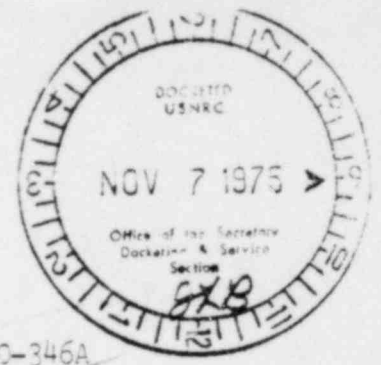


POOR ORIGINAL

11-6-75

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION



In the Matter of  
THE TOLEDO EDISON COMPANY, ET AL.  
(Davis-Besse Nuclear Power Station,  
Unit 1)

Docket No. 50-346A

ORDER SETTING SCHEDULE FOR RESOLUTION OF  
APPLICANTS' MOTION FOR DETERMINATION THAT DAVIS-BESSE  
UNIT 1 IS "GRANDFATHERED" FOR PURPOSES OF OPERATION

By Motion of November 4, 1975, Applicants moved for entry of an Order "affirming the authority of the Commission to issue a license authorizing the operation of the [Davis-Besse 1 Unit] prior to completion of the antitrust review presently in progress."\* By telephone conference call of November 5, parties other than Applicants requested thirty days additional time in which to respond. Applicants were willing to grant the City of Cleveland 15 days response time, the NRC Staff 10 days and the Department of Justice 5 days.\*\*

\* On the same date, Applicants moved the Appeal Board to direct immediate certification of this issue. By Order of November 3, 1975, the Appeal Board denied Applicants' Motion in order to permit the Licensing Board reasonable time to consider the question posed. The schedule set herein is designed to allow the Licensing Board to act in a fashion consistent with the Appeal Board Order of November 3, 1975.

\*\* Only 9 days earlier, Applicants' counsel requested and obtained relief from response requirements for certain pleadings due to the workload imposed by other schedule commitments in this proceeding. (Minutes of conference call of October 23, 1975.) On November 4, Applicants requested and obtained additional relief from filing date requirements. The Board is aware that all parties are operating under stringent time requirements and Applicants posture in attempting to deny other parties relief similar to relief it has requested for itself is unreasonable.

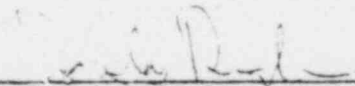
H-1

8002200853 m

The Board, after considering the position expressed by the parties during the conference call of November 5, 1975, and in accord with its own desire for expeditious resolution of this question hereby requires all responses to Applicants' Motion to be filed no later than November 28, 1975. Responses should be brief and to the point.

IT IS SO ORDERED.

FOR THE ATOMIC SAFETY AND  
LICENSING BOARD

  
\_\_\_\_\_  
Douglas Risler, Chairman

Dated at Bethesda, Maryland  
this 6th day of November 1975.

POOR  
ORIGINAL