

In the Matter of

THE TOLEDO EDISON COMPANY, and  
THE CLEVELAND ELECTRIC ILLUMINATING  
COMPANY  
(Davis-Besse Nuclear Power Station)

NRC Docket No. 50-346A

THE CLEVELAND ELECTRIC ILLUMINATING  
COMPANY, ET AL.  
(Perry Nuclear Power Plant, Units 1  
and 2)

NRC Docket Nos. 50-440A  
50-441A

MINUTES OF TELEPHONE CONFERENCE  
CALL HELD MARCH 25, 1975

At approximately 11:35 a.m. on March 25, 1975 a telephone conference call concerning the scheduling of matters before the Special Master (appointed by the Board to examine "privileged documents" and resolve claims with respect thereto) was held with the following participants:

Douglas Rigler, Esq. - Chairman, ASLB Board

Marshall Miller, Esq. - Special Master

Gerald Charnoff, Esq. - Counsel for Applicants

Reuben Goldberg, Esq. - Counsel for the City of Cleveland

Roy Lessy, Esq. - Counsel for NRC Staff

Melvin Berger, Esq. - Antitrust Division, Department of Justice

Staff indicated that it had requested the conference call with the Board Chairman participating inasmuch as the schedule proposed by Applicants during a conference call held March 20, 1975 with the Special Master was not acceptable to Staff and the other parties as being too lengthy. <sup>1/</sup>

<sup>1/</sup> At that time, the Special Master had indicated that Applicant's proposed schedule may have been more lengthy than the Board had contemplated. The Special Master had suggested that the parties file letters with the Board, but subsequently a conference call was agreed to with both the Special Master and Chairman participating.

8002 130 670

Staff also reported that subsequent to the conference call of March 20, 1975 with the Special Master, the Department of Justice and Staff had discussed a proposed revised schedule with counsel for Applicants.

Counsel for applicants then presented the proposed revised schedule, after first stating that (i) Toledo Edison was prepared to waive privilege with respect to all documents but one, which in the opinion of Leslie Henry, Esq., local counsel for that company, was not responsive to the government's request and (ii) Cleveland Electric Illuminating Company (CEI) was prepared to waive privilege with respect to approximately fifteen (15) of twenty-three file drawers with respect to which it had asserted privilege. These documents would be delivered to the central depository in Washington, D.C. on or before April 16, 1975.

Applicants proposed revised schedule was as follows:

Completion by CEI of a listing of privileged documents -	
Completion of responses to interrogatories filed by the Department of Justice concerning the privileged documents -	April 16
"Sending" privileged documents to Special Master in Washington	
Filing of Briefs	April 26

The proposed revised schedule was discussed among the parties with agreement as follows:

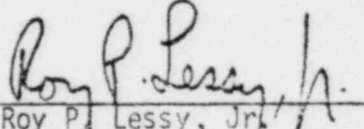
Completion of Listing - Completion of responses to Interrogatories - Sending privileged documents to Special Master	April 16
Receipt by Special Master of Privileged Documents	April 17
Briefs hand delivered	April 25
Reply Briefs (if any)	May 2

Additionally, the government indicated that it would agree to rough screen approximately fifteen file drawers of documents with respect to which CEI was waiving privilege at the central depository. Documents not selected by the government for further inspection would be returned to CEI in approximately three (3) weeks after their delivery. Documents selected for further examination would remain at the depository throughout depositions.

The Chairman indicated the Board's desire for the expeditious resolution of this matter and mentioned that the Board had issued an Order setting a pre-hearing conference for Monday, April 21. The Chairman also indicated that he would have no objection to parties filing notices of depositions with the Board in advance of the pre-hearing conference in instances where the subsequent resolution of privileged document questions might not require the re-calling of the same deponent.

At the conclusion of the conference call the Chairman requested that Staff prepare, circulate for approval, and present to the Board on April 21, minutes of the conference call.

Respectfully submitted,

  
Roy P. Lessy, Jr.  
Counsel for NRC Staff