

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION



ATOMIC SAFETY AND LICENSING APPEAL BOARD

Alan S. Rosenthal, Chairman
Richard S. Salzman
Jerome E. Sharfman

In the Matter of)

THE TOLEDO EDISON COMPANY and)
THE CLEVELAND ELECTRIC)
ILLUMINATING COMPANY)

Docket Nos. 50-346A)
50-500A)
50-501A)

(Davis-Besse Nuclear Power)
Station, Units 1, 2 & 3))

THE CLEVELAND ELECTRIC)
ILLUMINATING COMPANY, et al.)

Docket Nos. 50-440A)
50-441A)

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

ORDER

November 23, 1976

The City of Cleveland has moved for an extension to and including January 28, 1977 of the time within which to file the brief in support of its appeal from the November 5, 1976 decision of the Special Board convened to consider the disqualification issue raised in this antitrust proceeding. The basis of the motion is that there is a reasonable possibility that the issues decided by the Special Board and brought to us by the City's appeal will become moot during

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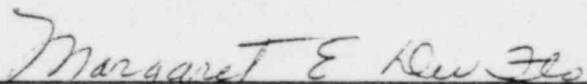
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the next two months. The motion is partially opposed by one of the other parties before the Special Board, the law firm of Squire, Sanders and Dempsey. That party believes that any extension should be restricted to December 28, 1976.

Upon full consideration of both the motion and the partial opposition, we conclude that there is good cause to grant the relief requested. Accordingly, the time for the filing of the City's brief is hereby extended to and including January 28, 1977.^{1/}

It is so ORDERED.

FOR THE ATOMIC SAFETY AND LICENSING
APPEAL BOARD



Margaret E. Du Flo
Secretary to the
Appeal Board

^{1/} In taking this action, we intimate no present view as to the appealability of the decision of the Special Board (as distinguished from any order which either has been or may be entered on the strength of that decision by the Licensing Board which has jurisdiction over the basic antitrust proceeding).