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March 15, 1985

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UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

OFFICE OF SECRETARY  
DOCKETING & SERVICE  
BRANCH

Before the Atomic Safety and Licensing Board

|                             |   |                       |
|-----------------------------|---|-----------------------|
| In the Matter of            | ) |                       |
|                             | ) |                       |
| THE CLEVELAND ELECTRIC      | ) | Docket Nos. 50-440 OL |
| ILLUMINATING CO. ET AL.     | ) | 50-441 OL             |
|                             | ) |                       |
| (Perry Nuclear Power Plant, | ) |                       |
| Units 1 and 2)              | ) |                       |

MOTION FOR A CONTINUANCE

Intervenor Ohio Citizens for Responsible Energy ("OCRE") hereby moves that the Licensing Board continue the hearing on Issue #8 until June 3, 1985, for the reasons outlined below.

The Licensing Board has scheduled the evidentiary hearing to begin April 9. During the March 13 conference call, the Board outlined an order of hearing in which Issue #1, on emergency planning, will be heard first, followed by Issue #16, on diesel generators, and finally Issue #8, on hydrogen control. OCRE has the burden of two complex, technical issues, Issues 8 and 16, which apparently will be heard within the same 2-3 week period, without any break between hearings. It is virtually impossible, with OCRE's limited resources, to adequately prepare a case on 2 diverse, complex, and technical issues without a break between hearings.

There is also additional information needed before Issue #8 can go to hearing. Applicants and OCRE agreed to defer further

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negotiations on OCRE's 13th Set of Interrogatories until the Board ruled on the motions affecting Issue #8. Since the Board has now ruled, OCRE has initiated discussions with Applicants' counsel for the purpose of inspecting and copying voluminous documents related to the ability of the Perry containment to withstand the effects of hydrogen combustion. It will take time to inspect, receive, and analyze these documents. It is very doubtful that this could be accomplished before the April 9 hearing date.

OCRE also has 4 Freedom of Information Act requests (attached hereto) pertaining to Issue #8 pending with the NRC. The information to be gained through the FOIA requests is vital for OCRE's case preparation on this issue. It is not known when the FOIA requests will be answered, or how voluminous the information provided will be.

There is in addition to these documents other items recently obtained from the Public Document Room pertaining to Issue #8. These items are voluminous and require extensive study, which cannot be accomplished before the set hearing date.

It must also be recalled that the Staff's SER on this issue will not be available until April. See letter dated March 11, 1985 to the Board from Staff counsel.

Finally, OCRE is negotiating with potential witnesses on Issue #8. Because of current commitments, one potential expert witness will not be available in April, but may be available later. In addition, OCRE needs time to negotiate with other

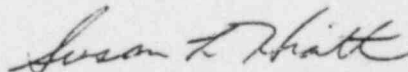
witnesses who have recently been identified to OCRE.

It is the policy of this agency to be solicitous of intervenors' desires for additional time for case preparation, given the disparity of resources between Applicants and Staff, on one hand, and intervenors, on the other. Southern California Edison (San Onofre Nuclear Generating Station, Units 2 & 3), ALAB-212, 7 AEC 986, 992-3 (1974).

Any delay resulting from the continuance sought will not harm any party, including Applicants, as the Commission's new hydrogen rule, 10 CFR 50.44(c)(3)(vii)(B), does not require compliance as a condition of fuel load, but rather for operation above 5% power.

Thus, granting the relief sought is just and proper and is necessary to ensure a fair hearing and complete record. OCRE prays the Board is so moved.

Respectfully submitted,



Susan L. Hiatt  
OCRE Representative  
2275 Munson Rd.  
Mentor, OH 44060  
(216) 255-3158

January 28, 1985

Mr. J.M. Felton, Director  
Division of Rules and Records  
Office of Administration  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

FREEDOM OF INFORMATION ACT REQUEST

Dear Mr. Felton:

Pursuant to the Freedom of Information Act, 5 USC 552, as amended, and the provisions of 10 CFR Part 9, the undersigned hereby requests the following:

all Plant Emergency Instructions or Procedures for the Perry Nuclear Power Plant, or generic BWR Mark III Emergency Procedure Guidelines, draft or final, concerning containment hydrogen control, the maintenance of containment integrity, or containment purge or venting.

