UNITED STATES OF AMERICA NUCLEAR REGULATORY COMMISSION

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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

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

THE CLEVELAND ELECTRIC ILLUMINATING COMPANY, et al.

(Perry Nuclear Power Plant, Units 1 and 2) Docket Nos. 50-346A 50-500A 50-501A

Docket Nos. 50-440A 50-441A

## ORDER

February 15, 1977

1. We grant the motion of the City of Cleveland for the establishment of page limitations for the briefs filed in support or in opposition to the City's exceptions to the January 6, 1977 initial decision of the Licensing Board. Briefs in support of exceptions 1, 2 and 3 shall be no longer than thirty pages in length and shall be filed on or before April 4, 1977. Briefs in opposition to those exceptions shall be subject to the same is tation and shall be filed on or before May 30, 1277. Reply briefs not

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exceeding fifteen pages in length may be filed on or before June 20, 1977.

Exceptions 4, 5 and 6 are not to be briefed. Exception 4 is the subject of an independent appeal taken by the City which is now pending before this Board. Exception 5 deals with a question already resolved by us in ALAB-290, 2 NRC 401, and ALAB-300, 2 NRC 752 (1975). Exception 6 is not addressed to the result reached by the Licensing Board; thus, the ruling complained of therein may not be brought to us by way of an appeal. See <u>Consumers Power Co.</u> (Midland Plant, Units 1 and 2), ALAB-282, 2 NRC 9, fn. 1 and accompanying text (1975).

2. For the convenience of the Board in making use of the briefs to be filed by the various parties on the applicants' and the City's appeals, those briefs are to have covers in the following colors:

All briefs filed by the applicants - Red All briefs of the City - Blue All briefs of the Department of Justice - Gray All briefs of the NRC staff - Tan. It is so ORDERED.

> FOR THE ATOMIC SAFETY AND LICENSING APPEAL BOARD

Margaret E. Du Flo

Secretary to the Appeal Board

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