

UNITED STATES OF AMERICA
ATOMIC ENERGY COMMISSION

In the Matter of)
)
TOLEDO EDISON COMPANY AND)
THE CLEVELAND ELECTRIC)
ILLUMINATING COMPANY)
)
(Davis-Besse Nuclear Power)
Station))

Docket No. 50-346-OL



MEMORANDUM AND ORDER

On April 30, 1973, a "Notice of Receipt of Application for Facility Operating License, Notice of Consideration of Issuance of Facility Operating License and Notice of Opportunity for Hearing" was published in the Federal Register (38 Fed. Reg. 10661). In a Memorandum and Order dated August 13, 1973, the Board granted the petition to intervene of the Coalition for Safe Electric Power which was submitted pursuant to said notice.

On October 11, 1973, the said Coalition submitted a letter stating its intent to withdraw. By Memorandum and Order of this Board, dated October 18, 1973, the Board recognized the letter of the Coalition as a motion to withdraw; indicated that such withdrawal of Coalition as a party would remove all controversy in dispute; and further noted that the proceeding would be dismissed unless good cause was shown to the contrary on or before October 28, 1973.

No good cause to the contrary having been shown, the Board approves the motion to withdraw of the Coalition for

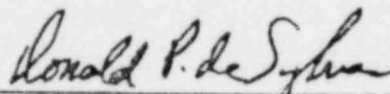
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Safe Electric Power. Accordingly, since there is no matter in controversy between the remaining parties, and since the Board sees no other reasons to continue the proceeding, the Board has concluded that the public interest would be served by terminating this proceeding. Dismissal of this proceeding is consistent with the Commission's regulations which do not contemplate a hearing on an application for an operating license in the absence of any matters in controversy, [10 CFR § 2.104, § 2.105 and §50.58(b)] and with the general powers of the presiding officer in §2.718.

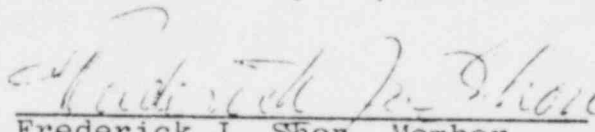
Therefore, the above-identified proceeding before this Board shall be, and is hereby, dismissed.

IT IS SO ORDERED.

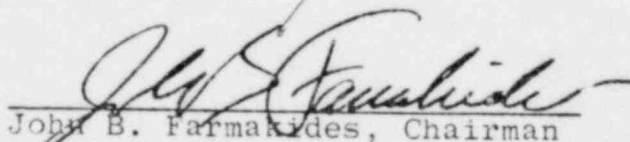
THE ATOMIC SAFETY AND
LICENSING BOARD



Donald P. de Sylva, Member



Frederick J. Shon, Member



John B. Farmakides, Chairman

Issued at Washington, D. C.

this 1st day of November 1973.