

UNITED STATES OF AMERICA
ATOMIC ENERGY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

8/5/74

In the Matter of)	
THE TOLEDO EDISON COMPANY and)	AEC Docket No. 50-346A
THE CLEVELAND ELECTRIC ILLUMINATING)	
COMPANY)	
(Davis-Besse Nuclear Power Station))	
THE CLEVELAND ELECTRIC ILLUMINATING)	
COMPANY, ET AL.)	AEC Docket No. 50-440A
(Perry Nuclear Power Plant,)	50-441A
Units 1 and 2))	

MOTION FOR RECONSIDERATION

The AEC Regulatory Staff (Staff) hereby moves the presiding Atomic Safety and Licensing Board (Board) for reconsideration of the schedule issued in Prehearing Conference Order #2 for the captioned matter. This schedule sets the date of May 14, 1975 for the start of evidentiary hearings herein.

The Staff is aware of the consideration put forth by the Board in reaching its decision on this matter and the fact that the different positions of all of the parties herein was reviewed before the schedule was issued. The present schedule projected by the Commission for the completion of the health, safety and environmental hearing on the Perry nuclear units is March 1975. At this juncture there is nothing to indicate that this schedule cannot be met. Thus this Board's scheduled date of May 14, 1975 for the commencement of the antitrust hearing would result in the antitrust phase of the hearing process becoming the pacing item and the potential cause for delay in the final decision on the application for construction permits for the Perry nuclear units.

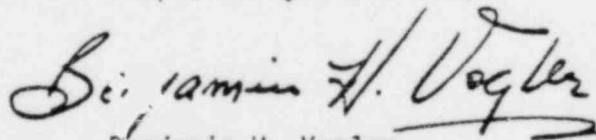
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Staff notes that all of the parties to this proceeding have advised that they have no desire to delay the final action on the construction permit applications for the Perry units and, in fact, have advised that construction of the Perry units on time will be to their benefit.^{1/}

In addition, Staff believes that through the close cooperation of the parties, the joint use of discovery and stipulations that the Board's schedule can be shortened so that the antitrust review process can be completed within time projected for the completion of the health, safety and environmental proceeding.

In view of the foregoing, Staff strongly urges the Board to reconsider the schedule issued in Prehearing Conference Order #2 and establish a new schedule in accord with the schedule proposed by the regulatory staff in its filing of July 15, 1974 which took into account the prospective decision dates for the completion of the health, safety and environmental proceeding discussed in the foregoing portion of this motion.

Respectfully submitted,



Benjamin H. Vogler
Acting Antitrust Counsel
for AEC Regulatory Staff

Dated at Bethesda, Maryland
this 5th day of August 1974.

^{1/} The Davis-Besse Nuclear Power Station, Dkt. No. 50-346A, is subject to the Commission's "grandfather provisions" under Section 105c(3) of the Act and, therefore, the time frame for this unit is not as critical.

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CERTIFICATE OF SERVICE

I hereby certify that copies of MOTION FOR RECONSIDERATION, dated August 5, 1974, in the captioned matter, have been served upon the following by deposit in the United States mail, first class or air mail, this 5th day of August 1974:

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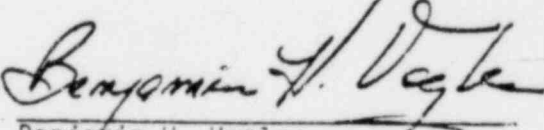
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