory responses in a timely manner on February 17, it was due at least in part to TMIA's failure to get one of the responses out of the way when it was due.

I am filing a copy of this letter and its attachment with the Licensing Board. Since the extensive list of distributees of your February 20 letter did not include the Board, I am also sending to the Board a copy of your letter.

Sincerely,


George F. Trowbridge

Enclosures

cc w/enclosures: Service List

M E M O R A N D U M

TO: George F. Trowbridge
FROM: Wilbert Washington II (WW)
RE: TMIA'S ALLEGATION OF HARASSMENT
DATE: March 13, 1984

Licensee filed its second and third sets of interrogatories to TMIA on January 12, and January 24, 1984, respectively. The due dates for TMIA's responses under NRC regulations were January 31 and February 13, 1984. TMIA subsequently filed a motion dated January 25, 1984, for extension of time until February 27, 1984, to file its response to Licensee's second set of interrogatories and to file its own second set of interrogatories to Licensee.^{1/} The Board held a conference call on January 30, 1984, during which oral argument was heard on TMIA's motion for extension of time. The Board's decision partially granting TMIA's motion was memorialized in its memorandum dated February 1, 1984. The Board ruled that TMIA should file its response to Licensee's second set of interrogatories and TMIA's second set of interrogatories by February 17, 1984,

1/ TMIA filed no motion to extend the time for response to Licensee's third set of interrogatories and the Board entered no extension of time for response to that discovery request.

Memorandum to George F. Trowbridge
March 13, 1984
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and that Ms. Doroshow should notify Licensee's counsel as to the time and place these submissions could be picked up on that date. This stipulation reflected Ms. Doroshow's promise before the parties to the January 30th conference call that she would contact Mr. Churchill to arrange for delivery of the documents in question to Licensee on February 17th in order that the documents could be factored into Licensee's motion for summary disposition due by February 24, 1984. Having heard nothing from TMIA by 3 p.m. on the 17th, Mr. Churchill instructed me to contact TMIA to arrange for delivery of the promised documents.

To the best of my recollection, these arrangements entailed a maximum of five telephone conversations between Ms. Bradford^{2/} and myself (none of which lasted more than two minutes). The first conversation took place at approximately 3:15 p.m., at which time I asked Ms. Bradford when she would be prepared to deliver the documents to Licensee. Ms. Bradford replied that she was still typing the documents and that she had no idea when the documents would be ready for delivery. She then acquiesced in my request to call again to ascertain

2/ I was unable to reach Ms. Doroshow at either her Washington or Harrisburg phone numbers.

Memorandum to George F. Trowbridge
March 13, 1984
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when she might know more precisely when the documents would be ready for delivery.

I called Ms. Bradford for the second time at approximately 5:30 p.m. I asked her how she was coming along with her typing and if she knew when the documents would be completed. I also inquired as to the nature of the documents to be delivered. Ms. Bradford was unable to say when the documents would be complete, but she did say that she hoped to finish them in time to Federal Express them to Shaw, Pittman. She also said that she was only typing TMIA's response to Licensee's second set of interrogatories and that she would not be able to deliver TMIA's second set of interrogatories on that date. I pointed out that it was unlikely that she would be able to complete her work in time to utilize Federal Express and that Licensee would arrange for a messenger to pick up TMIA's documents as soon as they were complete. I again asked Ms. Bradford if I might call later to check on her progress. Ms. Bradford had no objection.

Two hours later, around 7:30 p.m., I telephoned Ms. Bradford for the third time to ascertain whether the documents were ready for delivery yet. I also called to inform Ms. Bradford that Judy Burgess, our emissary from TMI, was standing

Memorandum to George F. Trowbridge
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by to pick up the documents as soon as they were ready. Ms. Bradford informed me that she intended to prepare and deliver TMIA's response to Licensee's third set of interrogatories, along with TMIA's response to Licensee's second set of interrogatories, but that she was still unsure when either of these documents would be ready for delivery. I asked Ms. Bradford to contact myself or Judy Burgess as soon as she had a better idea when the documents would be prepared so that final delivery arrangements could be completed. Ms. Bradford agreed to do so.

I called Ms. Bradford for the fourth time sometime after 9 p.m. Ms. Bradford informed me that it might be very late before the documents were ready and that she would arrange to ship them to Washington by bus, which she anticipated would arrive in Washington around 10 a.m. on February 18th. I responded that we would prefer to have our messenger retrieve the documents as soon as they were prepared. I then asked Ms. Bradford if it would be possible for her to simply make TMIA's response to Licensee's second set of interrogatories available before she went on to prepare TMIA's response to Licensee's third set of interrogatories. Ms. Bradford did not favor my suggestion. I then implored Ms. Bradford to call our messenger

Memorandum to George F. Trowbridge
March 13, 1984
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as soon as the documents were ready, which Ms. Bradford agreed to do.

Finally, I called Ms. Bradford for the fifth time at 11:20 p.m. to request that she call our messenger the following morning because it became readily apparent that the documents would not be ready by midnight. Ms. Bradford then accused me of harassment and demanded that I stop calling her. I replied that I was sorry if she felt that I was in any way burdening her but that I merely wanted to be able to inform our messenger that she could go to sleep and that she could expect to hear from Ms. Bradford the following morning. Ms. Bradford agreed to call our messenger at her earliest convenience on the morning of the 18th. There were no further communications between myself and Ms. Bradford.

