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GOVERNMENT ACCOUNTABILITY PROJECT

1555 Connecticut Avenue, N.W., Suite 202
Washington, D.C. 20036

RELATED CORRESPONDENCE

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October 1, 1984

OFFICE OF SECRETARY
DOCKETING & SERVICE
BRANCH

H.M. Winegard, Esquire
Babcock & Wilcox
3315 Old Forest Road
P.O. Box 1260
Lynchburg, Virginia 24505-1260

DOCKET NUMBER
PROD. & UTIL. TAG

50-289 SP

Dear Mr. Winegard:

I only this weekend read your letter of September 25, 1984. It appears that Mr. Wilson has misrepresented the situation with regard to the outstanding Subpoena and Subpoena Duces Tecum served on you for Mr. John Flint, a B&W employee.

As I explained to your colleague Mr. Fisher over a week ago, we wish to depose and the Atomic Safety and Licensing Board has issued a subpoena for Mr. Flint's testimony concerning the Dieckamp mailgram issue currently pending before the Licensing Board. Mr. Fisher represented to me that Mr. Flint was in West Germany at the present time and he did not know whether or not he would return prior to the hearing. I requested that Mr. Fisher determine whether or not Mr. Flint would be in the United States prior to the scheduled start of the hearings on November 15, 1984. I expected last Monday to receive a call from Mr. Fisher with the information he had gathered as to Mr. Flint's availability for a deposition in the United States sometime prior to November 15, 1984.

I also checked with GPU counsel Mr. Blake regarding his willingness to hold Mr. Flint's deposition outside the scheduled discovery period, but prior to the scheduled date of hearing, if he (Flint) were not available earlier. Mr. Blake stated that he would consider this option.

At no time have I represented to any GPU attorney that the Subpoena and Subpoena Duces Tecum was withdrawn. In fact, I assume that it is still pending and a date will be decided upon if Mr. Flint is available in this country prior to November 15, 1984. At no time have I spoken to Mr. Wilson concerning the Subpoena. I have made no representations to any party or B&W attorney that the Subpoena is withdrawn.

Please contact me at your earliest opportunity. Otherwise I will be forced to seek enforcement of the Subpoena with the Licensing Board. Again, we only wish to depose Mr. Flint if he is in this country sometime prior to November 15, 1984. If he is not, and we have a representation from his attorneys on the record that he will not be available, we will

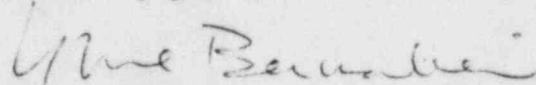
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not seek to depose him pursuant to the outstanding Subpoena.

Sincerely yours,

A handwritten signature in cursive script that reads "Lynne Bernabei". The signature is written in dark ink and is positioned above the printed name.

Lynne Bernabei

cc: Service List