

Reg. Files

4-29-75

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

ATOMIC SAFETY AND LICENSING BOARD  
BEFORE THE SPECIAL MASTER



In the Matter of	)	
	)	
The Toledo Edison Company	)	Docket No. 50-346A
The Cleveland Electric Illuminating	)	
Company	)	
(Davis-Besse Nuclear Power Station)	)	
	)	
The Cleveland Electric Illuminating	)	Docket Nos. 50-440A
Company, et al.	)	and 50-441A
(Perry Plant, Units 1 and 2)	)	

PREHEARING CONFERENCE ORDER NO. 4

Pursuant to Notice, a prehearing conference was held on Monday, April 21, 1975, to consider inter alia a schedule for the completion of discovery and commencement of hearings. Counsel for all parties were present and participated in the proceeding. An extensive discussion was held with respect to proposed schedules and procedures for the exchange of testimony, resolution of prehearing motions, and Applicants' request for a more specific delineation of issues, allegations and the evidentiary basis supporting the case to be made by the other parties.

During the course of the hearing, the parties were able to reach agreement with respect to many of the open issues. . . to others, the Board has examined the record and considered the various arguments of the parties made in support of the positions advanced in the hearing. Pursuant to this consideration, the Board now rules as follows.

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(1) Pretrial discovery is to be completed by all parties no later than July 1, 1975. For good cause shown and upon specific application to the Board, limited additional discovery may be permitted. It is contemplated, however, that any additional discovery will be limited in nature and justified by particular circumstances which the requesting party will call to the attention of the Board.

(2) No later than August 15, 1975, parties to these proceedings other than the Applicants shall inform the Applicants with respect to the nature of the case they intend to present during the hearing. The vehicle for the transmission of this information may be a comprehensive set of answers to Applicants' interrogatories of August 26, 1974, providing these answers fairly inform Applicants of the evidence to be presented supporting the allegations of the other parties. To the extent that these interrogatories do not serve the desired purposes - informing Applicants of the contemplated dimensions of the proceedings - other parties are directed to furnish statements of ultimate issues to be tried and a summary description of evidence to be introduced relating to each of these issues.

(3) No later than August 22, 1975, Applicants may respond to the delineations of issues and evidence if Applicants desire to move for the curtailment or elimination of any issue or issues.

(4) A prehearing conference will be held on or about September 4, 1975 for the purpose of considering any motions on

the curtailment or elimination of issues and to deal with any other pending problems relating to preparation for hearing.

(5) No later than September 12, 1975, all parties other than Applicants shall file direct written testimony of all expert witnesses (whether employees of the parties or independently retained experts). This shall include all testimony of witnesses whom a party shall seek to qualify as an expert and in particular shall include economic experts and experts testifying on the subjects of electrical power generation and transmission.

(6) No later than September 17, 1975, Applicants shall file direct written testimony of all expert witnesses whether employees or independently retained experts in the same manner as set forth in paragraph (5) above.

(7) No later than October 1, 1975, all parties shall file pretrial briefs with the Board.

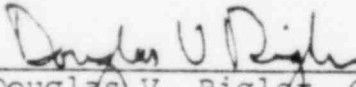
(8) In the Staff's proposed hearing schedule, provision was made for a prehearing conference between the completion of discovery and the filing of expert testimony. The purpose of this conference would be to consider pretrial matters and motions. It is anticipated that some of the items which might be presented at such a prehearing conference may be considered at the prehearing conference scheduled in paragraph (4) above for a date on or about September 4, 1975. If it appears necessary or desireable to schedule another prehearing conference at any time between the 5th prehearing conference and the commencement of hearings, the Board will do so sua sponte or at the reasonable request of the parties.

(9) The evidentiary hearing shall commence on October 23, 1975.

(10) Each party is explicitly directed to inform the Board with notice to all other parties of any problem or delay which would interfere with adherence to the schedule set forth above.

(11) During the 4th prehearing conference, the parties again recognized that the schedules proposed are stringent in terms of time allowances. Each party indicated an awareness that in order for hearings to commence in October, delay must be kept to the minimum. Counsel for all participants in these proceedings (except the State of Ohio) are located in Washington, D. C., and on other occasions in these proceedings have hand delivered documents to one another on document due dates. This practice has resulted in considerable time saving, without undue hardship to the parties. Accordingly, the Board desires the parties located in Washington, D. C. to continue to make hand delivery as they comply with the schedule established above.

ATOMIC SAFETY AND LICENSING BOARD

  
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Douglas V. Rigler, Chairman

Dated at Bethesda, Maryland,  
this 29th day of April, 1975.

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

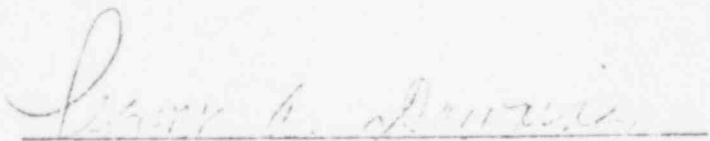
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THE TOLEDO EDISON COMPANY, ET AL.)	)	Docket No.(s)	50-346A
CLEVELAND ELECTRIC ILLUMINATING )	)		50-440A
COMPANY	)		50-441A
	)		
(Davis-Besse Nuclear Power	)		
Station, Unit No. 1; Perry	)		
Nuclear Power Plant, Units 1&2)	)		

CERTIFICATE OF SERVICE

I hereby certify that I have this day served the foregoing document(s) upon each person designated on the official service list compiled by the Office of the Secretary of the Commission in this proceeding in accordance with the requirements of Section 2.712 of 10 CFR Part 2 - Rules of Practice, of the Nuclear Regulatory Commission's Rules and Regulations.

Dated at Washington, D.C. this

29<sup>th</sup> day of April 1975.

  
Office of the Secretary of the Commission

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NUCLEAR REGULATORY COMMISSION

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COMPANY ) 50-441A  
 )  
(Davis-Besse Nuclear Power )  
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