

ORIGINAL

UNITED STATES
NUCLEAR REGULATORY COMMISSION

IN THE MATTER OF:

DOCKET NO: 50-440-OL
50-441-01

THE CLEVELAND ELECTRIC ILLUMINATING
COMPANY, et al.

(Perry Nuclear Power Plants,
Units 1 and 2)

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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION
BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

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In the Matter of: :
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THE CLEVELAND ELECTRIC ILLUMINATING : Docket No. 50-440-OL
6 COMPANY, et al. : 50-441-OL
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7 (Perry Nuclear Power Plants, :
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Wednesday, February 27, 1985

The telephone conference call in the above-entitled matter
commenced at 3:05 p.m.

BEFORE:

JUDGE JAMES P. GLEASON, Chairman
Atomic Safety and Licensing Board
U. S. Nuclear Regulatory Commission
Washington, D. C.

JUDGE GLENN O. BRIGHT, Member
Atomic Safety and Licensing Board
U. S. Nuclear Regulatory Commission
Washington, D. C.

JUDGE JERRY R. KLINE, Member
Atomic Safety and Licensing Board
U. S. Nuclear Regulatory Commission
Washington, D. C.

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APPEARANCES:

On behalf of the Applicant:

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On behalf of the Nuclear Regulatory
Commission Staff:

COLLEEN WOODHEAD, ESQ.
JACK KUDRICK, ESQ.
U. S. Nuclear Regulatory Commission
Washington, D. C.

On behalf of the Intervenor, Ohio
Citizens for Responsible Energy:

SUSAN HYATT, ESQ.

On behalf of Sunflower Fuel Alliance:

TERRY LODGE, ESQ.

P R O C E E D I N G S

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JUDGE GLEASON: This is a prehearing telephone conference involving the litigation concerning the Perry Nuclear Power Plant. I think it would be appropriate for the parties to identify themselves for the record at this time, and let's go in the order we have used before: the Applicant, the Staff, and OCRE rerepresentative, and then the Sunflower representative, please.

MR. GLASSPIEGEL: This is Harry Glasspiegel of the law firm Shaw, Pittman, Potts & Trowbridge for the Applicant.

MS. WOODHEAD: This is Colleen Woodhead, counsel for NRC Staff.

MS. HYATT: Susan Hyatt, representing Ohio Citizens for Responsible Energy.

JUDGE GLEASON: All right. I hadn't realized before this that Mr. Lodge was not going to be present, because I did have a matter I wanted to discuss, a preliminary matter involving him. We will see if he joins us now. Just hold it until that time.

There is another matter. Ms. Hyatt, you had requested a telephone conversation with Judge Kline, some extension of time for a response to summary disposition motion on the 16th.

MS. HYATT: That is correct.

1 JUDGE GLEASON: What time were you asking for?

2 MS. HYATT: Well, it is in the mail already
3 today.

4 JUDGE GLEASON: What is the reason for the delay
5 that you requested?

6 MS. HYATT: The response entailed a study of a
7 very large number of documents, many of which were only
8 obtained this month of Applicant's, such as the design
9 review quality revalidation report, which was four volumes
10 long. Just a week ago Tuesday I received the results of
11 inspections of the engines at the plant. This is all new
12 information. It is quite voluminous, and is quite a
13 massive undertaking to study all of this and write up a
14 response.

15 JUDGE GLEASON: Does Applicant have any comment
16 on this request?

17 MR. GLASSPIEGEL: Mr. Chairman, Ms. Hyatt had
18 spoken with Mr. Silberg last week and then with me more
19 recently. We did indicate that we could not agree to an
20 extension because it, from our standpoint, it simply cuts
21 into the Board's time under the schedule, the memorandum
22 and order dated February 11, 1985.

23 MS. WOODHEAD: I spoke to Ms. Hyatt and
24 indicated the Staff had no objection to the two days she
25 asked.

1 JUDGE GLEASON: Let us get back to this a little
2 bit later in this conference. If I forget it, please
3 remind me, Mrs. Hyatt. I would like to bring it up again
4 and discuss it with Mr. Lodge's request if he is present
5 at that time.

