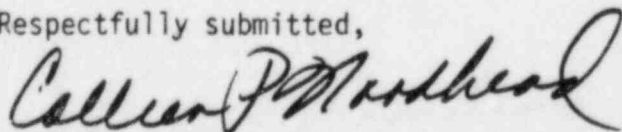


substance of their testimony, and when a previous response, though correct when made, is no longer true and a failure to amend is in substance a knowing concealment. 10 CFR § 2.740(e)(1) and (2). Staff believes the new information recently provided by Applicants, and described by OCRE as a basis for reopening discovery, is information provided by Applicants pursuant to § 2.740(e) as a supplemental response to earlier discovery. In the Staff's view, the substance of that information does not provide good cause for reopening of discovery. Indeed, OCRE has not even attempted to explain why the substance of the new information warrants reopening discovery. Nevertheless, by response dated August 14, 1984, Applicants have advised the Board that they agree to OCRE's request that Applicants provide copies of submittals to NRC on issue #8 to OCRE and that a meeting has been scheduled with the OCRE representative to discuss the interrogatories attached to the OCRE motion and OCRE's discovery needs. For these reasons, Staff believes that a formal reopening of discovery is not justified at this time.

III. CONCLUSION

For the reasons stated, the Staff believes that OCRE's motion for reopening discovery on Issue #8 should be denied in light of the Applicants' duty to supplement responses to discovery requests provided by the Commission's rules of practice, and Applicants' voluntary discussions with OCRE concerning discovery requests.

Respectfully submitted,



Colleen P. Woodhead
Counsel for NRC Staff

Dated at Bethesda, Maryland
this 20th day of August, 1984

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)

Docket No. 50-440 OL
50-441 OL

COLLECTED
USNRC
'84 AUG 23 P4:56

CERTIFICATE OF SERVICE

I hereby certify that copies of "NRC STAFF RESPONSE TO OCRE MOTION TO REOPEN DISCOVERY ON ISSUE #8" in the above-captioned proceeding have been served on the following by deposit in the United States mail, first class, or, as indicated by an asterisk, by deposit in the Nuclear Regulatory Commission's internal mail system, this 20th day of August, 1984:

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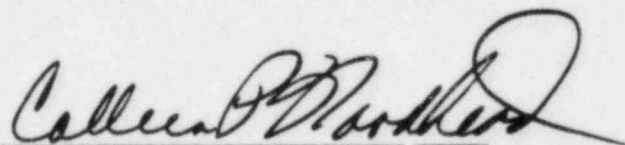
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A handwritten signature in black ink, appearing to read "Colleen P. Woodhead". The signature is fluid and cursive, with a large loop at the end.

Colleen P. Woodhead
Counsel for NRC Staff