

Reg. 210-0



UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

Robert M. Lazo, Chairman  
Andrew C. Goodhope  
Daniel M. Head

In the Matter of	)	
	)	
THE TOLEDO EDISON COMPANY and	)	Docket Nos. 50-346A
THE CLEVELAND ELECTRIC ILLUMINATING	)	50-500A
COMPANY	)	50-501A
(Davis-Besse Nuclear Power Station,	)	
Units 1, 2 & 3	)	
	)	
THE CLEVELAND ELECTRIC ILLUMINATING	)	Docket Nos. 50-440A
COMPANY, <u>et al.</u>	)	50-441A
(Perry Nuclear Power Plant,	)	
Units 1 and 2)	)	(Special Board)

MEMORANDUM AND ORDER

August 25, 1976

On August 6, 1976, Squire, Sanders and Dempsey submitted a motion to stay temporarily further discovery because of its intention to file a motion to dismiss the disqualification proceeding, which if granted, would make further discovery unnecessary.

The City of Cleveland did not respond to this motion to stay discovery, but the NRC Staff filed an answer opposing it. The Staff took the position that, if the motion to dismiss

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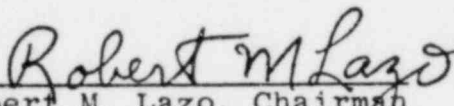
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were not successful, then there would be an unnecessary delay in the final resolution of the disqualification issue on the merits. The Staff argued that this would not be consistent with the Appeal Board's suggestion that the disqualification issue be given expedited consideration. ALAB-332, NRCI-76/6, 785, 803 (June 11, 1976).

The Board considers the Staff's position is well taken and, accordingly, hereby denies the motion of Squire, Sanders and Dempsey to stay temporarily further discovery.

It is so ORDERED.

FOR THE ATOMIC SAFETY AND LICENSING BOARD

  
Robert M. Lazo, Chairman

Issued at Bethesda, Maryland  
this 25th day of August, 1976.

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

In the Matter of	)	
	)	
THE TOLEDO EDISON COMPANY, ET AL.)	)	Docket No.(s) 50-346A
CLEVELAND ELECTRIC ILLUMINATING	)	50-440A
COMPANY	)	50-441A
	)	50-500A
(Davis-Besse Nuclear Power	)	50-501A
Station, Unit No. 1; Perry	)	
Nuclear Power Plant, Units 1&2))	)	

CERTIFICATE OF SERVICE

I hereby certify that I have this day served the foregoing document(s) upon each person designated on the official service list compiled by the Office of the Secretary of the Commission in this proceeding in accordance with the requirements of Section 2.712 of 10 CFR Part 2 - Rules of Practice, of the Nuclear Regulatory Commission's Rules and Regulations.

Dated at Washington, D.C. this

27th day of Aug 1976.

Robert A. Downing  
Office of the Secretary of the Commission

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NUCLEAR REGULATORY COMMISSION

In the Matter of	)	
	)	
TOLEDO EDISON COMPANY, ET AL.	)	Docket Nos. 50-346A
(Davis-Besse, Units 1, 2 and 3))	)	50-440A
	)	50-441A
CLEVELAND ELECTRIC ILLUMINATING	)	50-500A
CO., ET AL.	)	50-501A
(Perry, Units 1 and 2)	)	
	)	

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