

5860

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION
ATOMIC SAFETY AND LICENSING BOARD

DOCKETED
USNRC

'88 MAR 17 AIO:10

Before Administrative Judges:

OFFICE OF SECRETARY
DOCKETING & SERVICE
BRANCH

Morton B. Margulies, Chairman
James H. Carpenter
Gustave A. Linenberger, Jr.

SERVED MAR 17 1988

In the Matter of
THE CLEVELAND ELECTRIC
ILLUMINATING COMPANY, ET AL.
(Perry Nuclear Power Plant,
Units 1 and 2)

Docket No. 50-440-OLA

(ASLBP No. 88-562-02-LA)

March 16, 1988

ORDER

This Board on March 1, 1988 issued an order in the captioned proceeding setting a schedule for the filing of contentions and responses, and for holding a prehearing conference.

On March 11, 1988, BOARD NOTIFICATION REGARDING STAFF REJECTION OF REQUEST FOR AMENDMENT TO FACILITY OPERATING LICENSE (BN 88-02) was issued. It advises that the Staff had informed the licensees that the requested amendment is not acceptable and the reasons for this conclusion.

The Board was informed on March 15, 1988 through the NRC Staff that the participants in the proceeding were in agreement that the prehearing schedule should be vacated pending a determination by the licensees of their future course in the proceeding.

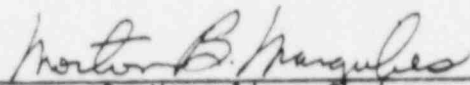
8803210093 880316
PDR ADOCK 05000440
G PDR

D502

The Board finds the proposal meritorious under the circumstances. Therefore, the Board orders the vacating of its Order of March 1, 1988 insofar as it sets a schedule for the filing of contentions and responses, and for holding a prehearing conference.

The Board further orders that the participants notify the Board by no later than April 18, 1988 of the consequences of the Board Notification on their intentions to go forward in the proceeding. Should the Board Notification have no effect, another prehearing schedule will be set at that time.

FOR THE ATOMIC SAFETY AND
LICENSING BOARD


Morton B. Margulies, Chairman
ADMINISTRATIVE LAW JUDGE

Dated at Bethesda, Maryland
this 16th day of March 16, 1988.