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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

Before the Atomic Safety and Licensing Board

In the Matter of

CLEVELAND ELECTRIC ILLUMINATING
COMPANY, et al

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

(Perry Nuclear Power Plant
Units 1 and 2)

SUNFLOWER ALLIANCE INC APPLICATION FOR SUBPOENA

1. Pursuant to 10 CFR 2.720 Sunflower Alliance Inc. requests the Presiding Officer to issue subpoenas to the following persons for the following reasons in connection with the hearings scheduled to begin on May 23, 1983 on Issue 3.

2. Sunflower requests that a subpoena be issued to Cyril M. Shuster, Cleveland Electric Illuminating Company, and that he be directed to bring with him at the hearings all of the contract performance reports in the possession of the Applicant or under the control of the Applicant. The contract performance reports were cited by this Board in connection with the definition of the Issue

3. These documents are relevant in that they can help the Board answer the following questions:

- A) Whether deficiencies in the control of contractor activities have resulted in unsafe conditions at Perry.
- B) Whether applicant has an adequate system for periodically reviewing its program for assuring the quality of contractor performance and ascertaining and correcting deficiencies that have arisen, particularly in systems essential to safe plant operation.

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3. Sunflower requests that a subpoena be issued to James Keppler, Regional Administrator, Nuclear Regulatory Commission and to J.E. Konklin, Nuclear Regulatory Commission to attend at the hearings.

4. Pursuant to 10 CFR 2.720(h)(2) the following constitute the exceptional circumstances which justify the issuance of a subpoena to the above NRC officials. This Board has specifically asked the following questions as far as Issue 3 is concerned:

- A) The existence, cause, severity, duration and extent of an alleged instance in which applicant's quality assurance program failed by not properly controlling its electrical contractors.
- B) Whether the alleged deficiencies in properly controlling electrical contractors extend to the proper control of other contractors.
- C) Whether deficiencies in the control of contractor activities have resulted in unsafe conditions at Perry.
- D) Whether applicant has an adequate system for periodically reviewing its program for assuring the quality of contractor performance and ascertaining and correcting deficiencies that have arisen, particularly in systems essential to safe plant operation.

The Board will remember that in February 1978 the Applicant stopped work at the Perry plant due to wholesale violations of QA regulations. Mr. Keppler and Mr. Konklin were both involved in the February, 1978 stop work order process and possess personal information on the quality and status of the Applicant's Quality Assurance Program from and after February, 1978. The testimony that can be provided by these witnesses will certainly assist the Board in answering the above four questions.

WHEREFORE, Sunflower Alliance Inc. requests that the above subpoenas be issued to the above cited individuals for attendance at the hearings commencing May 23, 1983.

Respectfully submitted,




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PROOF OF SERVICE

A copy of this Request for Subpoena has been sent to all persons on the Service List on this 29 day of April, 1983.


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