



UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

ATOMIC SAFETY AND LICENSING BOARD

Before Administrative Judges:

Peter B. Bloch, Chairman
Dr. Jerry R. Kline
Mr. Frederick J. Shon



SERVED SEP 1 1981

CLEVELAND ELECTRIC ILLUMINATING
COMPANY, et al.

(Perry Nuclear Power Plant, Units 1 & 2)

Docket Nos. 50-440-0L
50-441-0L

August 31, 1981

ORDER GRANTING INTERVENOR TOD KENNEY'S
MOTION FOR EXTENSION OF TIME AND
EXTENDING TIME FOR OTHER PARTIES TO
FILE DISCOVERY PLANS

In our Special Prehearing Conference Memorandum and Order (PHC Order) of July 28, 1981, we directed each party to file a written discovery plan by August 3, 1981. (PHC Order at 92). On August 25, 1981, Tod Kenney filed his Intervenor's Objection to the Improper Service of Documents and Motion for Time Extension (Kenney Motion) in which he asserted that correspondence, including the PHC Order, which had been addressed to him, had been erroneously so addressed. He asked an extension of time corresponding to the delay so incurred in the due date for his discovery plan. Our inquiry has shown that the PHC Order was indeed sent to an incorrect address.

Good cause has thus been shown, and we would ordinarily extend Mr. Kenney's time to file a discovery plan until September 15, 1981.

We have, however, considered the nature of the replies we have so far received to our order for discovery plans, the replies being those of the Staff (NRC Staff Motion for Clarification of, and Response to, Licensing Board

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Special Prehearing Conference Order. (Staff Motion) at p. 4) and OCRE (OCRE Discovery Plan). The discovery plans offered by these parties are so deficient in useful substance that we feel it will be necessary to clarify our intent lest they become models for the plans of other parties.

We plan, therefore, to issue additional guidance on the nature of the discovery plans required in the near future. Until that guidance issues, we will set no date for submission of the plans .

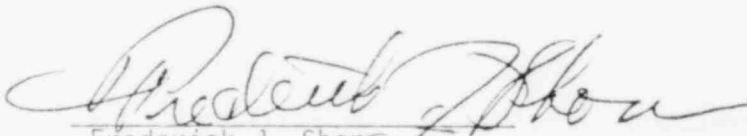
It is therefore, this 31st day of August 1981


ORDERED:

That the time for all parties to submit discovery plans is deferred until guidance on their preparation is issued.

Note: Chairman Bloch was not available for concurrence in this Order and has thus not concurred.

FOR THE
ATOMIC SAFETY AND LICENSING BOARD


Frederick J. Shon
ADMINISTRATIVE JUDGE


Jerry R. Kline
ADMINISTRATIVE JUDGE

August 31, 1981
Bethesda, Maryland