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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

OFFICE OF SECRETARY
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BRANCH

Before the Atomic Safety and Licensing Board

In the Matter of)
)
CLEVELAND ELECTRIC ILLUMINATING)
CO, et al)
)
(Perry Nuclear Power Plant,)
Units 1 and 2)

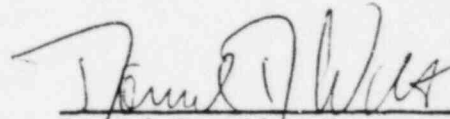
Docket Nos. 50-440-OL
50-441-OL

MOTION TO EXTEND TIME TO FILE
MOTION FOR LITIGIBLE ISSUE
QUALITY ASSURANCE

Sunflower Alliance Inc., et al, moves this honorable Board for its order extending the time in which Sunflower Alliance Inc. must file a Motion for Litigible Issue.

A brief is attached in support of this Motion.

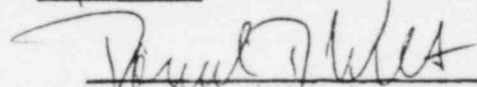
Respectfully submitted,



Daniel D. Wilt, Esq.
Attorney for Sunflower Alliance Inc.
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PROOF OF SERVICE

The undersigned certifies that a copy of this Motion has been sent to all persons on the service list on this 10 day of November, 1982.



Daniel D. Wilt, Esq.
Attorney for Sunflower Alliance Inc.

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BRIEF

Pursuant to a previous order of this Board, Sunflower Alliance Inc. is required to file a Motion for Litigible Issue on the Quality Assurance contention by November 15, 1982. Sunflower requests that this date be extended to a future date for the reasons that follow.

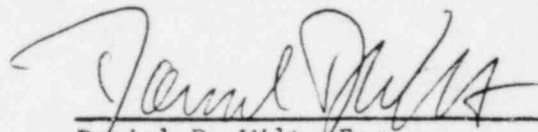
First, discovery is not yet complete on this contention. Contemporaneously with the filing of this Motion, Sunflower is filing a set of Interrogatories dealing with the Quality Assurance contention with the Presiding Officer with the request that the Presiding Officer order the NRC Staff to answer the Interrogatories. The answers to these Interrogatories are necessary in order for Sunflower to prepare a Motion for Litigible Issue. Thus, should the Presiding Officer order the NRC Staff to answer the Interrogatories, a reasonable time beyond the filing of the answers should be allowed so that Sunflower can make use of the answers in preparing the Motion for Litigible Issue.

Second, the NRC Staff has changed its position in responding to Sunflower's discovery requests. Previously, the NRC Staff voluntarily responded to virtually all of Sunflower's discovery requests. This procedure was followed by the NRC Staff up to about October of this year. Then, suddenly and without warning, the Staff changed its position. The Staff is now refusing to voluntarily respond to Sunflower discovery requests and this has led to the Motion to the Presiding Officer described above. Further, Sunflower is now required to travel to Washington to visit the Public Document Room in order to obtain information it needs to prepare its case. This change in the NRC position has caught Sunflower off guard to Sunflower's considerable prejudice.

Finally, pursuant to 10 CFR 2.749(a) and 2.749(c), Sunflower is not presently able to produce evidence in the form of affidavits or otherwise to support its position. This is true for the reasons previously set forth in this Brief. Sunflower is sending representatives to Washington to visit the Public Document Room but this will take time. Sunflower does not believe that it should be penalized and an issue of such public importance as Quality Assurance dismissed because of the change in NRC Staff position described above. The hearings scheduled to start on February 15, 1983 are not the final hearings. Two contentions are already indefinitely postponed and a new set of contentions have recently been admitted and assigned to another Intervenor. Thus, no hardship (other than to Sunflower and the public) exists if this matter was in fact continued.

Sunflower Alliance Inc. urges that this Motion be granted.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Daniel D. Wilt", is written over a horizontal line.

Daniel D. Wilt, Esq.
Attorney for Sunflower Alliance Inc.