6 There are several issues that the Board would like to
7 get discussed which involve motions pending before the
8 Board.

9 The first is the status of the hydrogen control system
10 at Perry as far as that system is complying or is in
11 compliance or not in compliance with the pending licensing,
12 which I think is number 5.

13 Secondly, interpretive comments involving the
14 application of the new hydrogen rules to that status and
15 issue 8. Particularly comments, I might say, from the
16 Staff. I had a telephone conversation yesterday with Mrs.
17 Woodhead after reviewing what was SER 5, which was issued
18 yesterday, in which there was no change in the license
19 position, and advised her that we wanted to discuss this
20 matter today.

21 Perhaps on that issue we ought to really start with her,
22 and I might say that I asked Mrs. Woodhead to supply the
23 Board with the responses she was in the process of
24 preparing at that time dealing with the request and motion
25 by Mrs. Hyatt to allow some response to Applicant's recent

1 comments on her motion, to reword or in the alternative,
2 to strike Applicant's comments.

3 All I am saying is, I asked Mrs. Woodhead to supply us
4 with that memo if she could get it cleared and she has and
5 we do have that in hand.

6 Would you want to proceed, Mrs. Woodhead?

7 MS. WOODHEAD: Yes, Judge Gleason, could I ask
8 you if you received also a letter from me enclosing recent
9 NRC CEI correspondence?

10 JUDGE GLEASON: No, I have not.

11 MS. WOODHEAD: You should have gotten it
12 yesterday.

13 JUDGE GLEASON: None of the Board members have
14 received it.

15 MS. WOODHEAD: All right. I can't account for
16 that.

17 Well, the parties were served by the Staff anyway. It
18 doesn't indicate that they were served by the Applicant.

19 I will just summarize the contents of this
20 correspondence.

21 JUDGE GLEASON: Please do.

22 MS. WOODHEAD: The Applicant wrote to the Staff
23 on February 5 asking for a definition of or description of
24 what information was necessary concerning the hydrogen
25 control system at this time. The Staff wrote back and

1 described what we will require for our review of a
2 preliminary analysis.

3 JUDGE GLEASON: Mrs. Woodhead, if I might
4 interrupt. This, I presume, was in light of the passage
5 of the new rule?

6 MS. WOODHEAD: Correct.

7 JUDGE GLEASON: Go ahead.

8 MS. WOODHEAD: And I cannot -- as a matter of
9 fact, I sent this to you on Monday -- no, I sent it to you
10 yesterday.

11 Well, I tried to get it to you before the pleading
12 today even.

13 In any event, it does set out for the Applicant what
14 the Staff will require in terms of a preliminary analysis
15 of their hydrogen control system and containment integrity,
16 et cetera.

17 Since you asked me informally to make inquiries
18 yesterday, I have inquired as to the receipt, if any, or
19 the intended receipt of this information from CEI, and
20 Mr. Glasspiegel can correct me if I am wrong, but they
21 will have the information the Staff has described as
22 necessary to the Staff either this Friday or Monday, March
23 4.

24 It is Staff's intention to provide our evaluation of
25 their information in the next SER, which would be number 6,

1 which is due for issuance in April. So at that point we
2 will have the information in house and evaluation out by
3 the Staff. Let me see if I missed any of your questions.

4 Is that as much information as you need from me right
5 now?

6 JUDGE GLEASON: Just hold with me a minute.

7 MS. WOODHEAD: All right.

8 (Pause.)

9 JUDGE GLEASON: I guess there is a question that
10 is fairly obvious to me: What is the impact of what you
11 have requested of the Applicant and your own evaluation on
12 the schedule, that presumably was being followed as a
13 result of the Staff requirement, to have an upgraded
14 hydrogen control system in the past year and a half. Is
15 my question clear?

16 MS. WOODHEAD: Is your question to me?

17 JUDGE GLEASON: Yes.

18 MS. WOODHEAD: I am not sure that I can answer
19 that. You are right that that CEI was installing a
20 hydrogen control system in preparation for this new rule.

