

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

TOLEDO EDISON COMPANY AND  
THE CLEVELAND ELECTRIC ILLUMINATING  
COMPANY

DAVIS-BESSE NUCLEAR POWER STATION,  
UNIT NO. 1

DOCKET NO. 50-346

MOTION FOR PRELIMINARY

INJUNCTION

Toledo Coalition for Safe Energy (TCSE), plaintiff herein, moves the U.S. Nuclear Regulatory Commission for a preliminary injunction, or suspension of power generating operations at Davis-Besse Nuclear Power Station, Unit No. 1, with an injunction to Toledo Edison Company (TECo) and the Cleveland Electric Illuminating Company (CEI), their agents, servants, employees and attorneys and all persons in active concert and participation with them, pending a final determination of the need for and implementation of definitive corrective measures to be taken upon the operating license issued to said respondents, from restarting Davis-Besse I on the grounds that

(1) Unless restrained by this Commission, the respondents will perform the acts referred to;

(2) Such action by the respondents will result in exposing the plaintiffs hereto and other parties proximately situated to Davis-Besse to unnecessary and undue but substantial risks of irreparable loss, harm and damage to persons and property, as more particularly set forth in the verified Complaint of TCSE, attached to this Motion;

(3) The issuance of a preliminary injunction or order suspending operations at Davis-Besse by this Commission will not cause undue convenience to respondents, or loss thereto, but will prevent irreparable injury to plaintiffs and other persons closely situated to Davis-Besse.

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This Commission has the power to afford Complainants the relief sought herein. Further, 10 CFR §2.206 et. seq. sets forth procedures for modification of an operating license. By acting pursuant to these procedures, this Commission sits in place of the appropriate Federal District Court.

42 U.S.C. §2232 requires this Commission to ensure that nuclear operating licenses contain adequate conditions to "provide adequate protection to the health and safety of the public" (a). The injunctive relief sought herein is designed to afford this Commission the means to protect the public as required.

Upon the verified Complaint herein, TCSE moves this Commission to issue a preliminary injunction or equivalent order of suspension of operations at Davis-Besse, as prayed for in the Complaint and on the grounds therein set forth.

7/2/99  
Date

Terry J. Lodge  
Terry J. Lodge  
Counsel for the Toledo Coalition  
for Safe Energy

Served by me this day via certified mail upon Bruce Churchill,  
Counsel for TECo and CEI.

Terry J. Lodge  
Terry J. Lodge

POOR ORIGINAL

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