

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

ATOMIC SAFETY AND LICENSING APPEAL BOARD

Alan S. Rosenthal, Chairman
Michael C. Farrar
Richard S. Salzman

In the Matter of)
)

THE TOLEDO EDISON COMPANY et al.)

) Docket No. 50-346A
)

(Davis-Besse Nuclear Power Station,)
Unit 1))
)

ORDER

January 27, 1976

By order of January 8, 1976, this Board accepted the referral by the Licensing Board of that Board's ruling that section 105c of the Atomic Energy Act does not permit Unit 1 of the Davis-Besse facility to be licensed for operation prior to the completion of the pending antitrust proceeding. LBP-76-1, NRCI-76/1 ___ (January 7, 1976). Oral argument on the referred ruling will be heard at 10:00 a.m. on Thursday, March 4, 1976, in the Nuclear Regulatory Commission's Public Hearing Room, fifth floor, East-West Towers, 4350 East West Highway, Bethesda, Maryland.

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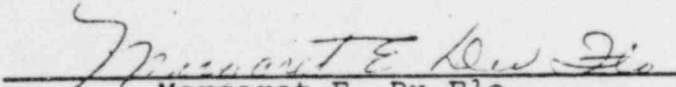
Each side is allotted one hour for the presentation of argument. The party (or parties) challenging the Licensing Board's ruling will be heard first and may reserve a portion of its (their) time for rebuttal.

In preparing for argument, counsel may assume that the Board will be familiar with both the issues presented by the referred ruling and the positions of the parties with respect thereto. Where there are two or more parties on the same side of the controversy, counsel representing those parties are strongly encouraged to consult with each other in advance for the purpose of avoiding, to the extent possible, the presentation of repetitious arguments. The total time allotted to their side shall be divided equally among the parties unless counsel agree upon some other division.

Each party shall furnish the Secretary to this Board, by letter mailed no later than February 26, 1976, with the name(s) of the counsel who will present argument on its behalf.

It is so ORDERED.

FOR THE ATOMIC SAFETY AND LICENSING
APPEAL BOARD


Margaret E. Du Flo
Secretary to the
Appeal Board