21 JUDGE GLEASON: Wasn't there an approved
22 schedule for having that in effect and having the analysis
23 and verification for the system done?

24 MS. WOODHEAD: Not that I know of. You mean a
25 Staff schedule for its evaluation?

1 JUDGE GLEASON: That is right.

2 MS. WOODHEAD: Not that I know of.

3 The rule requires the information to be in and
4 evaluated and accepted --

5 JUDGE GLEASON: I am not talking about the rule.

6 MS. WOODHEAD: -- but because the proposed rule
7 had the same requirements for having the information
8 evaluated and accepted before going to full power, that is
9 the manner in which Staff approached it in past cases
10 before the rule was issued. But as far as having any
11 in-house schedule for receipt and evaluation of this
12 information, I am not aware of any.

13 JUDGE GLEASON: What is Mr. Kudrick's
14 responsibility?

15 MS. WOODHEAD: He is a section leader in the
16 containment systems branch. His branch does part of the
17 review of the hydrogen control information.

18 JUDGE GLEASON: Mr. Kudrick, were you aware of
19 any schedule that the Applicant was required to comply
20 with in responding to the conditions that were put on the
21 license?

22 MR. KUDRICK: Nothing over and above what
23 Mrs. Woodhead has already stated.

24 JUDGE GLEASON: Just hold a minute, please.

25 (Pause.)

1 JUDGE GLEASON: We are back with you now.

2 MS. WOODHEAD: Judge Gleason, Mr. Lodge has come
3 on the line.

4 JUDGE GLEASON: All right. Fine. It is
5 unfortunate we don't have that paper you referred to,
6 Mrs. Woodhead.

7 MS. WOODHEAD: Do you suppose the secretary
8 could find it in the mailroom? I can't believe it is not
9 there somewhere.

10 JUDGE GLEASON: We will have somebody take a
11 look for us.

12 MS. WOODHEAD: If it would help, the Staff's
13 letter describing the information necessary is not so long
14 that it would be burdensome for me to read. I don't think
15 it would take too much time.

16 JUDGE GLEASON: I am not sure that is the best
17 way of handling it as far as we are concerned. Just hold
18 a minute.

19 MS. WOODHEAD: All right.

20 (Pause.)

21 JUDGE GLEASON: We are unable to locate the
22 materials. We just can't move without it.

23 MS. WOODHEAD: It is a short paragraph that
24 describes the information.

25 JUDGE GLEASON: Go ahead and read it.

1 MS. WOODHEAD: The plant-specific information to
2 be provided prior to Unit 1 licensing is to include: (A)
3 a detailed description of the igniter system to be
4 installed, (B) an analysis of containment pressure
5 capacity and containment thermodynamic response to
6 hydrogen combustion scenarios and, (C) a comparison of
7 significant Perry design features with the Grand Gulf
8 nuclear station design previously accepted by the Staff to
9 demonstrate that Perry Unit 1 will be safe to operate up
10 to 100 percent of rated thermal or full power.

11 In addition, the amended rule requires that the
12 hydrogen igniter system be installed and operated prior to
13 reactor operation in excess of 5 percent power.

14 MR. GLASSPIEGEL: Colleen, could you read the
15 last paragraph since it is short also.

16 JUDGE GLEASON: Read that last sentence again,
17 if you will.

18 MS. WOODHEAD: All right.

19 The last sentence of the first paragraph states: In
20 addition, the amended rule requires that the hydrogen
21 igniter system be installed and operated prior to reactor
22 operation in excess of 5 percent power.

23 If you would like for me to, Judge Gleason, I will read
24 the last paragraph.

25 "The Staff has reviewed the scope of the information

1 described in your letter" -- this is CEI's letter, and it
2 is an attachment -- "and finds it acceptable for
3 determining compliance with the hydrogen control
4 requirements pending an evaluation of the final analysis
5 to be furnished by CEI subsequent to Unit 1 licensing.
6 This final analysis will be predicated on the results of
7 the ongoing hydrogen control group generic program
8 analytical and test activity. It is requested that Perry
9 hydrogen control design information be furnished no later
10 than February 28, 1985. These reports are currently
11 projected June, 1985 fuel load date and schedule for
12 operations above 5 percent of full power for Unit 1."

