

GOVERNMENT ACCOUNTABILITY PROJECT

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OUT-IT ATT-40

October 8, 1984

OFFICE OF SECRETARY
DOCKETING & SERVICE
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Shaw, Pittman, Potts & Trowbridge
1800 M Street N.W.
Washington, D.C. 20036DOCKET NUMBER
PROD. & UTIL. FAC.

50-2895P

Dear Ernie:

As you requested I am placing in writing my requests for production or identification of documents which I believe GPU is obliged to honor.

First, both Mr. Moore and other witnesses identified during their depositions notes which Mr. Moore took on March 28 and March 29, 1979 in addition to those "Moore notes" which have already been produced. Among these are notes he took of interviews of operators Frederick and Faust during the early morning hours of March 29. I request at this time that these notes be produced.

Second, my review of the phone records produced pursuant to TMIA's First Set of Interrogatories and First Request for Production falls far short of a complete set of phone records. In fact the phone records which were produced indicate only about 12 calls were made on March 28, 1979. Please supplement the phone records, especially those produced for March 28. I understand that all these phone records were produced to the NRC in the course of its various investigations into the TMI-2 Accident. Perhaps by cross-referencing GPU's production to the NRC you could find the additional documents to be produced. If the documents are not produced, I will be forced to request the documents through a motion to compel or to seek discovery through the Staff.

Third, Mr. Lewis identified for me a document produced which contains a radiation check identified in response to TMIA Interrogatory No. 43. During the deposition of Mr. Mulleavey, it appeared that you would not stipulate to identification of that radiation check as the one noted in GPU's response to TMIA's First Set of Interrogatories. You agreed to supplement your answer to identify in a formal way the document on which the radiation check mentioned in response to Interrogatory No. 43 appears, as well as the author of the document, if known.

Fourth, GPU has produced a number of documents which appear to be official GPU documents and which we have marked for identification during the depositions. I hope that GPU will agree not to object on the grounds of authenticity or hearsay to introduction of these documents at the time of hearing, as long as their relevance to the matters at issue can be demonstrated. Included among these documents are control room logs; alarm and thermocouple readings; internal GPU memoranda or business records which indicate, inter alia, those persons on-site on March 28, March 29 and

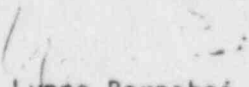
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March 30, 1979; Mr. Dieckamp's statements to the Pennsylvania PUC on March 28, 1979; and Mr. Lowe's calendar for March 28 through March 30, 1979. In addition, we may well wish to introduce the notes of various witnesses, including Mr. Moore's notes; Mr. Keaton's notes; or Mr. Lowe's notes. If you will object to their introduction on the grounds of hearsay or authenticity, we will need to establish they are business records through deposition or other means. Therefore, please contact me by October 9, 1984, as to your position on this issue. I hope that we can resolve this evidentiary matter outside time-consuming and unnecessary depositions.

Fifth, I would like to review the original notes of Mr. Keaton; Mr. Moore; and Mr. Broughton, which have become exhibits during the depositions. I would also like to review the original strip charts of the pressure spike, which I understand from Mr. Lewis are kept in a safe and available for inspection.

Finally, I wish to confirm the date by which you will supplement your responses to TMIA's First Set of Interrogatories and First Request for Production in accordance with your letter to me of September 24. I understood from you last week that you hope to supplement your answers by today, October 8, 1984. If this is incorrect and the supplemental responses will not be available until some time later, please inform me immediately.

Sincerely yours,


Lynne Bernabei

cc: Service List