

July 9, 1982

Peter B. Bloch, Esq., Chairman
Administrative Judge
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Mr. Frederick J. Shon
Administrative Judge
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Dr. Jerry R. Kline
Administrative Judge
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

In the Matter of
Cleveland Electric Illuminating Company, et al.,
(Perry Nuclear Power Plant, Units 1 and 2)
Docket Nos. 50-440 OL & 50-441 OL

Dear Administrative Judges:

We have received a July 6, 1982 motion by intervenor Sunflower Alliance, Inc., et al. to compel the Applicants to answer certain discovery requests. At present, the Staff does not intend to file a response to this motion.

As a general rule, the NRC Staff does not respond to discovery disputes which do not involve Staff discovery requests or responses. However, the Staff would reconsider this position if the Licensing Board should determine that this dispute between Sunflower and the Applicants requires it, in reaching the substance of Sunflower's claims, to define the scope of contentions admitted in this proceeding. If the Board allows Applicants to file an additional brief as they have requested, the Staff would also request an opportunity to file a responsive pleading.

Sincerely,

James H. Thessin
Counsel for NRC Staff

cc: See page 2

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Atomic Safety and Licensing Appeal Board
Docketing and Service Section

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