

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

Before the Atomic Safety and Licensing Board

In the Matter of)	
)	
THE TOLEDO EDISON COMPANY and)	
THE CLEVELAND ELECTRIC ILLUMINATING)	Docket No. 50-346A
COMPANY)	
(Davis-Besse Nuclear Power Station,)	
Unit 1))	
)	
THE CLEVELAND ELECTRIC ILLUMINATING)	
COMPANY, ET AL.)	Docket Nos. 50-440A
(Perry Nuclear Power Plant,)	50-441A
Units 1 and 2))	
)	
THE TOLEDO EDISON COMPANY, ET AL.)	
(Davis-Besse Nuclear Power Station,)	Docket Nos. 50-500A
Units 2 and 3))	50-501A

APPLICANTS' MOTION FOR AN EXTENSION OF TIME

1. Pursuant to Section 2.711 of the Commission's Rules of Practice, Applicants hereby move that the time within which to file Applicants' Proposed Findings of Fact and Conclusions of Law be extended from August 16, 1976 to and including August 30, 1976. The reason for this request is that Applicants are now firmly convinced that they simply cannot complete their post-hearing submission within the time allotted.

2. The undersigned counsel represent to this Licensing Board that, but for the single hearing day on July 20, 1976, they have been occupied full time, including weekends, on the average of 12-14 hours a day, reviewing the voluminous

hearing record compiled over a period of seven months, and analyzing the evidence in an effort to set forth in a meaningful fashion, a full discussion of Applicants' position on the various matters in controversy.^{1/} In addition, other counsel of record, appearing on behalf of each Applicant individually, have been similarly engaged in the process of preparing fact memoranda to be incorporated into the final document.

3. It is now clear that there is no possibility for Applicants to finish the monumental task before them by August 16, 1976. Not only do the obvious time delays associated with the essential step of reviewing drafts (being circulated in an expedited manner so as not to cause mailing delays) make this apparent; it also is obvious from the experience thus far in working diligently to incorporate into the joint filing an abbreviated version of the substance of each Applicant's fact memorandum (which run on the average 100 pages each).

4. Unlike the challenging parties in this proceeding, Applicants cannot be content with developing but a single case; they must treat the evidence presented in all three of the cases put on by the adversary parties. While

^{1/} An additional lawyer with the firm has also been working full-time on this endeavor; two other summer law clerks have provided additional assistance on a part-time basis.

the effort is being made to avoid duplication of argument where those cases overlap, this still leaves a number of allegations which are not interrelated. Moreover, in view of this Board's decision to receive all evidence in this proceeding as coming in against each Applicant individually, there frequently are independent responses to be made to certain of the charges.

5. Accordingly, the requested two-week extension of time is absolutely necessary to finish the task at hand. Applicants can assure this Board that there has been no time wasted; nor will there be. We would also observe that the granting of this motion will not possibly prejudice any of the other parties in view of the simultaneous filing schedule. Indeed, the only prejudice likely to result from the delay is that impact which a two-week extension could have on the plant schedules for these units. That, of course, is a prejudice which will be felt most dramatically by the Applicants. We obviously have weighed that consideration in the balance, and have concluded that, notwithstanding this possible consequence, the present request for two more weeks is of overriding importance.

WHEREFORE, Applicants ask that this Board grant their motion to extend the time for filing Applicants' Proposed Findings of Fact and Conclusions of Law to and including

August 30, 1976. We anticipate that the other parties will be accorded a similar extension in accordance with the Board's decision to require simultaneous filings.

Respectfully submitted,

SHAW, PITTMAN, POTTS & TROWBRIDGE

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Dated: August 6, 1976.