50-346

JUL 17 1973

Leo Forquer, Esq.
General Counsel
Federal Power Commission
825 North Capitol, N.E.
Washington, D.C. 20426

Dear Mr. Forquer:

This letter confirms discussions over the past several days between Frank Davis of my staff and Messrs. Lamke, Carr, and Tourtellotte concerning the need for one or more witnesses from the Federal Power Commission to testify before the Atomic Safety and Licensing Board presiding in an AEC evidentiary hearing for the Davis-Besse Nuclear Power Station (AEC Docket No. 50-346).

The Applicants, the Toledo Edison Company and the Cleveland Electric Illuminating Company, were issued a construction permit in March, 1971. The instant proceeding concerns the ultimate issue of whether that construction permit should be continued, modified, terminated, or appropriately conditioned to protect environmental values. The intervenor, the Coalition for Safe Electric Power, seeks to deny the continuation of the permit. One of its contentions is that the AEC's regulatory staff has failed and refused to comply with Section 102(2)(c)iii of the National Environmental Policy Act of 1969, because our Final Environmental Statement (FES) fails "to consider the conservation of energy within the Applicants' service areas so as to obviate the need for the 872 MWe additional capacity of the Davis-Besse Plant." The intervenor has enumerated seven possible methods of energy conservation which it believes should be considered. These methods are listed on pages 138-39 of the enclosed copy of the transcript of the pre-hearing conference held on June 28, 1973.

We request the assistance of one or more witnesses from the F.P.C. to provide information on that subject.

In addition, note that section 8.1 of the enclosed FES states that the output of the facility will initially be allocated among the Ohio Edison Company,

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the Cleveland Electric Illuminating Company, and the Toledo Edison Company, but does not show that Ohio Edison has a need for the 280 MWe which will be allocated to it. We also request that testimony be prepared to show this need.

The evidentiary hearing is scheduled to commence on July 24, 1973, in Cleveland, Ohio. The staff proposes to file written testimony with the Board and parties prior to the hearing. It is therefore important that the testimony of F.P.C. personnel be in final form by July 19, 1973.

I enclose copies of the transcript of the prehearing conference wherein the methods of conservation proposed by the intervenor are enumerated, and of the transcript containing the oral testimony presented by Mr. Argil L. Toalston, a former employee of the F.P.C., presented at an earlier AEC proceeding involving this facility. Much of Mr. Toalston's testimony will be useful to the designated F.P.C. witness for the preparation of his testimony.

If you have any questions, please call Mr. Davis at 973-7593 or IDS 119-7593.

Sincerely,

Thomas F. Engelhardt
Chief Hearing Counsel

Enclosures:
1. Final Environmental Statement
2. Tr. pp. 138-39 of proceeding held June 28, 1973
3. Tr. pp. 373-413 of proceeding concerning Davis-Besse Nuclear Power Station held May 14, 1972

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