

DOCKET NUMBER  
PROD. & UTIL, EAC. 50-346A

UNITED STATES OF AMERICA  
ATOMIC ENERGY COMMISSION

BEFORE THE COMMISSION

In the Matter of  
THE TOLEDO EDISON COMPANY and  
THE CLEVELAND ELECTRIC ILLUMINATING  
COMPANY  
(Davis-Besse Nuclear Power Station)

Docket No. 50-346A  
7-17-71

ANSWER OF AEC REGULATORY STAFF TO PETITION TO INTERVENE  
OF THE CITY OF CLEVELAND AND TO MOTION FOR EXTENSION  
OF TIME BY THE APPLICANTS

On July 6, 1971, the City of Cleveland, Ohio, (petitioner) filed a "petition to intervene" and a request that the Atomic Energy Commission (Commission) hold a hearing on the antitrust considerations of the application for a construction permit for the Davis-Besse Nuclear Power Station by The Toledo Edison Company and The Cleveland Electric Illuminating Company (applicants).

By a letter dated July 9, 1971, the Attorney General, pursuant to section 105c. of the Atomic Energy Act of 1954, as amended, advised the Commission that an antitrust hearing would not be required on this application. The letter of advice stated that the petitioner and one of the applicants were presently in negotiations which could settle the differences between the petitioner and that applicant.

Pursuant to 10 CFR §2.102 of the Commission's "Rules of Practice," the Attorney General's advice will be published in the Federal Register. The

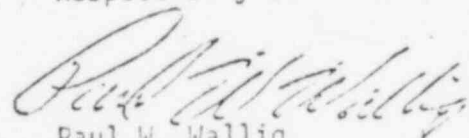
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published notice will provide that persons whose interests may be affected will have 30 days to petition to intervene and request a hearing on the antitrust aspects of the application.

Accordingly, the AEC regulatory staff recommends that consideration of the City of Cleveland's petition be held in abeyance until the time in which petitions to intervene may be filed, as will be specified in the notice to be published in the Federal Register, has ended and that during this time the petitioner could be allowed to amend its petition, if it so desires, to reflect its comments on the advice of the Attorney General and/or the results of its negotiations with the applicants. The regulatory staff also recommends that the applicants and we be granted 15 days after the time in which to file petitions to intervene has ended in which to answer this petition and any amendment thereto.

For the above reasons, the regulatory staff has no objection to the motion of the applicants dated July 13, 1971, requesting additional time in which to answer the petition.

Respectfully submitted,



Paul W. Wallig  
Counsel for AEC Regulatory Staff

Dated at Bethesda, Maryland,  
this 19th day of July 1971.