



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D. C. 20555

May 13, 1981

David Springer, Esq.
Counsel for Intervenors
The Point Farm
Route 4
Mocksville, North Carolina 27028



In the Matter of
Duke Power Company
(Perkins Nuclear Station, Units 1, 2 and 3)
Docket Nos. STN 50-488, 50-489 and 50-490

Dear Mr. Springer:

You inquired of Mr. Rosenthal, Chairman of the Appeal Board in this proceeding, by letters dated April 11 and 25, 1981, as to NRC standards regarding disclosing material matters in an administrative proceeding. The Appeal Board's Secretary has referred your letters to me as members of the Appeal Board are not permitted to advise a party in regard to substantive matters in a pending proceeding, 10 C.F.R. §2.780(a)(2). The Appeal Board has set forth standards for disclosure of material matters in Duke Power Company (Catawba Nuclear Station, Units 1 and 2) ALAB-355, 4 NRC 397 at 406 footnote 26 (1976). For your convenience, I am including a copy of that footnote.

Sincerely,

Charles A. Barth
Counsel for NRC Staff

Enclosures:

1. Ltr dated 4/11/81 from D. Springer to A. Rosenthal.
2. Ltr dated 4/25/81 from D. Springer to A. Rosenthal.
3. Ltr dated 5/4/81 from C. Bishop to D. Springer.
4. Ltr dated 4/20/81 from C. Bishop to D. Springer.
5. ALAB-355 (footnote 26).

cc: Service List

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