

7-15-75
UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)	
)	
THE TOLEDO EDISON COMPANY and)	NRC Docket No. 50-346A
THE CLEVELAND ELECTRIC ILLUMINATING)	
COMPANY)	
(Davis-Besse Nuclear Power Station)	
Unit 1))	
)	
THE CLEVELAND ELECTRIC ILLUMINATING)	NRC Docket Nos. 50-440A
COMPANY, ET AL.)	50-441A
(Perry Nuclear Power Plant,)	
Units 1 and 2))	

MINUTES OF CONFERENCE CALL WITH
BOARD CHAIRMAN HELD JULY 11, 1975

On Friday, July 11, 1975 Counsel for the Department of Justice, Public Counsel Section, initiated a conference call at approximately 10:30 a.m. concerning the schedule for the remainder of discovery and the filing of final contentions. Participating in the call were Chairman Douglas V. Rigler; Melvin G. Berger, Esq., Counsel for the Department of Justice; Jon T. Brown, Esq., Counsel for AMP-Ohio; William Bradford Reynolds, Esq., Counsel for Applicant; Richard Firestone, Esq., Counsel for the State of Ohio; Andrew F. Popper, Esq., Counsel for the Nuclear Regulatory Commission Staff and David C. Hjelmfelt, Esq., Counsel for the City of Cleveland. Mr. Popper was designated as secretary.

Mr. Berger opened the conference call by stating that an informal agreement existed between the Staff, the City, the Applicants and the Department of Justice regarding the final date for depositions. The parties confirmed that no depositions would be taken after August 1,

1975. It was further agreed that no depositions would be taken of any party if notice therefore had not been received prior to July 1, 1975.

Mr. Berger next indicated that adjustments in the discovery schedule and pleading schedule were necessary to comply with the four week slippage which has occurred in the taking of depositions. Mr. Berger stated that a motion had been filed by the City of Cleveland on July 10, 1975 entitled "Motion Of The City Of Cleveland, Ohio To Change Procedural Dates", which suggests a new schedule.

Mr. Berger was interested in establishing firm dates for the conclusion of discovery and for filing, but several of the parties indicated that they had not received the motion of the City of Cleveland and were therefore unable to comment on the Motion or on the expedited dates at the time of this conference call.

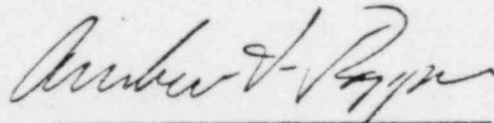
Thereafter, a series of auidial technical difficulties occurred and a second conference call was initiated at 11:45 a.m. of the same date by Mr. Berger. In the second call the Board Chairman inquired whether the agreements which are evidenced in the letter sent from Mr. Reynolds to Mr. Steven Charno, Counsel for the Department of Justice, adequately resolved any objections regarding future discovery in the matter of Davis-Besse 2 & 3. These agreements refer to interrogatories and document requests by the Department and the applicants objections thereto. Mr. Reynolds stated that the matter raised in the letters had been resolved, whereupon the Board Chairman asked if there

were any further matters regarding discovery in Davis-Besse 2 & 3 which were presently pending before the Board. Counsel for the Applicants, the Department of Justice, the City of Cleveland and the Staff indicated that at this time there were no matters pending before the Board. Mr. Reynolds noted however that he had intentions of serving a series of interrogatories on the Department of Justice within the next week.

At that point Mr. Reynolds suggested to the parties that the conference call was premature in that the parties had not yet received the motion of the City. In response, Counsel for the Department of Justice noted that a prehearing conference regarding the matters listed by the Cities motion would be desirable. The Board Chairman then indicated that prior to setting a date for a prehearing conference the Board wished to review the Motion of the City and any answers filed in response thereto.

At that point, the Board Chairman suggested that an additional conference call be held on July 14, 1975 at 2:00 p.m. Mr. Berger agreed to place the call, once all parties had agreed to that time and date. The discussion was terminated at 12:05 p.m.

Respectfully submitted,



Andrew F. Popper
Counsel for NRC Staff

Dated at Bethesda, Maryland
this 15th day of July 1975.