13 Is that helpful to the Board?

14 JUDGE GLEASON: Well, it is helpful to us to
15 understand what the Staff's contention is. It is clear
16 that there will be no preliminary analysis provided prior
17 to low power testing. Is that --

18 MS. WOODHEAD: Just to the contrary. The
19 preliminary analysis is the information CEI is going to
20 provide by March 4. That is a preliminary analysis.

21 JUDGE GLEASON: I see.

22 MS. WOODHEAD: That is required by the rule.

23 JUDGE GLEASON: Evaluation of that will not be
24 until SER 6 comes along?

25 MS. WOODHEAD: That is correct.

1 I guess we better get -- Mrs. Hyatt, I don't want to
2 close off any discussion from your point of view. Did you
3 have any comments you wanted to make at this point?

4 MS. HYATT: Yes, sir. As far as the scope of
5 the preliminary analysis described in the Staff's
6 correspondence, we have grave reservations about the
7 adequacy of any comparisons with Grand Gulf as a basis for
8 licensing.

9 It is our understanding -- first of all, Grand Gulf was
10 an uncontested proceeding. Secondly, we understand that
11 there were significant deviations from the normal
12 regulatory process in the licensing of Grand Gulf, the
13 legality of which is being litigated now before the Board
14 of Appeals. So I don't think that saying this is so much
15 like Grand Gulf, that it is safe like Grand Gulf, is any
16 kind of basis for a Board decision.

17 We would stand by the analysis which we gave in my
18 brief, the reply brief, OCRE reply. This discussed
19 scheduling matters, the scope of what a preliminary
20 analysis would entail. We believe that it is very similar
21 in scope to the final analysis, but perhaps lacking in
22 some of the details which would not be available until
23 testing and experiments have been completed. We think
24 that it should encompass all of the areas outlined in the
25 rules, including, not only containment integrity, but also

1 equipment survivability as much as can be addressed at
2 this time, including the appropriateness of the
3 methodology in the tests which are being conducted by the
4 hydrogen control owners group.

5 JUDGE GLEASON: All right. Let me switch gears
6 just a minute. I don't think -- I think that probably
7 there has been enough discussion of where the hydrogen
8 control system analysis stands for the moment.

9 I would like to have further discussion with respect to
10 the interpretive application of the rules to this issue.
11 It seems to me that there are two matters for the Board to
12 resolve. The first is that, assuming an otherwise valid
13 contention on issue 8 involving the Perry hydrogen control
14 system, does the new rule prohibit or limit litigation of
15 it?

16 The second issue facing the Board is, if the new rule
17 does not prohibit litigation of issue 8, then does OCRE's
18 motion for rewording that issue have to meet a new
19 contention standard? If so, does it?

20 So those are the two issues.

21 The second issue, I think there has been enough
22 discussion from the parties, at least you have all had an
23 opportunity to respond to it. The first issue, we really
24 have the views and if we accept the motion that OCRE has
25 made, we will have the views of OCRE plus the Applicant.

1 We don't have anything from the Staff on that issue.

2 I guess I would like you, Mrs. Woodhead, to kind of
3 take off on that issue, if you can, realizing, of course,
4 you do have a motion for summary disposition of the issue.
5 That obviously is intertwined in our handling of these
6 other issues. Because whatever we do, we can be sure that
7 we are going to resolve them all at once in the same kind
8 of Board ruling.

9 What do you consider the applicability of the rule is
10 to this issue, assuming a viable issue?

11 MS. WOODHEAD: I guess I will have to start with
12 the issue as it is now and say clearly it should be
13 disposed because it doesn't raise an issue. I don't see
14 that the present issue is --

15 JUDGE GLEASON: Let's assume the Board does not
16 approve of your motion and concludes there is an otherwise
17 viable contention, all right? Does the new rule prohibit
18 or limit litigation of it?

