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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

ATOMIC SAFETY AND LICENSING BOARD

Before Administrative Judges:

Marshall E. Miller, Chairman
Charles Bechhoefer
G. Paul Bollwerk, III

'92 JUN 12 A10:05

SERVED JUN 12 1992

In the Matter of	Docket Nos. 50-440-A 50-346-A
OHIO EDISON COMPANY (Perry Nuclear Power Plant, Unit 1, Facility Operating License No. NPF-58)	(Suspension of Antitrust Conditions)
THE CLEVELAND ELECTRIC ILLUMINATING COMPANY THE TOLEDO EDISON COMPANY (Perry Nuclear Power Plant, Unit 1, Facility Operating License No. NPF-58) (Davis-Besse Nuclear Power Station, Unit 1, Facility Operating License No. NPF-3)	ASLBP No. 91-644-01-A June 12, 1992

MEMORANDUM AND ORDER
(Schedule for Submissions Regarding Factual Assertions Made During Oral Argument and Proposed Transcript Corrections)

At the close of the June 10, 1992 oral argument regarding the parties' pending summary disposition motions, the Board expressed the concern that there appeared to be a number of statements by counsel that involved disputed factual matters. See Tr. 437-40. As we indicated at that time, we are providing the parties with an opportunity to identify any significant factual assertions made by counsel during the argument that should not be considered by the Board in the context of resolving the "bedrock" legal issue.

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In identifying these factual matters, a party also may provide the Board with a brief explanation of why each factual representation identified should not be considered by the Board in the context of the pending summary disposition motions. Any party wishing to file such a submission should do so on or before Monday, June 29, 1992.

In addition, on or before Monday, June 29, 1992, each party may file a listing of any proposed corrections to the transcript for the June 10, 1992 proceeding. This listing need encompass only proposed corrections that would have some substantive significance. Any objections to a party's proposed transcript corrections should be filed on or before Wednesday, July 8, 1992.

The submissions identified in this memorandum and order should be served on the Board and other parties by overnight express mail or other comparable method of service.

It is so ORDERED.*

FOR THE ATOMIC SAFETY AND
LICENSING BOARD

Marshall E. Miller

Marshall E. Miller, Chairman
ADMINISTRATIVE JUDGE

Bethesda, Maryland
June 12, 1992

* Copies of the memorandum and order are being provided to the parties by facsimile transmission this date.

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the Matter of OHIO EDISON CO., CLEVELAND ELECTRIC ILLUMINATING CO. & TOLEDO EDISON CO (Perry Nuclear Power Plant and Davis-Besse Nuclear Power Station)	Docket No.(s) 50-440/346-A

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing LB MEMORANDUM & ORDER DTD 6/12 have been served upon the following persons by U.S. mail, first class, except as otherwise noted and in accordance with the requirements of 10 CFR Sec. 2.712.

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Administrative Judge
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Docket No.(s)50-440/346-A
LB MEMORANDUM & ORDER DTD 6/12

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Dated at Rockville, Md. this
12 day of June 1992

Kris Cater
Office of the Secretary of the Commission