

UNITED STATES OF AMERICA
ATOMIC ENERGY COMMISSION

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

NOTICE OF RECEIPT OF APPLICATION FOR FACILITY
OPERATING LICENSE; NOTICE OF CONSIDERATION OF
ISSUANCE OF FACILITY LICENSE
AND NOTICE OF OPPORTUNITY FOR HEARING

Notice is hereby given that the Atomic Energy Commission (the Commission) has received an application for facility operating license from The Toledo Edison Co. and The Cleveland Electric Illuminating Co. (the applicant) to possess, use, and operate Davis-Besse Nuclear Power Station, a pressurized water nuclear reactor (the facility), located on the applicant's site on the southwestern shore of Lake Erie in Ottawa County, Ohio, at steady-state power levels not to exceed 2772 megawatts thermal.

The Commission will consider the issuance of a facility operating license to The Toledo Edison Co. and The Cleveland Electric Illuminating Co. which would authorize the applicant to possess, use, and operate the Davis-Besse Nuclear Power Station, in accordance with the provisions of the license and the technical specifications appended thereto, upon the completion of a favorable safety evaluation on the application by the Commission's Directorate of Licensing, the completion of the environmental

8002120 909

review required by the Commission's regulations in 10 CFR Part 50, Appendix D, the receipt of a report on the applicant's application for a facility operating license by the Advisory Committee on Reactor Safeguards, and a finding by the Commission that the application for the facility license, as amended, complies with the requirements of the Atomic Energy Act of 1954, as amended (Act), and the Commission's regulations in 10 CFR Chapter 1. Construction of the facility was authorized by Construction Permit No. CPPR-80, issued by the Commission on March 24, 1971.

Prior to issuance of any operating license, the Commission will inspect the facility to determine whether it has been constructed in accordance with the application, as amended, and the provisions of Construction Permit No. CPPR-80. In addition, the license will not be issued until the Commission has made the findings, reflecting its review of the application under the Act which will be set forth in the proposed license, and has concluded that the issuance of the license will not be inimical to the common defense and security or to the health and safety of the public. Upon issuance of the license, the applicant will be required to execute an indemnity agreement as required by Section 170 of the Act and 10 CFR Part 140 of the Commission's regulations.

The facility is subject to the provisions in 10 CFR Part 50, Appendix D, for notice of opportunity for filing petitions for leave to intervene and requests for a hearing on environmental considerations related to issuance of the facility operating license.

Within thirty (30) days from the date of publication of this notice in the FEDERAL REGISTER, the applicant may file a request for a hearing, with respect to issuance of the facility operating license and any person whose interest may be affected by this proceeding may file a petition for leave to intervene. Requests for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice" in 10 CFR Part 2. If a request for a hearing or petition for leave to intervene is filed within the time prescribed in this notice, the Commission or an atomic safety and licensing board designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel will rule on the request and/or petition and the Secretary or the designated atomic safety and licensing board will issue a notice of hearing or an appropriate order.

A petition for leave to intervene must be filed under oath or affirmation in accordance with the provisions of 10 CFR § 2.714. As required in 10 CFR § 2.714, a petition for leave to intervene shall set forth the interest of the petitioner in the proceeding, how that interest may be affected by the results of the proceeding, and any

other contentions of the petitioner including the facts and reasons why he should be permitted to intervene, with particular reference to the following factors: (1) the nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. Any such petition shall be accompanied by a supporting affidavit identifying the specific aspect or aspects of the subject matter of the proceeding as to which the petitioner wishes to intervene and setting forth with particularity both the facts pertaining to his interest and the basis for his contentions with regard to each aspect on which he desires to intervene. A petition that sets forth contentions relating only to matters outside the jurisdiction of the Commission will be denied.

A request for a hearing or a petition for leave to intervene must be filed with the Office of the Secretary of the Commission, United States Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Staff, or may be delivered to the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., not later than thirty (30) days from the date of publication of this notice in the FEDERAL REGISTER. A copy of the petition and/or request should also be sent to the Chief Hearing Counsel, Office of the General Counsel,

U.S. Atomic Energy Commission, Washington, D.C. 20545 and to Gerald Charnoff, Esquire, Shaw, Pittman, Potts and Trowbridge, 910 - 17th Street, N.W., Washington, D.C. 20006, attorney for the applicant.

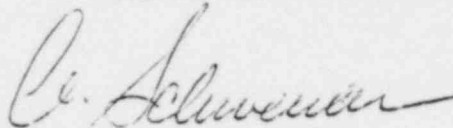
A petition for leave to intervene which is not timely will not be granted unless the Commission, the presiding officer, or the atomic safety and licensing board designated to rule on the petition and/or request determines that the petitioner has made a substantial showing of good cause for failure to file on time and after considering those factors specified in 10 CFR § 2.714(a) (1) - (4) and § 2.714(d).

For further details pertinent to the matters under consideration, see the application for the facility operating license, dated December 8, 1972, as amended, and docketed March 30, 1973, and the Applicant's Environmental Report - Construction Permit Stage, dated August 3, 1970, as supplemented, July 6, 1972, and the Applicant's Environmental Report - Operating License Stage (which incorporates by reference the earlier Environmental Report), dated December 20, 1972, and docketed March 30, 1973, which are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., and at the Ida Rupp Public Library, Port Clinton, Ohio 43452. As they become available the following documents may be inspected at the above locations: (1) the safety evaluation prepared by the Directorate of Licensing; (2) the Commission's draft detailed statement on environmental considerations pursuant to 10 CFR Part 50, Appendix D; (3) the Commission's final detailed statement on environmental considerations; (4) the report of the Advisory Committee on Reactor Safeguards on the application for facility operating licenses;

(5) the proposed facility operating license; and (6) the technical specifications, which will be attached to the proposed facility operating license.

Copies of items (1), (3), (4), and (5), when available, may be obtained by request to the Deputy Director for Reactor Projects, Directorate of Licensing, U. S. Atomic Energy Commission, Washington, D.C. 20545.

FOR THE ATOMIC ENERGY COMMISSION



A. Schwencer, Chief
Pressurized Water Reactors No. 4
Directorate of Licensing

Dated at Bethesda, Maryland
this 19th day of April, 1973