

August 18, 1981

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

Before the Atomic Safety and Licensing Board

In the Matter of)

CLEVELAND ELECTRIC ILLUMINATING)
COMPANY, Et Al.)

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

Docket Nos. 50-440

50-441

(Operating License)

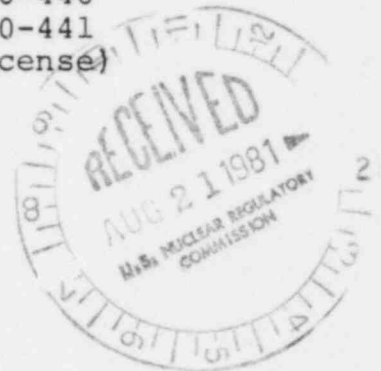
APPLICANTS' ANSWER TO
INTERVENORS' APPLICATION FOR
ENLARGEMENT OF TIME TO FILE BRIEF

Intervenors Sunflower Alliance, Inc., et al. have requested an extension of time within which to file a brief on the issue of anticipated transients without scram ("ATWS") in response to the Board's Special Prehearing Conference Memorandum and Order of July 28, 1981. Applicants oppose such an extension.

The brief was due on August 12. Not until then did Intervenors file their request for an extension of time. It was filed by mail, postmarked on the afternoon of August 13, and not received by Applicants until August 17.

Applicants--and, to the best of our knowledge, the Board, the NRC Staff, and the other parties as well--were not notified ahead of time by so much as a courtesy telephone call. Intervenors thus would have the benefit of replying to Applicants' brief, long since filed, rather than filing a contemporaneous brief.

Applicants are less concerned with the inequities surrounding this particular ATWS issue than they are with the implications



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for the future. We are sympathetic, and we would hope to be accommodating, to such unforeseen circumstances as illness of counsel. We are concerned, however, that Intervenor's seem not to take seriously the Board's orders in this proceeding, including the earlier Memorandum and Order of April 9, 1981, in preparation for the special prehearing conference, all to the resultant disadvantage of those parties who have responded in accordance with the Board's direction.

Respectfully submitted,

SHAW, PITTMAN, POTTS & TR. BRIDGE

By



Bruce W. Churchill
Jay E. Silberg

Counsel for Applicants

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Dated: August 18, 1981

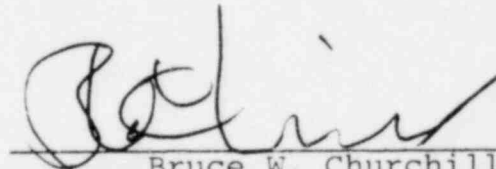
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CERTIFICATE OF SERVICE

This is to certify that copies of "Applicants' Answer to Intervenor's Application for Enlargement of Time to File Brief," dated August 18, 1981, were served upon those persons on the attached service list by deposit in the United States mail, postage prepaid, this 18th day of August, 1981.



Bruce W. Churchill

Dated: August 18, 1981

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