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July 19, 1982

Peter B. Bloch, Esquire
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Mr. Frederick J. Shon
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U. S. Nuclear Regulatory Commission
Washington, D. C. 20555

Re: Cleveland Electric Illuminating Company, et al.
(Perry Nuclear Power Plant, Units 1 and 2)
Docket Nos. 50-440 OL and 50-441 OL

Gentlemen:

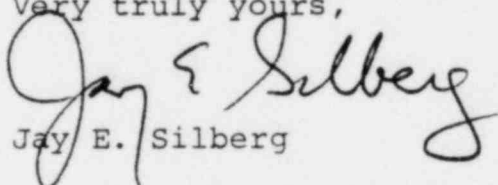
In accordance with the Chairman's direction, counsel for Sunflower Alliance, Inc., et al. filed with the Board and the parties his notes of the July 13, 1982 conference call concerning Sunflower's June 21, 1982 Motion to Compel. The Chairman also stated that other parties could submit

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corrections to Sunflower's notes. Applicants offer the following corrections and additions:

1. The purpose of the conference call was to discuss Applicants' July 6, 1982 answer to Sunflower's Motion to Compel; Applicants did not file a motion to dismiss Sunflower's motion.
2. During the course of the conference call, the Chairman stated that Sunflower had violated the Commission's rule requiring that a motion to compel be made within 10 days after the date of the response. The Chairman observed that the Board had discretion on what sanctions, if any, should be imposed for such a violation. In this case, the Board felt that no sanctions were appropriate, but cautioned parties on the need to meet their time obligations.
3. Although the conference call did not explicitly discuss it, the 10 day regulatory time period for filing motions to compel presumably would have added to it the 5 day regulatory time period for service of documents by mail (10 CFR §2.710).

Very truly yours,


Jay E. Silberg

JES/rf

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UNITED STATES OF AMERICA

NUCLEAR REGULATORY COMMISSION

Before the Atomic Safety and Licensing Board

In the Matter of)	
)	
THE CLEVELAND ELECTRIC)	Docket Nos. 50-440
ILLUMINATING COMPANY, <u>et al.</u>)	50-441
)	
(Perry Nuclear Power Plant,)	
Units 1 and 2)	

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