

HUNTON & WILLIAMS

1919 PENNSYLVANIA AVENUE, N.W.

P. O. Box 19230

WASHINGTON, D.C. 20036

TELEPHONE 202-223-8650

707 EAST MAIN STREET
P. O. BOX 1535
RICHMOND, VIRGINIA 23212
804-788-8200

101 ST. PAUL'S BOULEVARD
P. O. BOX 3889
NORFOLK, VIRGINIA 23514
804-625-5501

88 & T BUILDING
P. O. BOX 109
RALEIGH, NORTH CAROLINA 27602
919-828-9371

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To: Industry Petitioners in the Section 120 Litigation

Response to EPA's June 16, 1982
Letter to the D.C. Circuit

Ladies and Gentlemen:

On June 16, 1982, EPA sent a letter to the Clerk of the D.C. Circuit, seeking to clarify three of the points EPA made during oral argument of the procedural issues and the TVA and Duquesne Light SIP issues. I am enclosing a copy of that letter. (Although the letter states and Chris Herman swears that copies of the letter were sent to all counsel of record, I do not know of any petitioner who received a copy of the letter before today. I have notified Judy Norris that, as far as I know, no industry petitioners were timely served with copies of the letter.)

On June 30, 1982, in response to EPA's June 16 letter, the Court, sua sponte, issued an order asking EPA to respond by July 5 to the following questions:

1. Do the positions in EPA's June 16, 1982 letter differ in any respects from the positions taken by the Agency during oral argument?
2. If so, how do they differ and why?

Industry then has until July 15, 1982, to respond to EPA's June 16 letter and any July 5 filing. The Clerk of the Court has mailed copies of that order to all counsel of record.

So that we can file a joint response by July 15, it is important that each of you promptly review and, if appropriate, prepare responses to EPA's June 16 letter and the July 5 filing. I will assume that Squire, Sanders & Dempsey will take the lead in responding to point 1 of the June 16 letter and that Reed Smith Shaw & McClay and TVA will take the lead in addressing points 2 and 3 of that letter.

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