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June 2, 1980

Mr. Harold R. Denton
Director
Office of Nuclear Reactor Regulation
Nuclear Regulatory Commission
Washington, D.C. 20555

Re: The Toledo Edison Co., et al.
NRC Docket No. 50-346A;
The Cleveland Electric Illuminating Co.
NRC Docket Nos. 50-440A, 50-441A

Dear Sir:

On May 13, 1980, an order was issued over your signature in the above-referenced cases further modifying an order of June 25, 1979, in the same cases, with respect to the licenses and permits for Davis-Besse Unit 1 and Perry Units 1 and 2.

The order of May 13, 1980 stated:

"Pending further order of the Commission, CEI or any person who has an interest affected by this Order, may within twenty-five (25) days of the date of this order, request a hearing with respect to all or any part of this Order."

The deadline for requests for hearing is, therefore, June 9, 1980.

Eight days prior to the issuance of the order of May 13, 1980, on May 5, 1980, the Federal Energy Regulatory Commission (FERC) issued its Opinion No. 84 with respect to Cleveland Electric Illuminating Company's (CEI) transmission service tariff which is the subject of the order of May 13, 1980.

The FERC in Opinion No. 84 affirmed its Administrative Law Judge's deletion from the tariff of the phrases making CEI the "sole judge" and affording it "sole discretion" and "sole judgment" in matters relating to the availability of transmission service.

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The order of May 13, 1980, however, retains the "sole discretion" phrase.

The City of Cleveland, Ohio, an active Intervenor in the NRC cases, and an active Intervenor in the case before FERC, objects to the retention of the "sole discretion" language and would request a hearing if the order of May 13, 1980 were not further modified to conform in all respects to FERC's Opinion No. 84.

By June 16, 1980, CEI is required to file with FERC revisions to its transmission service tariff as required by Opinion No. 84.

In complying with Opinion No. 84, CEI may, at the same time, request that the requirements of the May 13, 1980 order be conformed with those of Opinion No. 84. Should the modifications be made, either at CEI's request or on NRC's own motion, there will be no need for a hearing.

Therefore, the City of Cleveland, Ohio, by its under-signed counsel, requests that the time for requests for a hearing of the order of May 13, 1980 be extended to and including July 9, 1980.

Respectfully submitted,

City of Cleveland, Ohio

By Reuben Goldberg
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Its Attorney

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