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March 8, 1983

MEMORANDUM FOR: James G. Keppler  
 Regional Administrator, Region III

FROM: Guy Cunningham, III  
 Executive Legal Director

SUBJECT: AFFIDAVITS SUPPLIED TO REGION III BY GAP

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As you know the Government Accountability Project furnished six affidavits to Region III in June 1982. I understand that initially it was believed that the allegations contained in those affidavits were to be investigated by the Office of Investigation. However, it has been brought to my attention that during a recent meeting in Region III it was determined that five of the affidavits would be referred to Region III. The sixth affidavit is being investigated by OIA.

Consumers Power Company's attorneys involved in the Midland proceeding have indicated that they wish to engage in discovery with respect to those affidavits but have voluntarily refrained from conducting any discovery at our request. Although they were initially told that OI would investigate these allegations they were recently advised that five affidavits will be referred to Region III for investigation. We are not certain now whether they will continue to voluntarily refrain from engaging in discovery.

All issues arising out of the December 6, 1979 Order modifying construction permits, except those involving quality assurance have been fully submitted to the Board. As you know, a hearing on the quality assurance issues is scheduled to begin on Tuesday, April 26, 1983.

Because these matters are of importance to the Board I wanted to bring them to your attention so that you can take whatever action you deem appropriate.

Original signed by  
 Guy H. Cunningham, III

Guy H. Cunningham, III  
 Executive Legal Director

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