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UNITED STATES OF AMERICA
ATOMIC ENERGY COMMISSION

08/13/73

Before the Atomic Safety and Licensing Board

In the Matter of)	
)	
TOLEDO EDISON COMPANY AND)	Docket No. 50-346
CLEVELAND ELECTRIC ILLUMINATING)	
COMPANY)	
)	
(Davis-Besse Nuclear Power Station))	

RESPONSE OF THE AEC REGULATORY STAFF
TO THE COALITION FOR SAFE ELECTRIC POWER
REASONS FOR LATE FILING OF PETITION FOR LEAVE
TO INTERVENE IN OPERATING LICENSE HEARING

On April 30, 1973, the Atomic Energy Commission (Commission) published a Notice in the Federal Register entitled "Receipt and Consideration of Issuance of Facility License; Opportunity for Hearing" (38 FR 10661). That Notice provided, in part, that petitions for leave to intervene must be filed in accordance with the Commission's Rules of Practice, 10 CFR Part 2, by May 30, 1973. On May 30, 1973, the Coalition for Safe Electric Power (Coalition) sent a telegram to the Commission which wholly failed to meet any of the requirements of a petition for leave to intervene contained in § 2.714 of the Rules of Practice; however, the telegram indicated that a petition was being placed in the mail. By cover letter to the Secretary of the Commission dated June 4, 1973, the Coalition submitted a Petition for Leave to Intervene. The Applicants and the regulatory staff answered this petition on June 14, and June 18, 1973, respectively.

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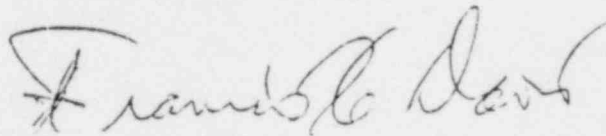
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By a Memorandum and Order issued July 10, 1973, the Atomic Safety and Licensing Board (Board), which had been established to rule on petitions for leave to intervene, denied the petition "unless the Coalition . . . within a period of 15 days from the date of this Order makes a showing of good cause why its petition should be considered timely."

In a document styled "Coalition for Safe Electric Power Reasons for Late Filing of Petition for Leave to Intervene in Operating License Hearing," and dated July 24, 1973,^{1/} the Coalition attempted to show such good cause.

The regulatory staff believes that in the circumstances of this case the Coalition has made a sufficient showing of good cause to justify the untimely filing of its petition for leave to intervene.

Respectfully submitted,



Francis X. Davis
Counsel for AEC Regulatory Staff

Dated at Bethesda, Maryland
this 13th day of August, 1973.

^{1/} The regulatory staff notes that this document was served by hand on the Board and the Applicants on July 25, 1973; however, the document was not docketed in the Office of the Secretary of the Commission until July 30, 1973, and a copy was not received by the regulatory staff until August 6, 1973.

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CERTIFICATE OF SERVICE

I hereby certify that copies of "Response of the AEC Regulatory Staff to the Coalition for Safe Electric Power Reasons for Late Filing of Petition for Leave to Intervene in Operating License Hearing," dated August 13, 1973, in the captioned matter, have been served on the following by deposit in the United States mail, first class or air mail, this 13th day of August, 1973:

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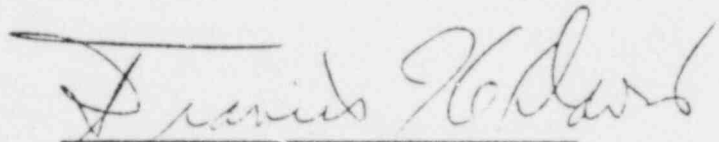
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