

JUN 11 1973

John Harrow Leonard, Esq.  
205 North Main Street  
Hudson, Ohio 44236

In the Matter of The Toledo Edison Company  
and The Cleveland Electric Illuminating Company  
(Davis-Besse Nuclear Power Station)  
Docket No. 50-346

Dear Mr. Leonard:

This is in response to your letter to the Atomic Energy Commission dated May 9, 1973, regarding the captioned matter.

On March 24, 1971, the Commission issued to the above identified utilities Construction Permit No. CPPR-80. The issuance of this permit was authorized by an Atomic Safety and Licensing Board after a full public hearing on the application for the permit. The permit authorizes the joint licensees to construct the station including the foundation, and to acquire and install all necessary equipment. The construction permit does not, however, authorize operation of the Station. A copy of the construction permit is enclosed for your information.

The Davis-Besse Station may not be operated until an operating license is issued by the Commission. Such a license has not yet been issued, although the captioned utilities have applied for one. On April 30, 1973, the Commission published a notice in the Federal Register regarding the captioned matter entitled "Receipt and Consideration of Issuance of Facility License; Opportunity for Hearing" (38 F.R. 10661). A copy of that Notice is enclosed for your information.

The issuance of the construction permit does not automatically mean that an operating license will be issued. Before such a license is issued, the Commission must be satisfied that the facility as constructed can operate safely. This determination can be made only after an extensive review of

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the application for an operating license. If, after such a review, the Commission determines that the facility can operate safely, and makes the findings required by the Commission's regulations 10 CFR Part 50, an operating license can be issued for the facility. A copy of Part 50 is also enclosed for your information.

If I can be of further assistance, please feel free to contact me.

Sincerely,

Thomas F. Engelhardt  
Chief Hearing Counsel

Enclosures:

Construction Permit No. CPPR-80  
38 F.R. 10661  
10 CFR Part 50

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