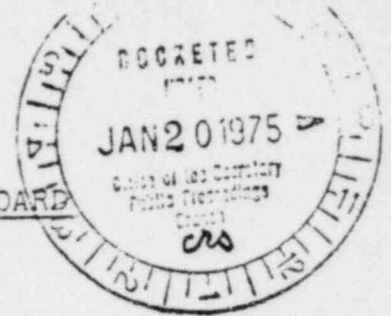


UNITED STATES OF AMERICA
ATOMIC ENERGY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD



In the Matter of)

THE TOLEDO EDISON COMPANY and)
THE CLEVELAND ELECTRIC ILLUMINATING)
COMPANY)
(Davis-Besse Nuclear Power Station,)
Unit 1)

) Docket Nos. 50-346A
) 50-440A
) 50-441A
)

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

PREHEARING CONFERENCE ORDER NO. 3

On January 3, 1974, a prehearing conference was held at the request of the parties to discuss the following matters relating to discovery. The AEC Regulatory Staff (Staff) on December 5, 1974, filed a motion to compel discovery asserting the Applicants had failed to produce and deliver copies of documents as required by Commission rules and this Board's October 11 order on document requests. On December 9, 1974, the Department of Justice (DOJ) filed a similar motion. On December 12, 1974, the DOJ moved that subpoenas issued to Applicants be delayed until after the discovered documents are received from Applicants.^{1/}

1/ The City of Cleveland filed a similar motion to quash on December 17, 1974.

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On December 12, 1974, the City of Cleveland (City) moved that all of Applicants' documents made available through discovery be produced in a central depository in Washington, D. C. On December 16, 1974, Applicants replied to the effect that their documents produced in response to discovery numbered in the hundreds of thousands, and any requirement that this large number of documents be produced in Washington, D. C. would seriously delay the proceeding. On December 17, 1974, the Board Chairman met informally with all the parties except AMP-0 and State of Ohio (which latter two parties were not directly involved in the matter to be discussed). Thereafter the Applicants submitted a letter dated December 19, 1974, in response to the Chairman's questions in which they estimated the documents produced to require approximately 550 file drawers and to number approximately 2,400,000 sheets. The matter was discussed further by telephone conference call on December 20, 1974 during which the Staff moved to have oral argument on the matter.^{2/} By agreement of the parties this was set for January 3, 1975. As noted above the oral argument was duly held on said date, all parties participating, except AMP-0 and the State of Ohio.

2/ Staff filed a written motion for oral argument of December 20, 1974.

During the course of the oral argument, DOJ proposed that, if Applicants would deliver 15 file drawers of documents a week to the proposed Washington, D. C. depository, DOJ would commit itself to review all of them during that specific week. The Staff agreed to do likewise.

The City proposed that it, the DOJ and the Staff initially review all of the Applicants' materials to determine the number they would like to review further. In other words the City suggested that an initial screen be undertaken by the parties to be followed by deposit in a Washington, D. C. depository of all documents found by the parties to merit further review. The Applicants objected and insisted that the most expeditious manner of proceeding is to have the parties review the documents produced in the home offices of each of the Applicants.


The Board deferred ruling on the ultimate question of compelling discovery and establishment of a depository. The Board ruled that the parties would initially review the documents of the Applicants in each of their home offices and then report to the Board by January 17, 1975 as to those categories of documents or selected files they wished to review further.

On January 7, 1975, the Board Chairman briefly met with counsel for DOJ, Staff, City and with CEI representatives in the offices of the CEI in Cleveland, Ohio and inspected the documents made available by CEI. The parties remained and began the initial review. The Board Chairman also inspected the documents made available by Ohio Edison Company.

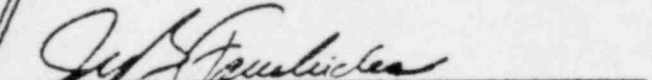
On January 9, 1975 in a telephone conference call with the Board Chairman, the parties indicated good progress in reviewing the materials but requested that the report and conference and actions scheduled for January 17, 1975 be postponed until January 31, 1975. The Board, for good cause shown, agrees and accordingly the prehearing conference scheduled for January 17, 1975 is postponed until January 31, 1975.

IT IS SO ORDERED.

ATOMIC SAFETY AND LICENSING BOARD


Douglas Rigler, Member


John H. Brebbia, Member


John B. Parmakides, Chairman

Dated at Bethesda, Maryland,
this 14th day of January 1975.