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March 25, 1996

DOCKETED  
USNRC

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

'96 MAR 25 P4:37

BEFORE THE COMMISSION

In the Matter of

THE CLEVELAND ELECTRIC  
ILLUMINATING COMPANY

(Perry Nuclear Power Plant,  
Unit 1)

)  
)  
)  
)  
)  
)  
)

Docket No. 50-440-OLA-3  
ASLBP No. 90-605-02-OLA

(Material Withdrawal Schedule)

OFFICE OF SECRETARY  
DOCKETING & SERVICE  
BRANCH

NRC STAFF'S MOTION FOR EXTENSION OF TIME  
AND MODIFICATION OF BRIEFING SCHEDULE

On March 7, 1996, the Commission issued an Order (CLI-96-4) granting the "Petition for Review" filed by Cleveland Electric Illuminating Company, *et al.* ("Licensees"), concerning the "Memorandum and Order (Ruling on Motions for Summary Disposition)" issued by the Atomic Safety and Licensing Board in this proceeding on October 4, 1995.<sup>1</sup> In its Order, the Commission, *inter alia*, established the following briefing schedule:

Licensees and NRC Staff:	File within 30 days after service of the Order;
Intervenors:	File within 30 days after service of Licensees' and Staff's briefs;
Replies by Staff and Licensees:	File within 15 days after service of Intervenors' brief.

(Order at 1-2). Pursuant to this schedule, the Licensees and NRC Staff ("Staff") are required to file their initial briefs in this matter by April 11, the Intervenors' brief is to be filed by May 16, and reply briefs are to be filed by June 5, 1996 (assuming service of all briefs by regular mail).

<sup>1</sup> *Cleveland Electric Illuminating Co. (Perry Nuclear Power Plant, Unit No. 1), LBP-95-17, 42 NRC 137 (1995).*

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The Staff hereby requests a 15-day extension of time, until April 26, 1996, for the filing of its brief. This request is necessitated by Staff Counsel's required participation in and attendance at depositions in another ongoing NRC proceeding during the weeks of March 25, April 1, and April 8, 1996, which will preclude him from being able properly to prepare and file the Staff's brief in accordance with the established briefing schedule.

Staff Counsel has conferred with counsel for the other parties concerning this motion. Counsel for the Licensees stated that he does not oppose the Commission's grant of this Motion, provided that a comparable extension of time is provided for filing the Licensee's brief; and Counsel for the Intervenors stated that she does not oppose the grant of this Motion, provided the time for filing Intervenors' brief is adjusted accordingly.

Therefore, the Staff hereby requests an extension of time for the filing of its brief, and a modification of the briefing schedule in this proceeding, as follows:

Licensees and Staff: File within 45 days after service of the Order;

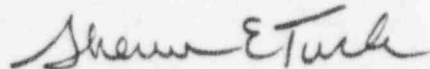
Intervenors: File within 30 days after service of Staff's brief;

Replies by Staff  
and Licensees: File within 15 days after service of Intervenors' brief.

#### CONCLUSION

For the reasons set forth above, the Staff requests an extension of time until April 26, 1996, to file its brief, and a modification of the briefing schedule in the manner stated above.

Respectfully submitted,



Sherwin E. Turk  
Counsel for NRC Staff

Dated at Rockville, Maryland  
this 25th day of March 1996

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UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

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BEFORE THE COMMISSION

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In the Matter of	)	
	)	Docket No. 50-440-OLA-3
THE CLEVELAND ELECTRIC	)	ASLBP No. 90-605-02-OLA
ILLUMINATING COMPANY	)	
	)	
(Perry Nuclear Power Plant,	)	(Material Withdrawal Schedule)
Unit 1)	)	

CERTIFICATE OF SERVICE

I hereby certify that copies of "NRC STAFF'S MOTION FOR EXTENSION OF TIME AND MODIFICATION OF BRIEFING SCHEDULE" in the above-captioned proceedings have been served on the following, by deposit in the United States mail or, as indicated by an asterisk, by deposit in the Nuclear Regulatory Commission's internal mail system, this 25th day of March 1996.

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Thomas S. Moore, Chairman\*  
Administrative Judge  
Atomic Safety and Licensing Board  
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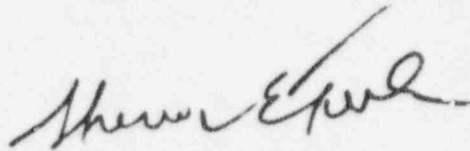
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A handwritten signature in dark ink, appearing to read "Sherwin E. Turk", is written over a horizontal line.

Sherwin E. Turk  
Counsel for NRC Staff