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UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

'92 FEB -6 A11:15

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

OFFICE OF SECRETARY  
DOCKETING & SERVICE  
BRANCH

In the Matter of	)	
	)	
OHIO EDISON COMPANY	)	
(Perry Nuclear Power Plant,	)	
Unit 1)	)	Docket Nos. 50-346-A
	)	50-440-A
THE CLEVELAND ELECTRIC	)	
ILLUMINATING COMPANY	)	
THE TOLEDO EDISON COMPANY	)	(Suspension of Antitrust
(Perry Nuclear Power Plant,	)	Conditions)
Unit 1, and Davis-Besse	)	
Nuclear Power Station,	)	
Unit 1)	)	
	)	

NRC STAFF'S ANSWER TO THE CITY OF CLEVELAND'S  
MOTION TO AMEND THE SCHEDULE FOR SUMMARY DISPOSITION MOTIONS

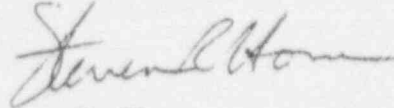
Pursuant to 10 C.F.R. § 2.730(c), the NRC Staff hereby answers the City of Cleveland's Motion to Amend the Schedule for Summary Disposition Motions. In that motion, Cleveland seeks leave to reply to the response the Applicants' may file to Cleveland's arguments on *res judicata* and related doctrines, which Cleveland will presumably make in a cross-motion for summary disposition. The Staff does not object to Cleveland's motion, subject to the understanding that the Staff, as well as other parties, have a . opportunity to respond to

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Cleveland's cross-motion on or before April 27, 1992, which is the date presently set by the Board for responses<sup>1</sup> to intervenor cross-motions for summary disposition.

Respectfully submitted,



Steven R. Hom  
Counsel for NRC Staff

Dated at Rockville, Maryland  
this 5th day of February, 1992

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<sup>1</sup> The briefing schedule ordered by the Board, *see* Order (Schedule for Summary Disposition Motions) (Nov. 14, 1991), provides that "Applicants' Joint Reply" to intervenor cross-motions for summary disposition be filed by April 27, 1992, but does not explicitly provide for Staff or other non-Applicant responses to intervenor cross-motions.

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

DOCKETED  
USNRC

'92 FEB -6 AM 1:15

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

OFFICE OF SECRETARY  
DOCKETING & SERVICE  
BRANCH

In the Matter of	)	
	)	
OHIO EDISON COMPANY	)	
	)	
(Perry Nuclear Power Plant, Unit 1)	)	
and	)	Docket Nos. 50-346A
	)	50-440A
THE CLEVELAND ELECTRIC ILLUMINATING COMPANY	)	
THE TOLEDO EDISON COMPANY	)	
	)	
(Perry Nuclear Power Plant, Unit 1, and Davis-Besse Nuclear Power Station, Unit 1)	)	(Suspension of Antitrust Conditions)
	)	

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing "NRC STAFF'S ANSWER TO THE CITY OF CLEVELAND'S MOTION TO AMEND THE SCHEDULE FOR SUMMARY DISPOSITION MOTIONS" in the above-captioned proceeding have been served on the following by deposit in the United States mail, first class, or as indicated by an asterisk through deposit in the Nuclear Regulatory Commission's internal mail system, or as indicated with a double asterisk by Federal Express this 5th day of February, 1992.

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Washington, D.C. 20555

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Washington, D.C. 20555

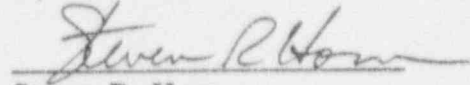
Adjudicatory File (2)\*  
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A handwritten signature in cursive script, appearing to read "Steven R. Hom", written over a horizontal line.

Steven R. Hom  
Counsel for NRC Staff