

10/15/82

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of

CLEVELAND ELECTRIC ILLUMINATING
COMPANY, ET AL.

(Perry Nuclear Power Plant,
Units 1 and 2)

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Docket No. 50-440 OL
50-441 OL

NRC STAFF'S ANSWER TO MOTION OF
SUNFLOWER ALLIANCE INC. TO EXTEND
TIME TO FILE MOTION TO COMPEL DISCOVERY OF STAFF

I. INTRODUCTION

On September 28, 1982 Sunflower Alliance, Inc. (Sunflower) moved the Licensing Board for an Order granting Sunflower an additional five days to file a motion to compel discovery against the NRC Staff on the ground "that Counsel for Sunflower Alliance, Inc. has been pressed with other business and personal illness." For the reasons discussed below the Staff objects to the granting of Sunflower's motion.

II. DISCUSSION

Although Sunflower requests an additional five days to file a motion to compel discovery against the Staff,^{1/} it neither identifies the discovery requests as to which it will seek to compel a Staff response nor specifies the date by which its motion will be filed if

1/ The provisions of 10 CFR 2.740(f) of the Rules of Practice relating to motions to compel discovery do not apply to discovery against the Staff. 10 CFR 2.740(f)(3).

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its request is granted. In short, Sunflower seeks what appears to be unlimited approval to request at an indeterminate time to have the Board compel the Staff to respond to unidentified discovery requests of Sunflower. No basis for such an unlimited request has been provided and, for that reason alone, the motion should be denied.

III. CONCLUSION

Sunflower's motion for an extension of time to file a motion to compel discovery against the Staff must be denied.

Respectfully submitted,




James M. Cutchin, IV
Counsel for NRC Staff

Dated at Bethesda, Maryland
this 15th day of October, 1982

*Atomic Safety and Licensing Board Panel
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