19 MS. WOODHEAD: No, not at all. Not in my view.

20 The only unusual feature -- perhaps it is not so
21 unusual, Mr. Kudrick could probably tell me, but it seems
22 to me a bit unusual that the rule is not, need not be
23 complied with until licensees wish to go above 5 percent
24 power. However, I see nothing in the rule itself, in the
25 content of the rule, that prohibits litigation of

1 compliance with the rule.

2 JUDGE GLEASON: All right. Nothing in the time
3 restriction that would inhibit it, particularly in light
4 of what you said about preliminary analysis?

5 MS. WOODHEAD: Not in my view.

6 JUDGE GLEASON: All right. Just hold a few
7 minutes, please.

8 (Pause.)

9 JUDGE GLEASON: Does the Applicant want to
10 respond?

11 MR. GLASSPIEGEL: Yes. Our basic position is
12 set out in the February 6, 1985 filing. I don't want to
13 burden the Board with too much restatement. I don't
14 understand Ms. Woodhead's response in that it is clear
15 under the rules that there are limitations to what could
16 be litigated in the context of a proceeding like ours and
17 that those limitations are described in section 7(b) of
18 C34(a) of that rule. And that, for example, Applicants
19 would not be under any obligation to comply with a final
20 analysis requirement of the rule prior to receiving 5'
21 percent power. I am sure that Ms. Woodhead agrees with
22 that position. In that sense, there is a limitation to
23 litigation as I understand you have asked about it.

24 JUDGE GLEASON: Well, I asked about it. But I
25 think she already agrees with you on that point.

1 MS. WOODHEAD: Yes. That is right. The
2 confirmatory analysis certainly is not required.

3 MR. GLASSPIEGEL: It is clear from Ms. Hyatt's
4 remarks today and in her filings that her construction of
5 this rule, although she doesn't have a contention admitted
6 yet, is that she would be free to litigate all aspects of
7 the rule. All I am repeating is the position that we
8 filed. That is, that that is clearly not our reading of
9 the rule. I don't understand it to be the Staff's reading
10 either.

11 JUDGE GLEASON: I guess then, I should ask you
12 more directly: Do you consider that the rule prohibits
13 the the litigation of this issue, assuming that she can
14 meet the test of rewording or whatever that test may be?
15 Mr. Glasspiegel, do you understand the question?

16 MR. GLASSPIEGEL: I have to repeat what I was
17 trying to articulate before. That is, you are asking me
18 to assume a contention, the scope of which and the wording
19 of which I don't have before me. I am trying to be
20 responsive to your question. Assuming there is some
21 contention that the Board concludes is admissible, my
22 point is that the rule would severely limit the scope of
23 an admissible contention, assuming there is one, under
24 that rule. The limits are set forth under the sections
25 that we have previously referenced.

1 JUDGE GLEASON: I really don't understand that
2 limitation. I guess that is what I am asking for, some
3 clarification. I didn't really understand it from your
4 prior submission. What is that limitation, what is the
5 limited scope?

6 MR. GLASSPIEGEL: The argument that Applicants
7 are making is that the only requirement that would be
8 applicable in this instance, if there is one, is
9 articulated in C37(b) of the new rule. And that only
10 references the general requirements of C34(a) of the rule
11 and only talks about a preliminary analysis. We think it
12 is significant that in the adjacent subsections of 7,
13 namely, 7(a) and lower down in 7(d), the Commission
14 referenced all of the subsections of the new rule; namely,
15 C3, 4, 5 and 6 but that in subsection B, the Commission
16 only references C34(a).

17 We construe from a reading of all those subsections
18 that the Commission did not intend to permit the
19 litigation under subsections 5 and 6 of the detail
20 requirements of the rule in the preliminary analysis
21 context. And the preliminary analysis context is the only
22 possible context in which we believe the rule would
23 hypothetically permit litigation. Although, once again,
24 we certainly agree with the Staff and have taken the
25 position for two years that OCRE would be obligated to

1 meet 2.714.

