



DOCKET NUMBER
PROD. & UTIL. FAC. 50-346A

UNITED STATES OF AMERICA
ATOMIC ENERGY COMMISSION
BEFORE THE COMMISSION

ANTI-TRUST

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

Docket No. 50-346A

10-21-71



MOTION OF AEC REGULATORY STAFF FOR EXTENSION OF TIME TO ANSWER PETITION TO INTERVENE OF THE CITY OF CLEVELAND, OHIO

On July 6, 1971, the City of Cleveland, Ohio, (petitioner) filed a "Petition to Intervene" and a request for a hearing on the antitrust aspects of the application pending in the captioned matter. On July 27, 1971, petitioner filed an "Amendment to Petition to Intervene" in which it presented information to supplement its request of July 6, 1971.

In answers filed July 19 and August 6, 1971, the staff recommended that consideration of petitioner's requests be held in abeyance until publication of the Attorney General's antitrust advisory letter pursuant to 10 CFR §2.102 of the Commission's "Rules of Practice" and the elapse of the subsequent period for filing petitions to intervene and requests for an antitrust hearing.

On September 4, 1971, the Commission published the Attorney General's advisory letter concerning the pending application in the Federal Register, together with a notice providing thirty days within which interested parties might file petitions to intervene and requests for an antitrust hearing.

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By letter to regulatory staff counsel dated October 4, 1971, petitioner stipulated that both the staff and applicant might have fifteen days within which to respond to the petition to intervene as amended.

Pursuant to CFR §2.7111, the staff requests the Commission to extend the time for filing an answer to the City of Cleveland's petition for leave to intervene, as amended, to and including November 5, 1971. In support of this request, the staff submits the following:

- (a) The staff has reason to believe that actions to be taken by the petitioner and applicant, Cleveland Electric Illuminating Company, within the next two weeks may have material bearing on the staff's position regarding the need for an antitrust hearing in the matter.
- (b) Counsel for the applicants and the petitioner have informed the staff that they do not object to this request for an extension of time.

Respectfully submitted



Robert E. Lieberquist
Antitrust Counsel for

Dated at Bethesda, Maryland,
this 20th day of October, 1971.