

UNITED STATES OF AMERICA
ATOMIC ENERGY COMMISSION

COMMISSIONERS:

James R. Schlesinger, Chairman
Clarence E. Larson
William O. Doub

IN THE MATTER OF

TOLEDO EDISON COMPANY AND THE
CLEVELAND ELECTRIC ILLUMINATING COMPANY
(DAVIS-BESSE NUCLEAR POWER STATION)

DOCKET NO. 50-346

MEMORANDUM AND ORDER

Our Memorandum and Order of June 5, 1972, ordered the conduct of further hearings in this proceeding but stayed its effectiveness pending further order of the Commission. On June 27, 1972, the Court of Appeals for the District of Columbia Circuit granted the Commission's motion for a 21-day extension of time within which to return the record of the administrative proceeding to the Court.

The stay of effectiveness of our June 5, 1972, Memorandum and Order is hereby dissolved.

Further hearings shall be conducted by the Atomic Safety and Licensing Board in accordance with our Memorandum and Order of June 5, 1972, and the requirements listed below:


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1. Hearings shall commence no later than July 7, 1972.
2. The evidentiary hearing shall be limited to the considerations specified in our Memorandum and Order of June 5, 1972. The Licensing Board shall exercise its discretion so as to avoid re-examination of cumulative or repetitive matters. Upon completion of the hearing record, the Licensing Board shall render an initial decision based upon the criteria in 10 CFR Part 50, Appendix D, Section E.2, together with the considerations specified in the remand in Coalition for Safe Nuclear Power, et al. v. U.S.A.E.C., No. 71-1396, April 7, 1972.
3. The initial decision shall be issued by the Licensing Board before midnight, July 11, 1972.
4. Any exceptions to the initial decision shall be filed by telegram no later than midnight of the day following the date of issuance of the initial decision.
5. Any exceptions shall be ruled upon by the Atomic Safety and Licensing Appeal Board no later than midnight of the fifth day following the date of the initial decision.

It is so ORDERED.

By the Commission.



W. B. McCool
Secretary of the Commission

Dated: June 29, 1972

UNITED STATES OF AMERICA
ATOMIC ENERGY COMMISSION

Reg files
6/29/72

In the Matter of)

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

Docket No. 50-346

CERTIFICATE OF SERVICE

I hereby certify that copies of (1) MEMORANDUM AND ORDER issued by Commission dated June 29, 1972; (2) NOTICE AND ORDER FOR EVIDENTIARY HEARING issued by Board dated June 29, 1972; and (3) NOTICE OF APPOINTMENT issued by Commission dated June 29, 1972, in the captioned matter have been served on the following by deposit in the United States mail, first class or air mail, this 29th day of June 1972:

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* Items (1) and (2) only.