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DOCKET NUMBER
PROD. & UTIL. FAC. 50-440/346-A

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

DOCKETED
USNRC

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

'91 JUL 18 P1:10

In the Matter of)
OHIO EDISON COMPANY)
(Perry Nuclear Power Plant,)
Unit 1))

Docket No. 50-440A

ANSWER OF OHIO EDISON COMPANY
TO PETITION OF AMERICAN MUNICIPAL POWER-OHIO, INC.
FOR LEAVE TO INTERVENE

On July 3, 1991, American Municipal Power-Ohio, Inc. ("AMP-Ohio") filed a petition for leave to intervene in this proceeding. This Answer is Ohio Edison's response to that petition. See 10 C.F.R. § 2.714(c) (1991).

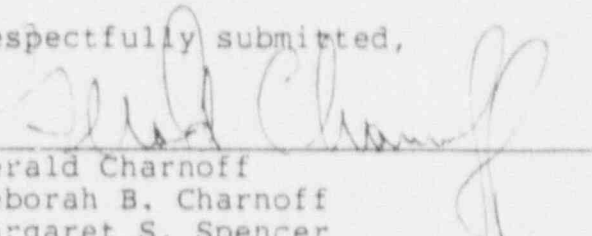
Ohio Edison Company does not object to the admission of AMP-Ohio as an intervenor on the basis of its status as a beneficiary of the license conditions at issue in this proceeding, notwithstanding the fact that its petition was filed out of time. See Notice of Denial and Opportunity for Hearing, 56 Fed. Reg. 20057 (May 1, 1991) (establishing May 31, 1991 as the deadline for petitions for leave to intervene).

The Federal Register notice establishing the Atomic Safety and Licensing Board did not -- as AMP-Ohio suggests -- supersede the May 1, 1991 notice (see 56 Fed. Reg. 28426 (June 20, 1991)), nor could it have extended an open-ended invitation for potential intervenors to file their petitions at their leisure. See 10

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C.F.R. 2.105(d) (notice of proposed action must provide that petitions for leave to intervene may be filed within thirty days, "or within such lesser period authorized by law as the Commission may specify.") Rather, the statement in the June 20, 1991 notice that "[a]ny person whose interest may be affected by this proceeding may file a written petition for leave to intervene" is simply part of the description of the actions authorized by the May 1, 1991 Notice of Denial and Opportunity for Hearing.

Respectfully submitted,



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Dated: July 18, 1991

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OFFICE OF SECRETARY
DOCKETING & SERVICE
BRANCH

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 18th day of July, 1991, a copy of the foregoing Answer of Ohio Edison Company to Petition of American Municipal Power-Ohio, Inc., for Leave to Intervene was hand-delivered to:

Secretary of the Commission
U.S. Nuclear Regulatory Commission
One White Flint North
11555 Rockville Pike
Rockville, Maryland

Charles Bechhoefer
Atomic Safety and Licensing Board Panel
U.S. Nuclear Regulatory Commission
4350 East West Highway
Room E-413
Bethesda, Maryland 20814

G. Paul Bollwerk, III
Atomic Safety and Licensing Board Panel
U.S. Nuclear Regulatory Commission
4350 East West Highway
Room E-522
Bethesda, Maryland 20814

that a copy of the foregoing Answer of Ohio Edison Company to Petition of American Municipal Power-Ohio, Inc., for Leave to

Intervene was transmitted via Federal Express to:

Marshall E. Miller, Chairman
Atomic Safety and Licensing Board Panel
1920 South Creek Boulevard
Spruce Creek Fly-In
Daytona Beach, Florida 32124

and that a copy of the foregoing Answer of Ohio Edison Company to
Petition of American Municipal Power-Ohio, Inc., for Leave to
Intervene was mailed first class, postage prepaid, to each of the
following:

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