2 JUDGE GLEASON: I understand that. You do agree
3 that, assuming the viability of the contention, that the
4 preliminary analysis is litigable?

5 MR. GLASSPIEGEL: With the caveat that Ms. Hyatt
6 would have to demonstrate its litigability.

7 JUDGE GLEASON: Yes. I said assuming it is
8 otherwise, the viability and other respects.

9 All right.

10 Mrs. Hyatt, is there anything that you wanted to say in
11 this connection?

12 MS. HYATT: I would only reiterate what I had
13 said in the brief earlier. Generally this section is very
14 ambiguous. It is not a model of clarity.

15 JUDGE GLEASON: I better not comment.

16 MS. HYATT: When such a situation occurs, it is
17 up to the Licensing Board to interpret that in accordance
18 with its mandate to insure that the public health and
19 safety is protected. The Commission has a goal of prompt
20 compliance with the entire rule, including the final
21 analysis. We think that would be an appropriate subject
22 for litigation in this proceeding.

23 MR. GLASSPIEGEL: Applicant's position is that
24 the rule speaks for itself as to the schedule for the
25 final analysis. The Board would, we think, be beyond its

1 authority in accepting any contention that applied to
2 Applicant's requirements more stringent than those set out
3 in the rule.

4 I want to add one point. That is, Ms. Hyatt has, in
5 some of her earlier responses today, gone into the merits
6 of the preliminary analysis issue and I would urge the
7 Board to keep in mind that Ms. Hyatt has not even seen
8 Applicant's preliminary analysis, let alone the Staff's
9 review of that. So that any comments she might make about
10 those analyses and those reviews are premature at this
11 point.

12 JUDGE GLEASON: I guess I could concur with you
13 up to this point, that up until this telephone conference,
14 nobody knew what was going to be within the preliminary
15 analysis. We are all glad to have that information.

16 The Board is going to grant, and it announces now and
17 it will make some comment if necessary on the rule, the
18 Intervenor's motion to reply to the Applicant's response
19 to its motion to reword issue 8. When we are deciding
20 these issues, we would like to have all of the information
21 in that it is possible to get in. We are granting that
22 motion by OCFE.

23 Is there anything else to come before the Board with
24 respect to any other comments that somebody would like to
25 make with respect to the either the status of the hydrogen

1 control system or the applicability of the rule to this
2 issue?

3 Hearing none, we will then go back to Mr. Lodge who has
4 currently pending a request on behalf of the Sunflower
5 intervenor organization for a 20-day extension to be
6 applied to the remaining unanswered motion for summary
7 disposition on issue 1.

8 The Intervenor responded to eight motions and there are
9 10 still, as I count them, unanswered. Do the other
10 parties have a response that they care to make?

11 MR. GLASSPIEGEL: Mr. Chairman, I have Mike
12 Swiger with me from Shaw, Pittman who has been more
13 involved in this issue. I would would like to let him
14 respond.

15 MR. SWIGER: Applicant plans to file within the
16 next couple of days a written response to Mr. Lodge's
17 motion. I can tell you now that we plan to oppose the
18 motion.

19 JUDGE GLEASON: That is all I wanted to hear.
20 Mrs. Woodhead.

21 MS. WOODHEAD: Yes. I am preparing a motion
22 opposing -- excuse me, a response opposing Mr. Lodge's
23 motion also.

24 JUDGE GLEASON: I should say to Mrs. Hyatt as
25 well, as I say here to Mr. Lodge that ordinarily requests

1 for extension of time should be submitted to the Board. I
2 think they both know this. It should be ahead of the
3 expiration of the time. The telephone call on the day
4 that the time expires and a letter that arrives already
5 one day past that time is not the kind of notice that the
6 Board expects the parties to respond to or to provide.

7 The only issue that has been raised by the Sunflower
8 organization is its inability to respond to what it terms
9 the volume of summary disposition motions. I have counted
10 up generally -- the responses that have been made on the
11 eight issues already are generally a one-page response and
12 approximately a one-page statement of material facts.

