

UNITED STATES OF AMERICA
ATOMIC ENERGY COMMISSION

POOR
ORIGINAL

BEFORE THE COMMISSION

In the Matter of)

THE TOLEDO EDISON COMPANY and)
THE CLEVELAND ELECTRIC ILLUMINATING)
COMPANY)

Docket No. 50-346A

(Davis-Besse Nuclear Power Station))

ANTI-TRUST

ANSWER OF AEC REGULATORY STAFF TO AMENDMENT TO
PETITION TO INTERVENE OF THE CITY OF CLEVELAND, OHIO

On July 27, 1971, the City of Cleveland, Ohio, (Petitioner) filed an "Amendment to Petition to Intervene" in which it presented information to supplement its request of July 6, 1971, that the Atomic Energy Commission (Commission) hold a hearing on the antitrust considerations of the application for a construction permit in the captioned matter. The amended petition asserts that there has been an apparent change in material facts bearing upon the matter.

In answering Petitioner's earlier request, the AEC regulatory staff noted that the Attorney General had forwarded his advice to the Commission concerning the antitrust considerations relating to the application, and that this advice would be published in the Federal Register, pursuant to 10 CFR §2.102 of the Commission's "Rules of Practice." Accordingly, we recommended that consideration of Petitioner's request be held in abeyance until publication of the Attorney General's advice and the elapse of the subsequent period for filing petitions to intervene and requests for an antitrust hearing.

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We again recommend that consideration of Petitioner's request for an antitrust hearing be held in abeyance until the time for filing petitions to intervene, as will be specified in the notice to be published in the Federal Register, has ended. We also renew our request that the applicants and we be granted fifteen days after the time in which to file petitions to intervene has ended in which to answer Petitioner's request of July 6, 1971.

Respectfully submitted,

Robert E. Liedquist
Robert E. Liedquist
Antitrust Counsel for AEC Regulatory Staff

Dated at Bethesda, Maryland,
this 6th day of August, 1971.

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CERTIFICATE OF SERVICE

I hereby certify that copies of "Answer of AEC Regulatory Staff to Amendment to Petition to Intervene of the City of Cleveland, Ohio, dated August 6, 1971, were served on the following by deposit in the United States mail, first class or airmail, this 6th day of August, 1971:

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