

4-25-74



UNITED STATES OF AMERICA
ATOMIC ENERGY COMMISSION

In the Matter of)
)
THE TOLEDO EDISON and)
THE CLEVELAND ELECTRIC ILLUMINATING)
COMPANY)
(Davis-Besse Nuclear Power Station))
)
CLEVELAND ELECTRIC ILLUMINATING))
COMPANY, et al.)
(Perry Nuclear Power Plant))

Docket No. 50-346A
~~50-440A~~
50-441A

NOTICE OF ANTI-TRUST HEARING

Pursuant to the Atomic Energy Act of 1954, as amended (the Act), and the regulations in Title 10, Code of Federal Regulations, Part 50, and Part 2, the Atomic Energy Commission's "Memorandum and Order" of January 21, 1974, and the "Final Memorandum and Order on Petitions to Intervene and Requests for Hearing" of April 15, 1974, issued by this Atomic Safety and Licensing Board (Board), NOTICE is hereby given that a hearing will be held to consider the antitrust aspects of the applications filed under the Act by the companies identified in the caption above (Applicants) to construct and operate nuclear reactors

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designated as the Davis-Besse Nuclear Power Station, and the Perry Nuclear Power Plant.

The above-captioned proceedings have been consolidated by the said Board's Memorandum and Order of April 15, 1974. A single hearing will be held at a time and place to be designated later by this Licensing Board. The members of this Board designated by the Commission are John Henry Brebbia, George R. Hall, and John B. Farmakides, Chairman. The issue to be considered in this hearing is whether the activities under the construction permit would create or maintain a situation inconsistent with the antitrust laws as provided in Subsection 105(a) of the Act. In its Initial Decision the Board will decide those matters relevant to that issue which are in controversy among the parties.

The applications and the Attorney General's letter have been placed in the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. As they become available, the transcripts of the prehearing conference and of the hearing will also be placed in the Commission's Public

Document Room, where they will be available for inspection by members of the public. Copies of all of the foregoing documents will also be available at the Ida Rupp Public Library, Port Clinton, Ohio, between the hours of 10:00 a.m. to 3:00 p.m. Monday through Saturday and at the Perry Public Library, 3753 Main Street, Perry Township, Ohio, between the hours of 12 noon to 3:00 p.m. Monday through Friday and from 12 noon to 5:00 p.m. on Saturday.

Any person who wishes to make an oral or written statement in this proceeding setting forth his position on the issue specified, but who has not filed a petition for leave to intervene, may request permission to make a limited appearance pursuant to the provisions of 10 CFR section 2.715 of the Commission's "Rules of Practice." Limited appearances will be permitted at the time of the hearing in the discretion of the Board, within such limits and on such conditions as may be fixed by the Board. Persons desiring to make a limited appearance are requested to inform the Secretary of the Commission, United States Atomic Energy Commission, Washington, D.C. 20545, not later than thirty

(30) days from the date of publication of this notice in the Federal Register. A person permitted to make a limited appearance does not become a party, but may state his position and raise questions which he would like to have answered to the extent that the questions are within the scope of the hearing as specified hereinabove. A member of the public does not have the right to participate in the proceeding unless he has been granted the right to intervene as a party or the right of limited appearance.

Papers required to be filed in this proceeding may be filed by mail or telegram addressed to the Secretary of the Commission, United States Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Branch, 1717 H Street, N.W., Washington, D.C. Pending

further order of the Board, parties are required to file, pursuant to the provisions of 10 CFR section 2.703 of the Commission's "Rules of Practice," an original and twenty conformed copies of each such paper with the Commission.

IT IS SO ORDERED.

ATOMIC SAFETY AND LICENSING BOARD


John S. Farmakides, Chairman

Issued at Bethesda, Maryland,
this 25th day of April 1974.