

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

September 7, 1982

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 Nos. 50-440  
50-441  
(Operating License)

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DOCKETING & SERVICE  
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OCRE'S PROPOSED SCHEDULE FOR  
EVIDENTIARY HEARINGS AND RELATED MATTERS

Pursuant to the Licensing Board's ruling during the August 13, 1982 conference call, Ohio Citizens for Responsible Energy ("OCRE") hereby submits its proposed schedules for evidentiary hearings, motions for litigable issues concerning Issue #3, motions for summary disposition, and a possible last pre-hearing conference. OCRE would note that this schedule is tentative and subject to change and is principally subject to the Commission's determination on OCRE's request for the suspension of the safety-related portions of this proceeding pending the disposition of OCRE's Petition for Rulemaking on Electromagnetic Pulse (PRM-50-32, 47 FR 27371, June 24, 1982).

During the August 13 conference call, Applicants suggested December 1, 1982 as a date for beginning hearings. OCRE believes this is unacceptable for the following reasons:

(a) Applicants and NRC Staff have taken several months to respond to discovery requests of intervenors. Since discovery will not close until September 30 and October 15, a December 1982 hearing date will not permit sufficient time

for parties to respond to discovery requests and appropriately evaluate these responses before the hearing. OCRE anticipates that substantial discovery has yet to be filed.

(b) Issue #6 cannot possibly be the subject of a December 1982 hearing. In their first supplement to the SER, the Staff states that Applicants have modified the PNPP SLCS design and that Applicants will not be able to supply details of the new design until December 1982 (Section 9.3.4 of SSER 1 of NUREG-0887). It is likely that similar contingencies will arise with respect to the other issues as well.

OCRE believes that there is no need to rush evidentiary hearings, especially since Applicants have requested an extension of the completion dates of PNPP (see Attachment 2 to "Ohio Citizens for Responsible Energy Motion for Leave to File its Contentions 21 through 26," dated August 18, 1982). OCRE therefore proposes the following schedule:

1. Evidentiary Hearings: tentatively to begin in May 1983.

Since the length of the hearings is dependent on the number of issues considered, the number of witnesses called, and the extent of cross-examination of witnesses, it is not possible at this time to be more specific concerning a hearing schedule. OCRE suggests that it is preferable to wait at least until all answers to discovery have been filed before considering a hearing schedule in more detail.

2. Last Pre-Hearing Conference: 10 CFR 2.752 requires that the last pre-hearing conference be held within 60 days after the completion of discovery. OCRE interprets the completion of discovery

as the time at which all responses to discovery requests have been filed. Based on the reasons listed previously, OCRE would estimate early April 1983 as an approximate target date for this pre-hearing conference.

3. Motion for Litigable Issues on Issue #3: The Board has requested that parties set dates for submitting motions on litigable issues concerning the QA contention. Since this is to be based on information obtained during discovery, OCRE suggests that late March 1983 is an appropriate time to file such motions. Resolution of this matter can be pursued at the last pre-hearing conference.

Due to the nature of this issue, it is likely that additional QA concerns will become known after the close of discovery. OCRE respectfully suggests that the Licensing Board set guidelines on how such circumstances are to be handled, e.g., whether a specific new contention should be filed, or whether discovery is to be re-opened on Issue #3 pertaining to the new concerns.

4. Motions for Summary Disposition: OCRE suggests that motions for summary disposition be filed no later than 15 days prior to the start of the evidentiary hearing.

Respectfully submitted,



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