

January 7, 1985

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USNRCUNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

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Before the Atomic Safety and Licensing Board

In the Matter of)	OFFICE OF SECRETARY
)	DOCKETING & SERVICE
THE CLEVELAND ELECTRIC)	BRANCH
ILLUMINATING CO. ET AL.)	Docket Nos. 50-440 OL
)	50-441 OL
(Perry Nuclear Power Plant,)	
Units 1 and 2))	

MOTION TO REOPEN DISCOVERY ON ISSUE #16

Intervenor Ohio Citizens for Responsible Energy ("OCRE") hereby moves to reopen discovery on Issue #16 (on diesel generators) for the limited purpose of submitting its Fourteenth Set of Interrogatories to Applicants, attached.

Discovery on Issue #16 has been closed since June 1, 1984. May 8, 1984 Memorandum and Order (Discovery About Transamerica Delaval Diesels). However, the Licensing Board did not close the door on further discovery, stating:

To the extent that discovery beyond that time [June 1, 1984] is warranted, OCRE will need to show good cause. Should it seek information that is available to it for the first time, it should indicate that reason for wishing to obtain it. Similarly, should it seek previously available information because newly available information has indicated the importance of that information -thereby alerting OCRE to its importance- it should state its new basis for desiring the information.

OCRE has met these good cause standards. This filing is triggered by new information contained in Applicants' October 31, 1984 responses to NRC Staff requests for information dated December 28, 1983. This new information consists of Applicants' announcement that they will replace the AH-type piston skirts on the diesel engines with type AE skirts and Applicant's

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identification of new documents. This has made it necessary to seek information on AE piston skirts (which was heretofore irrelevant) and to request the production of the new documents.

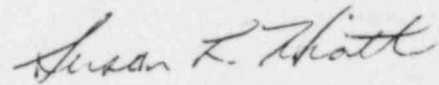
Although Applicants' response to the Staff's requests was dated October 31, 1984, this motion is timely, as that submittal was not made available to OCRE until recently. OCRE, in its Interrogatory 10-34, filed January 6, 1984, specifically requested Applicants' responses (and additional information related thereto) to the Staff's questions. Applicants totally failed to fulfil their discovery obligation. The first notice OCRE received of the existence of the document was in the Staff's letter to Applicants dated December 10, 1984. (1) OCRE then had to wait until the document was placed in the Local Public Document Room (at OCRE's request) on December 19, 1984 before examining it.

In light of these circumstances, it is clear that there exists abundant good cause for reopening discovery for the limited purposes desired. OCRE prays that the Board is so

(1) December 10, 1984 letter from B.J. Youngblood, NRC, to Murray R. Edelman, CEI. Staff counsel provided this to the Board by letter dated December 13, 1984.

moved.

Respectfully submitted,

A handwritten signature in cursive script, reading "Susan L. Hiatt".

Susan L. Hiatt

OCRE Representative

8275 Munson Rd.

Mentor, OH 44060

(216) 255-3158