

January 11, 1978

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MEMORANDUM FOR: Edson G. Case, Acting Director
NRR

FROM: James P. Murray, Jr., OELD

SUBJECT: REQUEST FOR PROCEEDINGS TO ENFORCE LICENSE CONDITION
RE: WHEELING SERVICES OF OPERATING LICENSE FOR
DAVIS-BESSE 1 AND CONSTRUCTION PERMITS OF DAVIS-BESSE
2 AND 3 AND PERRY 1 AND 2

In a letter dated January 4, 1978, the City of Cleveland, Ohio, requested that the NRC commence proceedings pursuant to 10 CFR §2.202 to require the Cleveland Electric Illuminating Company to comply with the license conditions regarding wheeling services attached to the operating license for Davis-Besse Nuclear Power Station Unit 1 and the construction permits for Davis-Besse Nuclear Power Station Units 2 and 3 and Perry Plant Units 1 and 2.

Joe Rutberg and I will work closely with your staff in developing an appropriate response to this request. Please note that the nature of the request makes it necessary that it be promptly evaluated. A copy of all correspondence related to this matter should be sent to this office.

Enclosed for your use are drafts of:

1. Letter of acknowledgment to the requester;
2. Letter of transmittal to the affected licensee; and
3. Notice of receipt of request for Federal Register publication.

James P. Murray, Jr.
Director and Chief Counsel
Rulemaking and Enforcement Division

773470255

cc: J. Rutberg

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NRC Central
Subject file
Reading file

Murray chron
Lieberman info
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B. Ertter, EDO #03092
HKShapar
TFEngelhardt

Enclosures:
1-3 As stated
4 Petition

OFFICE	OELD	OELD				
SURNAME	Lieberman	JPMurray, Jr.				
DATE	1/11/78	1/11/78				

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DRAFT

Docket No. _____

David C. Hjelmfelt
Goldberg, Fieldman & Hjelmfelt, P. C.
Suite 650
1700 Pennsylvania Avenue, N. W.
Washington, D. C. 20006

Dear Mr. Hjelmfelt:

This letter is to acknowledge receipt of your request on behalf of the City of Cleveland, Ohio, dated January 4, 1978, that the Nuclear Regulatory Commission commence proceedings pursuant to 10 CFR §2.202 to enforce the license conditions regarding wheeling services attached to the operating license for Davis-Besse Nuclear Power Station Unit 1 and the construction permits for Davis-Besse Nuclear Power Station Units 2 and 3 and Perry Plant Units 1 and 2.

Your request is under active consideration, and you may be assured that within a reasonable time we will take appropriate action concerning them. A copy of the Notice that is being filed with the Office of the Federal Register for publication is enclosed for your information.

Sincerely,

Edson G. Case
Acting Director

Enclosure
Copy of Notice

cc: (As appropriate)

DRAFT

Docket No. _____

The Cleveland Electric Illuminating Company
(fill in address)

Gentlemen:

Enclosed for your information is a copy of a letter dated January 4, 1978, from the City of Cleveland requesting the Nuclear Regulatory Commission to institute proceedings pursuant to 10 CFR §2.202 to require the Cleveland Electric Illuminating Company to comply with the license conditions re wheeling services attached to the operating license for Davis-Besse Nuclear Power Station Unit 1 and the construction permits for Davis-Besse Nuclear Power Station Units 2 and 3 and Perry Plant Units 1 and 2.

A copy of the Notice we are filing with the Office of the Federal Register relating to this request is enclosed for your information.

Sincerely,

Edson G. Case
Acting Director

Enclosure

1. Request for Enforcement Action
2. Federal Register Notice

cc: (As appropriate)

DRAFT

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

Cleveland Electric Illuminating Company
License No. _____

REQUEST FOR ORDER TO SHOW CAUSE

Notice is hereby given that by petition dated January 4, 1978, the City of Cleveland, Ohio, filed a request that the Nuclear Regulatory Commission commence proceedings pursuant to 10 CFR §2.202 to require the Cleveland Electric Illuminating Company to comply with the license conditions attached to the operating license for Davis-Besse Nuclear Power Station Unit 1 and the construction permits for Davis-Besse Nuclear Power Station Units 2 and 3 and Perry Plant Units 1 and 2. In accordance with the procedures specified in 10 CFR §2.206 appropriate action will be taken on this request within a reasonable time.

A copy of the request is available for inspection in the Commission's Public Document Room, 1717 H Street, N. W., Washington, D. C. 20555 and at the (fill in address for local PDR).

FOR THE NUCLEAR REGULATORY COMMISSION

Edson G. Case, Acting Director

Dated at Bethesda, Maryland

this ___ day of _____, 1978.