In accordance with your policy on fee waivers, I hereby request that 75% of the fees for the search and production of these items be waived as they relate to Issue #8, on hydrogen control, admitted in the Perry OL proceeding. I agree to accept the remaining (25%) charges.

Sincerely,

Susan L. Hiatt  
OCRE Representative  
8275 Munson Rd.  
Mentor, OH 44060  
(216) 255-3158

February 6, 1985

Ms. Linda L. Robinson, Chief  
FOI and Privacy Acts Branch  
Division of Rules and Records  
Office of Administration  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

FREEDOM OF INFORMATION ACT REQUEST

Dear Ms. Robinson:

FREEDOM OF INFORMATION  
ACT REQUEST

**FOIA-85-102**

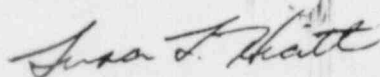
**Rec'd 2-12-85**

Pursuant to the Freedom of Information Act, 5 USC 552, as amended, and the provisions of 10 CFR Part 9, the undersigned hereby requests the following:

All notes, minutes, transcripts, attendance lists, memos, handouts, or other documents from or concerning the meeting between the NRC and the Hydrogen Control Owners Group held February 6, 1985, or anytime during the week of February 4.

In accordance with your policy on fee waivers, I hereby request that 75% of the fees for the search and production of these items be waived as they relate to Issue #8, on hydrogen control, admitted in the Perry OL proceeding. I agree to accept the remaining (25%) charges.

Sincerely,



Susan L. Hiatt  
OCRE Representative  
8275 Munson Rd.  
Mentor, OH 44060  
(216) 255-3158

February 12, 1985

Ms. Linda L. Robinson, Chief  
FOI and Privacy Acts Branch  
Division of Rules and Records  
Office of Administration  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

FREEDOM OF INFORMATION ACT REQUEST

FREEDOM OF INFORMATION  
ACT REQUEST

FOIA-85-113

Rec'd 2-19-85

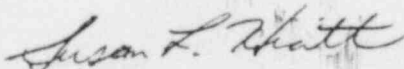
Dear Ms. Robinson:

Pursuant to the Freedom of Information Act, 5 USC 552, as amended, and the provisions of 10 CFR Part 9, the undersigned hereby requests the following:

all minutes, notes, transcripts, attendance lists, correspondence, handouts, or other documents from or concerning the February 12, 1985 meeting between the NRC and the Hydrogen Control Owners Group.

In accordance with your policy on fee waivers, I hereby request that 75% of the fees for the search and production of these items be waived as they relate to Issue #8, on hydrogen control, admitted in the Perry OL proceeding. I agree to accept the remaining (25%) charges.

Sincerely,



Susan L. Hiatt  
CCRE Representative  
8275 Munson Rd.  
Mentor, OH 44060  
(216) 255-3158



February 20, 1985

Mr. J.M. Felton, Director  
Division of Rules and Records  
Office of Administration  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

FREEDOM OF INFORMATION  
ACT REQUEST

FREEDOM OF INFORMATION ACT REQUEST

FOIA-85-127  
rec'd 2/25/85

Dear Mr. Felton:

Pursuant to the Freedom of Information Act, 5 USC 552, as amended, and the provisions of 10 CFR Part 9, the undersigned hereby requests the following:

all notes, minutes, transcripts, attendance lists, handouts, correspondence or any other documents from or concerning the meeting held February 20, 1985 between the NRC and the Hydrogen Control Owners Group.

In accordance with your policy on fee waivers, I hereby request that 75% of the fees for the search and production of these items be waived as they relate to Issue #8, on hydrogen control, admitted in the Perry OL proceeding. I agree to accept the remaining (25%) charges.

Sincerely,



Susan L. Hiatt  
CORE Representative  
6275 Munson Rd.  
Mentor, OH 44060  
(216) 255-3158

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USNRC

CERTIFICATE OF SERVICE

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This is to certify that copies of the foregoing were served by deposit in the U.S. Mail, first class, postage prepaid, this 16<sup>th</sup> day of MARCH, 1985 to those on the service list below.

Susan L. Hiatt  
Susan L. Hiatt

SERVICE LIST

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Washington, D.C. 20555

Atomic Safety & Licensing Appeal Board Panel  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555