In conclusion, it should be noted that none of the communications lasted longer than two minutes. At no time did I even complain of the delay in having the documents ready. Each of the conversations was amiably conducted, save the final conversation when Ms. Bradford became antagonistic for the first time. Furthermore, Ms. Bradford was apparently aware of TMIA's duty to deliver the documents on the 17th and was in no way surprised by my attempts to expedite their delivery.

TMIA: THREE MILE ISLAND ALERT, INC.

315 Peffer St., Harrisburg, Penna. 17102 (717) 233-7897

February 20, 1984

Bruce Churchill, Esq.
Shaw, Pittman, Potts and Trowbridge
1800 M St. N.W.
Washington, D.C. 20036

Re: In the Matter of Metropolitan Edison Company
Docket No. 50-289 (Steam Generator Repairs)

Dear Mr. Churchill:

This letter concerns the harassing conduct of your associate, Mr. Washington, on February 17, 1984, in conjunction with TMIA's preparation of responses to Licensee's second and third set of interrogatories in the above-captioned case.

As you are aware, TMIA was ordered to have these responses finished by Friday, February 17. TMIA had no obligation to provide you with hand delivered copies of these responses, and had they been placed in the mail, you would have likely received these responses on Tuesday, February 21.

However, in a spirit of cooperation, we agreed to permit your representative to pick them up directly from Ms. Louise Bradford in Harrisburg, who was in charge of completing the interrogatory responses. At no time did we make any representation to you as to the time these responses would be ready.

Mr. Washington, who apparently was working on your behalf, represented to Ms. Bradford in the course of several phone calls that Licensee had an individual on call waiting for word from Ms. Bradford that the documents were ready for pick-up, who would then take them to the airport where an airplane was waiting in throbbing anticipation to whisk them down to Washington.

During the evening of the 17th, after having already responded to a number of Mr. Washington's phone calls, Ms. Bradford called your firm and left a message for Mr. Washington, in which she explained that due to the lateness of the hour she expected the documents to be ready, she would herself take responsibility for getting them to Washington by placing them on a bus late that night or very early the next morning so Licensee's attorneys would get them by 9 A.M. or so. Ms. Bradford's offer, which had required her to go out of her way to confirm these

arrangements, was made solely to avoid any inconvenience which may have been placed on any Licensee representative, due to the lateness of the hour which she anticipated completing these documents.

A few minutes later, Mr. Washington called back. He rejected Ms. Bradford's offer, stating again that a messenger was sitting waiting anxiously for these documents. Mr. Washington gave Ms. Bradford the phone number of this "waiting messenger," asking Ms. Bradford to call when the documents were complete.

During another phone call that night, Mr. Washington again asked if the documents were ready, and then requested Ms. Bradford to call when the first of two documents were ready so "they could begin working on that."

During another phone call that night, Mr. Washington again asked if they were "closer" to being ready. Ms. Bradford informed Mr. Washington that if he hadn't been calling her hour after hour, these documents may have been finished already, that she had made every effort to accomodate him, that she was doing the best she could and simply could not go any faster, and that as it stood, the documents would probably be a few hours late. By this time furious at the disruptive nature of these phone calls, she asked Mr. Washington to stop harassing her.

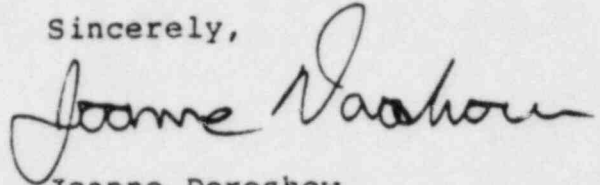
Finally, responses to both the second and third set of interrogatories were completed by 3 A.M. -- 3 hours late. Ms. Bradford, who could have then placed the documents on a bus as offered so they would have arrived early in the morning, waited to call the "waiting messenger" until the more reasonable hour of around 8 A.M. They were later picked up.

Since Mr. Washington appears new to this case, or at least in a position of low decision-making authority, he must have been instructed to behave in this manner by you, or he at least is accountable to you and to others in your firm for his conduct. Thus, we direct our complaint regarding the disturbing nature of his conduct to you.

In all the years of TMIA's involvement in this case, we have never before encountered this type of behavior. It obviously serves no purpose to behave in such a manner in your dealings with intervenors. We are attempting to pursue

this most technically difficult but enormously important case at best we can, with few resources and limited expertise, but such conduct by representatives of your firm only serves to further hamper our already severely burdened efforts. We trust it will not continue.

Sincerely,

A handwritten signature in cursive script, appearing to read "Joanne Doroshow".

Joanne Doroshow
Louise Bradford
TMIA Intervenors

cc: Hon. Richard Thornburgh
Hon. Arlen Specter
Hon. John Heinz
Hon. Morris K. Udall
Hon. Richard Ottinger
Hon. Edward Markey
Hon. Robert Walker
Hon. George Gekas
Hon. William Goodling
William Kuhns

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

Before the Atomic Safety and Licensing Board

In the Matter of)	
)	
METROPOLITAN EDISON COMPANY, <u>ET AL.</u>)	Docket No. 50-289-OLA
)	ASLBP 83-491-04-OLA
(Three Mile Island Nuclear)	(Steam Generator Repair)
Station, Unit No. 1))	

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