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UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

SECRETARY  
OF SERVICE

Before the Atomic Safety and Licensing Board

In the Matter of	)	
	)	
THE CLEVELAND ELECTRIC	)	Docket Nos. 50-440
ILLUMINATING COMPANY, <u>ET AL.</u>	)	50-441
	)	
(Perry Nuclear Power Plant,	)	
Units 1 and 2)	)	

APPLICANTS' MOTION FOR LEAVE TO FILE ANSWER TO "OCRE  
REPLY TO STAFF AND APPLICANTS' RESPONSES TO OCRE'S  
MOTION FOR LEAVE TO FILE ITS CONTENTIONS 21 THROUGH 26"

On October 12, 1982, Ohio Citizens for Responsible Energy ("OCRE") filed a reply to the answers of Applicants and the NRC Staff to OCRE's motion for leave to file its contentions 21 through 26. This reply contains new factual material, raises new legal arguments, and makes a number of inaccurate factual and legal assertions. Pursuant to the Licensing Board's Memorandum and Order of October 6, 1982 (Concerning Procedures for Late-Filed Contentions), in which the Licensing Board ruled that Applicants would be given the opportunity to respond to new materials first introduced by intervenors in their reply briefs, see Order at 3, Applicants move for leave to

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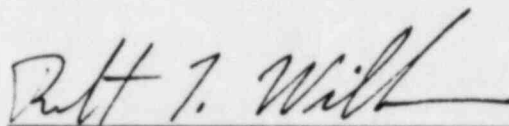
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file an answer to OCRE's reply of October 12, 1982.<sup>1/</sup>  
Applicants' answer is attached to this motion.

Respectfully submitted,

SHAW, PITTMAN, POTTS & TROWBRIDGE

By:



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Dated: October 19, 1982

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<sup>1/</sup> In this regard, Applicants also note that OCRE did not comply with the procedures established by the Licensing Board for raising new materials in a reply brief. See Order at 3 (intervenors must identify clearly their new factual or legal arguments, and explain why the new materials were not used in their initial filing).