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October 18, 1984 ⁸⁴ OCT 19 P1:36

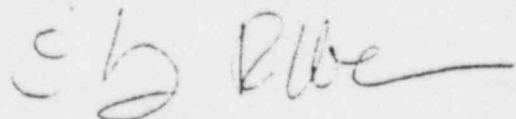
Ivan W. Smith, Chairman
Administrative Judge
Atomic Safety & Licensing Board
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Dear Mr. Smith,

During the conference call of October 17, 1984, concerning discovery disputes, you recalled that the parties reached agreement in 1981 on a protocol for exchanging documents that would be used as exhibits to a party's case in chief. I do not recall UCS' having been a party to such an agreement which would be consistent with the fact that we had completed our part of the earlier evidentiary hearings by then. In any case, I do not object to an agreement such as you described and I understand that our objection to GPU's request that we identify all documents to be used in cross-examination to have been resolved essentially by reference to that agreement. That is, we will identify documents constituting our case in chief but documents used for traditional cross-examination purposes need not be identified. Considering that GPU's motion to compel was late without excuse, I think that the 1981 agreement is effectively the only mechanism by which this could have been achieved.

My purpose in writing is to seek your affirmation that the 1981 agreement applies to all parties insofar as it requires identification of exhibits, and to suggest that you establish a date for the exchange of this information. I would suggest the same date that prefiled testimony is due.

Very truly yours,


Ellyn R. Weiss

cc: TMI-1 ASLB Service List

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