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FOR IMMEDIATE RELEASE
(Wednesday, May 27, 1992)

ORAL ARGUMENT SCHEDULED FOR JUNE 10
ON PERRY, DAVIS-BESSE ANTITRUST SUSPENSION REQUESTS

Oral argument has been scheduled for June 10 in Bethesda, MD, by the presiding Atomic Safety and Licensing Board in the Nuclear Regulatory Commission proceeding considering applications to amend the operating licenses of the Perry 1 and the Davis-Besse 1 nuclear power plants to suspend antitrust conditions.

Argument will begin at 9:30 a.m. in the NRC Public Hearing Room, Fifth Floor, West Tower, East-West Towers Building, 4350 East-West Highway.

The licensees, Ohio Edison Company (Perry 1) and Cleveland Electric Illuminating Company/Toledo Edison Company (Perry 1 and Davis-Besse 1), were notified April 24, 1991 that their requests to amend those licenses were denied by the Commission based on the NRC staff's evaluation of arguments made in support of the applications, extensive public comments received on the proposed amendments and views expressed by the U.S. Department of Justice.

The licensees requested a hearing on the denial and other parties requested intervention on the basis of their interest. Intervention was granted to the Department of Justice, City of Cleveland, American Municipal Power-Ohio, Inc., and the Alabama Electric Cooperative. The NRC staff is also a party.

Parties to this proceeding will present argument on motions and cross-motions for summary disposition dealing principally with a so-called "bedrock" legal issue:

Is the Commission without authority as a matter of law to retain antitrust license conditions contained in an operating license if it finds that the actual cost of electricity from the licensed nuclear power plant is higher than the cost of electricity from alternative sources, all as appropriately measured and compared?

Members of the Licensing Board are the following Administrative Judges from the NRC's Atomic Safety and Licensing Board Panel: Marshall E. Miller, chairman; Charles Bechhoefer and G. Paul Bollwerk, III.

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