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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

DOCKETED
USNRC

Before the Atomic Safety and Licensing Board

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In the Matter of)
THE CLEVELAND ELECTRIC)
ILLUMINATING COMPANY)
(Perry Nuclear Power Plant,)
Units 1 and 2))
)

Docket Nos. 50-440 and

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SUNFLOWER'S MOTION FOR ENLARGEMENT OF TIME
IN WHICH TO RESPOND TO MOTIONS FOR SUMMARY DISPOSITION

Now comes Sunflower Alliance, by and through counsel, and moves the Court to grant it an additional 20 days in which to respond to the pending motions for summary disposition on the emergency planning contention.

Respectfully submitted,

By Terry J. Lodge

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Counsel for Sunflower Alliance

MEMORANDUM

By order of February 11, 1985, the Board directed Sunflower to answer all responses to the 18 pending motions by February 25, 1985. Sunflower has contemporaneously filed some, but not all, of those responses along with this Motion.

Sunflower requests an additional 20 day enlargement to complete its responses. It should be obvious to the Board that Applicant, in compiling over 700 pages of material for its motions, knew that Sunflower would be

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impossibly pressed to frame intelligent responses to all motions within the compressed schedule set by the Board.

Sunflower represents that it does not make this request for reasons of delay or for frivolous reasons. The Board may not directly consider the relative resources available to parties to this proceeding. However, the Board may and should consider that Sunflower has not hitherto committed any act the result of which has been to forestall the ultimate licensing decision, nor is Sunflower doing so at this time. The expedited motion schedule threatens to make Sunflower's participation in the licensing case meaningless, unless this intervenor can formulate intelligent and meaningful replies to the pending motions.

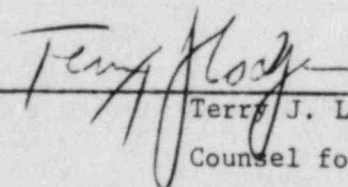
If the Board refuses to grant the requested enlargement of time, then Sunflower requests that it *sua sponte* dismiss the pending, unreplied-to, motions. 10 CFR Section 2.749(a) states, in part:

The board may dismiss summarily motions filed shortly before the hearing... if the other parties or the board would be required to divert substantial resources from the hearing in order to respond adequately to the motion.

WHEREFORE, Sunflower respectfully prays the Board grant it 20 additional days in which to respond to the pending motions, or alternatively, to dismiss those to which reply is not yet made for the reason that they are onerous and burdensome in light of the pending April hearing dates.

Respectfully submitted,

By



Terry J. Lodge

Counsel for Sunflower Alliance