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October 22, 1982

Mr. Peter Anderson
Co-Director of Public Affairs
Wisconsin's Environmental Decade, Inc.
114 North Carroll Street
Suite 208
Madison, Wisconsin 53703

Re: Point Beach Nuclear Plant, Unit 1,
Docket No. 50-266 OLA2

Dear Mr. Anderson:

I received yesterday your letter of October 18, 1982 in which you request copies of certain documents which you claim are necessary for you to prepare your contentions in this proceeding. We will attempt to cooperate with you to the extent feasible, but I must remind you that we are in no way obligated to do so. Commission law is clear that non-parties are not entitled to discovery, and parties are not entitled to discovery until after contentions have been admitted. Further, case law clearly holds that Commission regulations contemplate the filing of contentions prior to the availability of material beyond that already on the public record. See, for example, Wisconsin Electric Power Company (Koshkonong Nuclear Plant, Units 1 and 2), CLI-74-45, 8 AEC 928, 929 (1974); Northern States Power Company (Prairie Island Nuclear Generating Plant, Units 1 and 2), ALAB-107, 6 AEC 188, 192, reconsid. den., ALAB-110, 6 AEC 247, aff'd, CLI-73-12, 6 AEC 241 (1973); BPI v. AEC, 502 F.2d 424, 428 (C.A.D.C. 1974).

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Mr. Peter Anderson

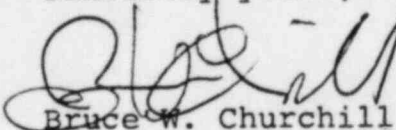
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October 22, 1982

Also, we note that you waited until October 18, 1982, to request the documents by mail, even though the Repair Report has been in your possession since last August. Considering the deadline of November 5, 1982 for your submission of contentions, you have not allowed much time for obtaining and usefully using the requested documents.

We are attempting to gather together those in our files and in Westinghouse's possession and, to the extent we are able, we will make them available for your inspection at the Wisconsin Electric offices. I would suggest you call Dave Porter directly at 414/277-2144 to find out which documents are available and to make arrangements to see them.

Sincerely yours,



Bruce W. Churchill

cc: Service List attached

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

Before the Atomic Safety and Licensing Board

In the Matter of)
)
WISCONSIN ELECTRIC POWER COMPANY) Docket No. 50-266-OLA2
)
(Point Beach Nuclear Plant,)
Unit 1))

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