

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

ATOMIC SAFETY AND LICENSING BOARD

CLEVELAND ELECTRIC ILLUMINATING COMPANY, )

ET AL )

(Perry Nuclear Power Plant, Units 1 & 2) )

Docket Nos. 50-440-OL

50-441-OL

August 20, 1981

MEMORANDUM AND ORDER

CONCERNING  
A MOTION FOR EXTENSION OF TIME

On August 12, 1981 Sunflower Alliance, et. al., (Sunflower) requested an extension of time to file a brief requested by Board Order of July 28, 1981. The reason for the request is "the extended illness of the counsel designated to handle it, Daniel Wilt, Esq." The motion is opposed by Cleveland Electric Illuminating Company, et al. (Applicant) on the ground that the request was not made until the date the filing was due and that no explanation was provided for the failure to make the request in a timely manner.

We note that Sunflower has two attorneys in this proceeding. One of them, Mr. Terry Lodge, filed the motion for an extension of time as well as the August 3 filing of petitioners objecting to the special prehearing conference order. We also note that the effect of pending rulemakings on contentions was raised in Applicant's response to petitioners' contentions and could have been addressed by Sunflower in prehearing briefs or at the Special Prehearing Conference. Under these circumstances, Sunflower has already had an adequate opportunity to argue the issues set for special argument and it has failed to provide adequate reasons for an extension of time within which to file the requested brief and the request is therefore denied.

IT IS SO ORDERED.

FOR THE  
ATOMIC SAFETY AND LICENSING BOARD

*Peter B. Bloch*

Peter B. Bloch, Chairman  
ADMINISTRATIVE JUDGE

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