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September 10, 1979

Mr. Harold R. Denton
Director, Office of
Nuclear Reactor Regulation
U.S. Nuclear Regulatory
Commission
1717 H Street, N.W.
Washington, D. C. 20006

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



Dear Mr. Denton:

We only recently received the Department of Justice's letter to you dated August 10, 1979, requesting the institution of a separate NRC proceeding to determine whether, as the Department alleges, the Cleveland Electric Illuminating Company ("CEI") has violated license Condition 3.

The charges made by the Department do not even begin to suggest a violation of License Condition 3. Contrary to the unsupported accusation of noncompliance, CEI has reasonably endeavored to negotiate a transmission services tariff acceptable to all interested parties, including the NRC. It has properly availed itself of the regulatory process in an effort to obtain approval of the proposed tariff, and, in so doing, has proceeded as expeditiously as possible.

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