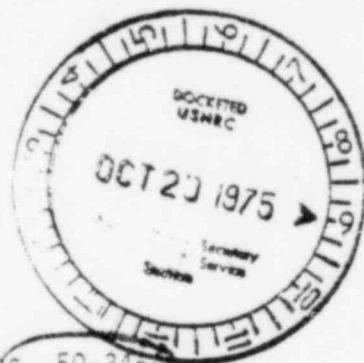


10/16/75

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD



In the Matter of)
THE TOLEDO EDISON COMPANY and)
THE CLEVELAND ELECTRIC ILLUMINATING)
COMPANY)
(Davis-Besse Nuclear Power Station,)
Units 1, 2 & 3))
THE CLEVELAND ELECTRIC ILLUMINATING)
COMPANY, ET AL.)
(Perry Nuclear Power Plant,)
Units 1 & 2))

NRC Docket Nos. 50-3400
50-500A
50-501A

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

ANSWER OF NRC STAFF IN OPPOSITION TO
APPLICANTS' OBJECTIONS TO THE
BOARD'S SIXTH PREHEARING CONFERENCE ORDER

On October 8, 1975 Applicants filed their objections to the Board's Sixth Prehearing Conference Order requesting the Board to, inter alia, modify its Order to reflect the Applicants' position on the nexus issue. The Staff opposes Applicants' objections.

In their motion Applicants again attempt to have the Board restructure or modify the nexus issue as set forth in Matter in Controversy No. 11., of Prehearing Conference Order No. 2, dated July 25, 1974. In the past all of the parties have opposed Applicants' efforts at modifying the nexus issue and the Board has sustained that opposition^{1/}.

1/ Ruling of Board With Respect to Applicants' Proposal for Expediting the Antitrust Hearing Process, dated June 30, 1975. (Applicants' proposal and motion denied.)

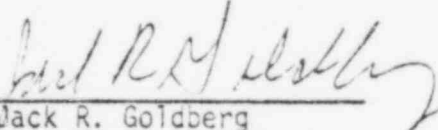
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The present motion does not contain any facts that have not been presented before by Applicants in support of their position on nexus to warrant a modification of the Board's Order. In response to Applicants' nexus arguments and objections the Staff hereby incorporates by reference its Answer in Opposition to Applicants' Motion for a Limited Hearing, dated April 7, 1975, Supplemental Statement of NRC Staff in Opposition to Applicants' Motion for a Limited Hearing, dated May 12, 1975, and Staff's Answer in Opposition to Applicants' Refiled Motion for Summary Disposition, dated October 6, 1975.

With respect to Applicants' request to modify their witness and document list after the November 10th due date, it is Staff's position that Applicants should be permitted one such amendment for good cause, if such amendment is filed and delivered on or before November 17, 1975.

In view of the foregoing, Staff opposes Applicants' objections.

Respectfully submitted,



Jack R. Goldberg
Counsel for NRC Staff

Dated at Bethesda, Maryland,
this 16th day of October, 1975.

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of

THE TOLEDO EDISON COMPANY and
THE CLEVELAND ELECTRIC ILLUMINATING
COMPANY
(Davis-Besse Nuclear Power Station,
Units 1, 2 & 3)

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

THE CLEVELAND ELECTRIC ILLUMINATING
COMPANY, ET AL.
(Perry Nuclear Power Plant,
Units 1 & 2)

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

CERTIFICATE OF SERVICE

I hereby certify that copies of ANSWER OF NRC STAFF IN OPPOSITION TO APPLICANTS' OBJECTIONS TO THE BOARD'S SIXTH PREHEARING CONFERENCE ORDER, dated October 16, 1975, in the captioned matter, have been served upon the following by deposit in the United States mail, first class or air mail this 16th day of October 1975:

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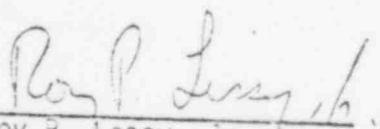
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