

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

April 18, 1983

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. 250-4402  
50-441  
(Operating License)

MOTION TO HOLD RECORD OPEN ON QUALITY ASSURANCE ISSUE

As all parties are aware, an evidentiary hearing is scheduled to begin May 23, 1983, at which Issue #3, on quality assurance, will be litigated. Intervenor Ohio Citizens for Responsible Energy ("OCRE") at this time does not have witnesses to present at the hearing. However, OCRE does have information about persons having first-hand knowledge about QA at Perry, who may later come forward with allegations concerning the quality of construction at PNPP. These persons choose not to be known at this time because of fears of harassment and reprisal.

OCRE must have assurance that the statements of such persons will be considered by the Licensing Board in its decision on Issue #3. Therefore, OCRE moves that the Board hold the record open on this issue and accept the testimony of any late witnesses who may become available during the pendency of this proceeding. OCRE would also request the right to file late documentary evidence containing the statements of such persons or otherwise having significance with respect to Issue #3.

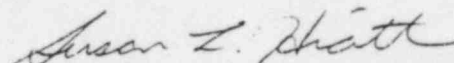
This request is consistent with the Commission's rules of practice and precedent. 10 CFR 2.756 requires that a record suitable for review be preserved in Commission proceedings, including, of course, the Perry OL proceeding. The Appeal Board ruled that sua sponte reopening of hearings is required when the Board becomes aware of new issues or changes in facts

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material to the resolution of an issue (Commonwealth Edison Co. (LaSalle County Nuclear Station, Units 1 and 2), ALAB-153, 6 AEC 821 (1973)) or when new evidence is discovered that indicates that testimony in the record was false (Toledo Edison Co. and Cleveland Electric Illuminating Co. (Davis-Besse Nuclear Power Station, Units 1, 2, and 3 and Perry Nuclear Power Plant, Units 1 and 2), ALAB-430, 6 NRC 457 (1977)). 10 CFR 2.718(j) specifically empowers the presiding officer to reopen a proceeding for the purposes of receiving further evidence at any time prior to the initial decision. It is therefore appropriate, in light of these principles, for the Board to hold the record open on Issue #3, as OCRE believes that it is likely that additional witnesses will be available later in the proceeding. OCRE prays that the Board is so moved.

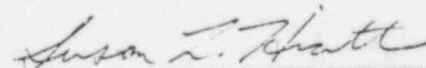
Respectfully submitted,



Susan L. Hiatt  
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CERTIFICATE OF SERVICE

This is to certify that copies of the foregoing MOTION TO HOLD RECORD OPEN ON QUALITY ASSURANCE ISSUE were served by deposit in the U.S. Mail, first class, postage prepaid, this 18<sup>th</sup> day of April, 1983, to those on the service list.



Susan L. Hiatt