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April 13, 1983

Louis Clark, Esq.
Government Accountability Project
Institute for Policy Studies
1901 Q Street, N.W.
Washington, D.C. 20009RECEIVED
DOCKING & SERVICE
BRANCHLOOKING FOR
PROD. & SERVICE
50-329 04/01
50-330 04/01Re: Consumers Power Company
(Midland Plant, Units 1 and 2)

Dear Mr. Clark:

On April 6, 1983 I wrote to Lynne Bernabei concerning our intention to proceed with depositions of certain GAP employees in connection with the above-captioned matter. By return letter of April 11, Ms. Bernabei advised that I had directed my letter to the wrong person within the GAP bureaucracy, since you are "the attorney handling the subpoena matter," and that I should contact you directly. I assume that Ms. Bernabei did not bring my April 6 letter to your attention, and therefore have enclosed a copy herewith. I request that you call me after you have had an opportunity to review my April 6 letter so that we can discuss the matters I raised therein.

Since Ms. Bernabei, according to her letter, is "not handling the matter of the subpoenas" issued to the GAP employees, may we safely disregard opinions, such as reflected in the last sentence of her letter, expressed by her on the subject? I would appreciate prompt clarification of that matter so as to avoid confusion and miscommunication in the future.

Thank you in advance for your cooperation.

Very truly yours,


David M. Stahl
DMST:hr
Enclosure

cc: Service List

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PDR ADDCK 05000329
G PDR

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April 6, 1983

Lynne Bernabei, Esq.
Government Accountability Project
1301 Q Street, N.W.
Washington, D.C. 20009

Re: Consumers Power Company
(Midland Plant, Units 1 and 2)

Dear Lynne:

As I mentioned to you yesterday during our conversation, and again during the conference call with the Licensing Board and other parties, we now need to proceed with the depositions of Thomas Devine, Lewis Clark, Billie P. Garde and Lucy Halberg (the "GAP Depositions") pursuant to the Subpoenas issued by the Board in its Order dated July 3, 1982. It is our understanding, based on the ruling of the Board during our conference call, that the scope of these depositions may extend to all presently-admitted Contentions. We would like to proceed with these depositions as soon as convenient after the hearings which are now scheduled for the weeks of April 25 and May 2, and I will be happy to discuss the details of scheduling with you or whoever else will be handling these depositions. We also would like to obtain the documents requested in the Schedule to the Subpoenas a reasonable time in advance of the depositions.

Further, as I mentioned yesterday, although Request No. 1 in the Schedule states that the name of the affiant and other information which would disclose the affiant's identity may be deleted from the requested statements and affidavits, I would like to discuss with you the possibility of reaching an agreement whereby the identity of those individuals can be disclosed, in order to permit us to depose those individuals if we determine that to be necessary. We would prefer to conclude such an agreement prior to the GAP Depositions since those

Lynne Bernabei, Esq.
April 6, 1983
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depositions will undoubtedly be expedited if we have the information. We are, however, willing to live with the constraints we imposed upon ourselves in our Application for Subpoena and the Schedule in this respect if we cannot reach agreement prior to the GAP Depositions. This is, however, a matter we do intend to pursue vigorously.

Please call me after you have had an opportunity to review this letter and formulate your position.

Very truly yours,

David H. Stahl

DMST:hr

cc: Atomic Safety and Licensing
Board
Service List