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)	
THE TOLEDO EDISON COMPANY and)	NRC Docket No. 50-346A
THE CLEVELAND ELECTRIC ILLUMINATING)	
COMPANY)	
(Davis-Besse Nuclear Power Station))	
THE CLEVELAND ELECTRIC ILLUMINATING)	NRC Docket Nos. 50-440A
COMPANY, ET. AL.)	50-441A
(Perry Nuclear Power Plant,)	
Units 1 and 2))	

CERTIFICATE OF SERVICE

I hereby certify that copies of MINUTES OF CONFERENCE CALL WITH BOARD CHAIRMAN HELD JULY 11, 1975, dated July 15, 1975, in the captioned matter, have been served upon the following by deposit in the United States mail, first class or air mail, this 15th day of July 1975:

Douglas V. Rigler, Esq.
Chairman, Atomic Safety and
Licensing Board
Foley, Lardner, Hollabaugh
and Jacobs
Schanin Building
815 Connecticut Avenue, N.W.
Washington, D.C. 20006

John H. Brebbia, Esq.
Atomic Safety and Licensing Board
Alston, Miller & Gaines
1776 K Street, N.W.
Washington, D.C. 20006

Mr. John M. Frysiak
Atomic Safety & Licensing Board
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

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

Melvin G. Berger, Esq.
P.O. Box 7513
Washington, D.C. 20044

Docketing and Service Section
Office of the Secretary
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

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

Joseph J. Saunders, Esq.
Steven Charno, Esq.
Antitrust Division
P. O. Box 7513
Washington, D.C. 20044

Reuben Goldberg, Esq.
David C. Hjelmfelt, Esq.
1700 Pennsylvania Avenue, N.W.
Washington, D.C. 20006

Robert D. Hart, Esq.
Department of Law
1201 Lakeside Avenue
Cleveland, Ohio 44114

John C. Engle, President
AMP-0, Inc.
Municipal Building
20 High Street
Hamilton, Ohio 45012

Donald H. Hauser, Esq.
Managing Attorney
The Cleveland Electric
Illuminating Company
55 Public Square
Cleveland, Ohio 44101

Leslie Henry, Esq.
Fuller, Henry, Hodge & Snyder
300 Madison Avenue
Toledo, Ohio 43604

Thomas A. Kayuha
Executive Vice President
Ohio Edison Company
47 North Main Street
Akron, Ohio 44308

Thomas J. Munsch, Esq.
General Attorney
Duquesne Light Company
435 Sixth Avenue
Pittsburgh, Pennsylvania 15219

Wallace L. Duncan, Esq.
Jon T. Brown, Esq.
Duncan, Brown, Weinberg & Palmer
1700 Pennsylvania Avenue, N.W.
Washington, D.C. 20006

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

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

Edward A. Matto, Esq.
Assistant Attorney General
Chief, Antitrust Section
30 East Broad Street, 15th Floor
Columbus, Ohio 43215

George Chuplis, Esq.
Commissioner of Light & Power
City of Cleveland
1201 Lakeside Avenue
Cleveland, Ohio 44114

Karen H. Adkins, Esq.
Assistant Attorney General
Antitrust Section
30 East Broad Street, 15th Floor
Columbus, Ohio 43215

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

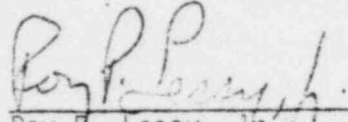
Mr. Raymond Kudukis, Director
of Public Utilities
City of Cleveland
1201 Lakeside Avenue
Cleveland, Ohio 44114

Gerald Charnoff, Esq.
Wm. Bradford Reynolds, Esq.
Shaw, Pittman, Potts & Trowbridge
910-17th Street, N.W.
Washington, D.C. 20006

Richard M. Firestone, Esq.
Assistant Attorney General
Antitrust Section
30 East Broad Street, 15th Floor
Columbus, Ohio 43215

Wallace E. Brand, Esq.
1000 Connecticut Avenue
Suite 1200
Washington, D.C. 20036

Victor F. Greenslade, Jr.
Principal Staff Counsel
The Cleveland Electric Illuminating
Company
P. O. Box 5000
Cleveland, Ohio 44101


Roy W. Lessy, Jr.
Counsel for NRC Staff