

UNITED STATES OF AMERICA
ATOMIC ENERGY COMMISSION

COMMISSIONERS:

Glenn T. Seaborg, Chairman
James T. Ramey
Clarence E. Larson

_____)
IN THE MATTER OF)
)
THE TOLEDO EDISON COMPANY AND)
THE CLEVELAND ELECTRIC ILLUMINATING COMPANY) DOCKET NO. 50-346
(Davis-Besse Nuclear Power Station))
_____)

MEMORANDUM AND ORDER

By letter dated April 21, 1971, the Coalition for Safe Nuclear Power, an intervenor in the captioned reactor licensing proceeding, filed a motion with the Commission for "an order staying the effective date of the construction permit issued to the applicant[s] until such time as a final judicial determination has been made upon the exceptions filed herein on behalf of said Intervenor". The referenced construction permit, for a pressurized water nuclear power reactor, was issued to the applicants pursuant to an initial decision handed down on March 23, 1971, by the presiding Atomic Safety and Licensing Board (36 F. R. 5930, March 31, 1971).

8003050 973

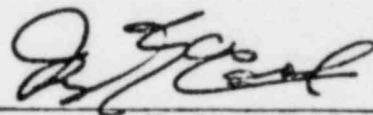
G

The notice of hearing in this proceeding (35 F. R. 16999, November 4, 1970) stated that the Commission had delegated to the Atomic Safety and Licensing Appeal Board the authority and the review function which would otherwise be exercised and performed by the Commission. We are, accordingly, referring the subject motion to the Appeal Board for appropriate determination.

It is so ORDERED.

Commissioner Johnson did not participate in this matter.

By the Commission.



W. B. McCool
Secretary of the Commission

Dated April 28, 1971

UNITED STATES OF AMERICA
ATOMIC ENERGY COMMISSION

In the Matter of

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

Docket No. 50-346

4-28-71

CERTIFICATE OF SERVICE

I hereby certify that copies of the MEMORANDUM AND ORDER issued by the Commission dated April 28, 1971 in the captioned matter have been served on the following by deposit in the United States mail, first class or air mail, this 28th day of April 1971:

Walter T. Skallerup, Jr., Esq.
Chairman, Atomic Safety and
Licensing Board
Cox, Langford & Brown
1521 New Hampshire Avenue, N. W.
Washington, D. C. 20036

Dr. Walter H. Jordan
Oak Ridge National Laboratory
P. O. Box X
Oak Ridge, Tennessee 37830

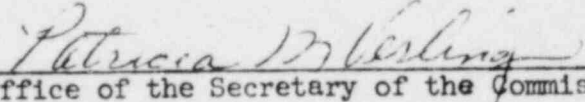
Dr. Charles E. Winters
8800 Fernwood Road
Bethesda, Maryland 20034

Dr. John C. Geyer, Chairman
Department of Geography and
Environmental Engineering
The Johns Hopkins University
Baltimore, Maryland 21218

Thomas F. Engelhardt, Esq.
Paul W. Wallig, Esq.
Regulatory Staff Counsel
U. S. Atomic Energy Commission
Washington, D. C. 20545

Gerald Charnoff, Esq.
Shaw, Pittman, Potts, Trowbridge
and Madden
910 17th Street, N. W.
Washington, D. C. 20006

Beatrice K. Bleicher, Esq.
Coburn, Smith, Rohrbacher & Gibson
7th Floor, Toledo Trust Building
Toledo, Ohio 43604


Office of the Secretary of the Commission

cc: Mr. Skallerup
Mr. Engelhardt
Mr. Wells
H. Steele
H. Smith