

NRC PUBLIC DOCUMENT ROOM



UNITED STATES OF AMERICA

BEFORE THE NUCLEAR REGULATORY COMMISSION

In the Matter of)	
)	
The Toledo Edison Company	)	Docket Nos. 50-346A
The Cleveland Electric Illuminating	)	50-500A
Company	)	50-501A
(Davis-Besse Nuclear Power Station,)	
Units 1, 2 and 3))	
)	
)	
The Cleveland Electric Illuminating	)	Docket Nos. 50-440A
Company, et al.	)	50-441A
(Perry Nuclear Power Plant)	
Units 1 and 2))	

ANSWER OF THE CITY OF CLEVELAND
TO APPLICANTS MOTION FOR AN ENLARGEMENT OF
TIME IN WHICH TO FILE A PETITION FOR REVIEW

On September 6, 1979, the Atomic Safety and Licensing Appeal Board served its decision in this matter. The two Appeal Board members wrote a 64 page opinion and incorporated by reference and adopted in part as the decision of the Appeal Board an additional 250 pages written by former Appeal Board member Mr. Sharfman. Under the Commission's Rules of Practice 10 CFR § 2.786 (b) the parties have 15 days from the service of the decision in which to file a petition for review by the Commission. On September 19, 1979, applicants' filed their motion requesting an additional thirty days until October 21, 1979, for filing a petition for review.

1246-342

7910310 015

City of Cleveland does not oppose the motion of applicants. However, the reasons given in support of applicants' motion are not unique to applicants but apply as well to all parties. Therefore, City requests that any extension of time for filing petitions of review be applied equally to all parties to this proceeding.

Respectfully submitted

David C. Hjelmfelt

David C. Hjelmfelt
Suite 830
300 West Oak
Fort Collins, Colorado 80521

Jack M. Schulman, Esq.
Director of Law
June Weiner, Esq.
First Assistant Director of Law
Department of Law
City of Cleveland
Room 106, City Hall
Cleveland, Ohio 44114

Reuben Goldberg, Esq.
Goldberg, Fieldman & Letham, P.C.
Suite 650
1700 Pennsylvania Ave. N.W.
Washington, D.C. 20006

Counsel For The City of Cleveland

12/6 343

UNITED STATES OF AMERICA
BEFORE THE NUCLEAR REGULATORY COMMISSION

In the Matter of)	
)	
The Toledo Edison Company	)	Docket Nos. 50-346A
The Cleveland Electric Illuminating	)	50-500A
Company	)	50-501A
(Davis-Besse Nuclear Power Station,)	
Units 1, 2 and 3))	
)	
)	
The Cleveland Electric Illuminating)	
Company, et al.	)	Docket Nos. 50-440A
(Perry Nuclear Power Plant	)	50-441A
Units 1 and 2))	

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing "Answer of the City of Cleveland to Applicants' Motion for an Enlargement of Time in which to file a petition for review" were served upon each of the persons listed on the attached Service List by mailing copies, postage prepaid, all on this 20th day of September, 1979.

By: David C. Hjelmfelt
David C. Hjelmfelt
Counsel for
City of Cleveland, Ohio

1206 341

SERVICE LIST

Alan S. Rosenthal, Esquire
Chairman, Atomic Safety and
Licensing Appeal Board
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Richard S. Salzman, Esquire
Atomic Safety and Licensing
Appeal Board
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Atomic Safety and Licensing
Appeal Board Panel
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Donald L. Flexner, Esquire
Janet R. Urban, Esquire
Antitrust Division
U.S. Department of Justice
P.O. Box 481
Washington, D.C. 20044

Wm. Bradford Reynolds
Shaw, Pittman, Potts & Trowbridge
1800 M. Street, N.W.
Washington, D.C. 20036

Jack M. Schulman, Esquire
Director of Law
Robert D. Hart, Esquire
First Assistant Director of Law
City of Cleveland
213 City Hall
Cleveland, Ohio 44114

Frank R. Clokey, Esquire
Special Assistant Attorney General
Room 219
Towne House Apartments
Harrisburg, Pennsylvania 17105

Donald H. Hauser, Esquire
Victor F. Greenslade, Jr., Esquire
William J. Kerner, Esquire
The Cleveland Electric
Illuminating Company
55 Public Square
Cleveland, Ohio 44101

Atomic Safety and Licensing
Board Panel
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Atomic Safety and Licensing
Board Panel
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Docketing & Service Section
Office of the Secretary
U.S. Nuclear Regulatory Commission
Washington, D.C. 20006

Joseph Rutberg, Esquire
Benjamin H. Vogler, Esquire
Roy P. Lessy, Jr., Esquire
Office of the Executive Legal Director
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Terence H. Benbow, Esquire
Steven A. Berger, Esquire
Steven B. Peri, Esquire
Winthrop, Stimson, Putnam & Roberts
40 Wall Street
New York, New York 10005

Walter T. Wardzinski, Esquire
General Attorney
Duquesne Light Company
435 Sixth Avenue
Pittsburgh, Pennsylvania 15219

David McNeil Olds, Esquire
Reed Smith Shaw & McClay
Union Trust Building
Box 2009
Pittsburgh, Pennsylvania 15230

Joseph A. Rieser, Jr., Esquire
Reed Smith Shaw and McClay
Suite 900
1150 Connecticut Avenue
Washington, D. C. 20036

Michael M. Briley, Esquire
Paul M. Smart, Esquire
Fuller, Henry, Hodge & Snyder
P.O. Box 2088
Toledo, Ohio 43603

1746 345

Russell J. Spetrino, Esquire
Thomas A. Kayuha, Esquire
Ohio Edison Company
76 South Main Street
Akron, Ohio 44308

Christopher R. Schraff, Esquire
Assistant Attorney General
Environmental Law Section
361 East Broad Street, 8th Floor
Columbus, Ohio 43215

James R. Edgerly, Esquire
Secretary and General Counsel
Pennsylvania Power Company
One East Washington Street
New Castle, Pennsylvania 16103

John Lansdale, Esquire
Cox, Langford and Brown
21 Dupont Circle, N.W.
Washington, D.C. 20036

Alan P. Buchmann, Esquire
Squire, Sanders & Dempsey
1900 Union Commerce Building
Cleveland, Ohio 44115

Edward A. Matto, Esquire
Richard M. Firestone, Esquire
Karen H. Adkins, Esquire
Antitrust Section
30 East Broad Street, 15th Floor
Columbus, Ohio 43215

1246-346