13 If that same standard were carried out, we would be
14 talking about responses constituting somewhere between 36
15 and 40 pages, which is not an inordinate amount of work to
16 have to get done on some fairly simple issues.

17 Mr. Lodge, I would like to hear some more comments from
18 you, please.

19 MR. LODGE: With all due respect, sir, I differ
20 considerably with your characterization of my responses.
21 Photocopying was done on two sides of many of the pages.
22 I think that they represent a little bit more work and
23 input and reflection than your characterization suggests.

24 Furthermore, I would represent that in some of the 10
25 issues were subcontentions, whatever they would be called,

1 to which no response has yet been filed; that some of
2 those raise considerable need for technical replies.

3 I think I would kind of stand by the statements in that
4 motion. The pending motions for summary disposition in
5 the aggregate are extremely lengthy. They require
6 considerable reflection, considerable review of the
7 material that is before the Board. They have also
8 required considerable legwork in terms of framing
9 affidavits, replies.

10 I believe at this point that the Board is posed with
11 summary disposition motions that are so close in time to
12 the fact-finding hearing that I would especially
13 reemphasize my request that the Board simply consider
14 denying the unresponded-to motions outright because of the
15 unnecessary burden that I think that they impose upon the
16 Sunflower Alliance to have to respond to this close to
17 trial date itself.

18 JUDGE GLEASON: There is no way that the timing
19 of that motion can meet the standard of that regulation.
20 That refers to motions filed right before a hearing. That
21 is not the case in connection with these motions. We will
22 go off the record for just a minute, please.

23 (Discussion off the record.)

24 JUDGE GLEASON: Back on the record.

25 Mr. Lodge, the Board is going to give Sunflower until

1 this weekend, that is, Sunday night, postmarked Sunday
2 night, for any responses on the remaining unanswered
3 contentions or unanswered motions for disposition.

4 Anything received after that date will not be
5 considered by the Board.

6 We also will grant the extension requested by
7 Mrs. Hyatt and, as I understand, your information is
8 already in the mail, Mrs. Hyatt.

9 MS. HYATT: Yes. You should receive it tomorrow.

10 JUDGE GLEASON: All right. Thank you.

11 MR. LODGE: For clarification purposes, I will
12 be Federal Expressing or some other type of fast-delivery
13 means by Sunday to the parties. I assume regular mail
14 would be sufficient?

15 JUDGE GLEASON: If we get it Monday morning,
16 that will be fine, if you are going to Federal Express it.

17 MR. GLASSPIEGEL: We don't have to do it on this
18 call, but Applicants would like to arrange to pick up a
19 copy when they are finalized by hand, if that is possible.

20 MR. LODGE: I don't know how late I will be
21 running into Saturday or Sunday, Mr. Glasspiegel, I would
22 be happy to mail it to you so that it arrives Monday
23 morning.

24 MR. GLASSPIEGEL: That is fine. Thank you.

25 JUDGE GLEASON: All right. That concludes the

1 inquiries that we wanted to make. Is there anything else
2 to be brought up by the other parties?

3 Okay. Thank you for all attending. That will finish
4 the telephone conference.

5 (Whereupon, at 3:52 p.m., the telephone
6 conference was concluded.)

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CERTIFICATE OF OFFICIAL REPORTER

This is to certify that the attached proceedings before the UNITED STATES NUCLEAR REGULATORY COMMISSION in the matter of:

NAME OF PROCEEDING: THE CLEVELAND ELECTRIC ILLUMINATING COMPANY, et al.
(Perry Nuclear Power Plants,
Units 1 and 2)

DOCKET NO.: 50-440-OL; 50-441-OL

PLACE: WASHINGTON, D. C.

DATE: WEDNESDAY, FEBRUARY 27, 1985

were held as herein appears, and that this is the original transcript thereof for the file of the United States Nuclear Regulatory Commission.

(sig) *Rebecca E. Eyster*
(TYPED)
REBECCA E. EYSTER

Official Reporter
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