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October 18, 1984

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Lynne Bernabei, Esq.
Government Accountability
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1555 Connecticut Avenue, N.W.
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Washington, D.C. 20036

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

Dear Lynne:

This will confirm my message to you yesterday that Mr. Lowe is available for deposition at 11:00 a.m. in Shaw, Pittman's offices on Friday, October 19, on the subjects discussed in yesterday's conference call with the Board Chairman. Please advise me as to the name of the officer before whom the deposition will be taken.

When we met the evening of October 16 to attempt to resolve discovery differences, you advised me that you do not now expect to file prepared written testimony of Dr. Gilinsky prior to the hearing. Rather, you expect to apply for a subpoena for Dr. Gilinsky to appear as a witness and that his testimony would first be available to the other parties when he appeared at the hearing. As I indicated to you, I am surprised by this approach and regard it as unusual for NRC proceedings in other than adverse witness situations. While Licensee had expected to forgo discovery related to Dr. Gilinsky in view of his late identification as a witness, that decision was based largely on our expectation that his testimony would be prefiled to allow some preparation time.

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Please advise me of TMIA's final position in this regard. If that position is as you outlined, I intend to raise promptly with the Board the propriety of this approach.

Sincerely,

Ernie

Ernest L. Blake, Jr.
Counsel for Licensee

cc: Service List