

Raymond J. ...
4-5-74

UNITED STATES OF AMERICA
ATOMIC ENERGY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)	
THE TOLEDO EDISON COMPANY and)	
THE CLEVELAND ELECTRIC ILLUMINATING)	AEC Docket No. 50-346A ✓
COMPANY)	
(Davis-Besse Nuclear Power Station))	
THE CLEVELAND ELECTRIC ILLUMINATING)	
COMPANY, ET AL.)	Docket Nos. 50-440A
(Perry Nuclear Power Plant,)	50-441A
Units 1 and 2))	
DUQUESNE LIGHT COMPANY, ET AL.)	
(Beaver Valley Power Station,)	Docket No. 50-412A
Unit No. 2))	

REPLY OF THE AEC REGULATORY STAFF IN OPPOSITION
TO THE "OBJECTION OF THE CITY OF CLEVELAND TO
THE DENIAL OF PETITION TO INTERVENE AND REQUIREMENT
FOR SUPPLEMENTAL STATEMENT OF NEXUS IN THE BOARDS
MEMORANDUM AND ORDER ISSUED MARCH 15, 1974, REQUEST
FOR CERTIFICATION OF SUCH MATTERS TO THE COMMISSION
AND DEFERRAL OF DATE FOR FILING SUPPLEMENTAL STATEMENT
ON NEXUS PENDING COMMISSION DECISION"

Pursuant to the conference call of April 1, 1974 initiated by Judge Farmakides regarding the above-captioned matters, the AEC Regulatory Staff (Staff) hereby files its reply in opposition to the request for reconsideration filed by the City of Cleveland (City) in response to the March 15, 1974 Memorandum and Order of the Atomic Safety and Licensing Board (Board) in the above captioned matter. It is the position of the Staff that the Board correctly denied intervention in the Beaver Valley proceeding.

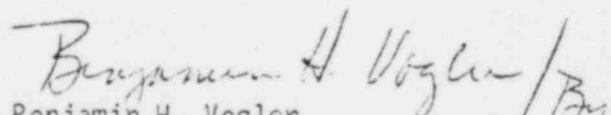
First, the Staff has indicated in a prior pleading, and on the record, that there has not been a sufficient showing of good cause to offset the untimely filing of the petition in this case.

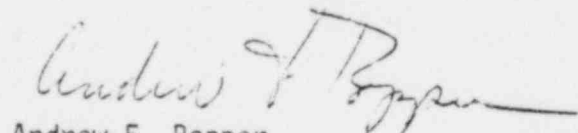
Secondly, the Board has accepted the position of the Staff, regarding the inadequacy of the nexus in the petition to intervene filed by the City, thus making it unnecessary for the Staff to comment further on that point.

Third, the present petition of the City is silent regarding any additional points for consideration, concentrating solely on issues argued and decided.

For these reasons, the Staff submits that the request for reconsideration should be denied.

Respectfully submitted,


Benjamin H. Vogler
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for AEC Regulatory Staff


Andrew F. Popper
Counsel for AEC Regulatory Staff

Dated at Bethesda, Maryland
this 5th day of April 1974.

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CERTIFICATE OF SERVICE

I hereby certify that copies of REPLY OF THE AEC REGULATORY STAFF IN OPPOSITION TO THE "OBJECTION OF THE CITY OF CLEVELAND TO THE DENIAL OF PETITION TO INTERVENE" dated April 5, 1974, in the captioned matter have been served upon the following by deposit in the United States mail, first class or airmail, this 5th day of April 1974:

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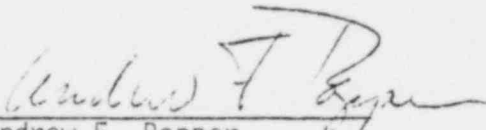
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