

UNITED STATES OF AMERICA  
ATOMIC ENERGY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of	)	
THE TOLEDO EDISON COMPANY and	)	
THE CLEVELAND ELECTRIC ILLUMINATING	)	AEC Docket No. 50-346A
COMPANY	)	
(Davis-Besse Nuclear Power Station)	)	
THE CLEVELAND ELECTRIC ILLUMINATING	)	
COMPANY, ET AL.	)	AEC Docket Nos. 50-440A
(Perry Nuclear Power Plant,	)	50-441A
Units 1 and 2)	)	

RESPONSE OF AEC REGULATORY STAFF TO BOARD'S  
REQUEST FOR STAFF'S POSITION ON THE LENGTH OF TIME  
NECESSARY TO RESPOND TO APPLICANTS'  
MOTION FOR SUMMARY DISPOSITION

Pursuant to the request of the Chairman of the pending Atomic Safety and Licensing Board (Board), on August 22, 1974, the AEC Regulatory Staff (Staff) hereby responds by setting forth its position on the length of time that is necessary to respond to applicants' motion for summary disposition.

On August 15, 1974, applicants filed a motion for summary disposition requesting the dismissal of AMP-Ohio's petition to intervene in this matter. Applicants noted that in accord with 10 CFR §2.730(c) of the Commission's Rules of Practice, answers to applicants' motion for summary disposition should be filed within five days.

On August 16, 1974, counsel for AMP-Ohio replied noting that under 10 CFR §2.749(a) AMP-Ohio had until two days before the commencement of

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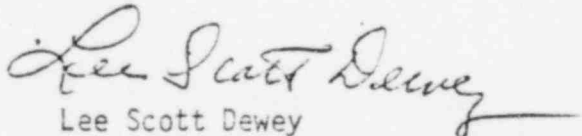
hearings herein within which to respond to the applicants' motion and, therefore, AMP-Ohio would respond on or before May 12, 1975. It is noted that the Board has scheduled hearings herein to start on May 14, 1975.

By motion of the City of Cleveland, dated August 20, 1974, the City requested until September 30, 1974 to respond to the applicants' motion for summary disposition. The Department of Justice joined in Cleveland's request.

The Staff has reviewed the pertinent sections of the Commission's Rules. Although 10 CFR §2.749 does allow for an answer to be filed at least two days before the date of a hearing and 10 CFR §2.730 sets forth five days as a time limit to answer motions, neither are mandatory requirements. The Board has the authority under 10 CFR §2.711 to extend or shorten periods for filing. The Staff believes, in view of the importance of the issue involved, the complexity of applicants' motion, and the fact that the month of August has been devoted to the preparation of discovery requests and interrogatories, that a thirty-day period beginning from the date of the filing of this response be granted for the filing of answers to applicants' motion for summary disposition.

In view thereof Staff urges that the Board set September 30, 1974 as the date for the parties to respond on the merits to applicants' motion for summary disposition.

Respectfully submitted,

  
Lee Scott Dewey

Counsel for AEC Regulatory Staff

Dated at Bethesda, Maryland  
this 30th day of August 1974.

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(Perry Nuclear Power Plant,	)	50-441A
Units 1 and 2)	)	

CERTIFICATE OF SERVICE

I hereby certify that copies of RESPONSE OF AEC REGULATORY STAFF TO BOARD'S REQUEST FOR STAFF'S POSITION ON THE LENGTH OF TIME NECESSARY TO RESPOND TO APPLICANTS' MOTION FOR SUMMARY DISPOSITION, dated August 30, 1974, in the captioned matter, have been served upon the following by deposit in the United States mail, first class or air mail, this 30th day of August 1974:

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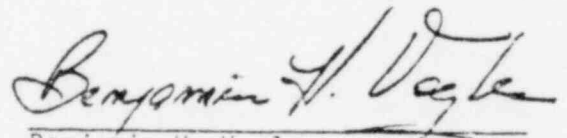
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