

6-19-78

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the Matter of

THE TOLEDO EDISON COMPANY AND
THE CLEVELAND ELECTRIC ILLUMINATING
COMPANY

(Davis-Besse Nuclear Power Station,
Unit 1)

THE CLEVELAND ELECTRIC ILLUMINATING
COMPANY, ET AL.,

(Perry Nuclear Power Plant,
Units 1 and 2)

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



REPORT OF SPECIAL MASTER

At the direction of the Licensing Board, I have reviewed the documents produced by CEI with regard to which work product or attorney-client privilege is claimed.

Documents listed on Attachment 1 are draft agreements, leases, letters, testimony and other papers which have received either no distribution or distribution only to other CEI attorneys. I find those documents to be within the work product rule and privileged.

Documents listed on Attachment 2 are communications among attorneys employed by CEI or between CEI attorneys and their consultants or between CEI officers and employers and CEI attorneys which were made for the purpose of obtaining or giving legal advice and which were intended to be

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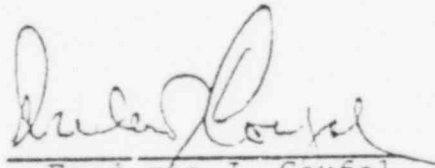
confidential and were not distributed outside the CEI "control group" as that term is defined in Natta against Hogan 392 F.2d 686. I find these to be within the attorney-client rule and therefore privileged.

In Attachment 3 are listed documents similar to those in Attachment 2 but which have originated with and been distributed among some or all CAPCO members. Relying on Wigmore (McNaughton Revision) Section 2312, I find these to be within the attorney-client privilege.

Attachment 4 is divided into four parts each of which lists documents which I find are not privileged. Part 1 lists documents which may have been written by or to an attorney but which are essentially reports of events, facts or circumstances which are within the knowledge of the parties or which are letters transmitting materials which may or not be privileged. I find no intention that such information be kept confidential. I have deleted part of documents numbered 27, 34, 88, 517, 834, 844 and 855 because the deleted parts contain impressions, conclusions or interpretations which are within the attorney-client privilege. Part 2 lists documents not privileged because they originated with or have been distributed to persons outside the privileged group. Part 3 lists documents which I find

to be business rather than attorney-client or work product related. Part 4 lists documents regarding which privilege has been waived.

I have not received document numbers 2129, 2158, an unnumbered document dated December 23, 1974, written by D. H. Hauser and two documents dated December 17, 1974, written by J. N. Bernosky.


Frederic J. Coufal

Dated at Bethesda, Maryland,
this 19th day of June, 1975.

ATTACHMENT 1

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73(a)
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ATTACHMENT 2



1	123	171	585	743	889	2051	2114
4	124	172	588	746	892	2052	2115
5	125	172 (a)	596	747	897	2054	2117
6	126	173	597	758	2001	2055	2118
7	126 (a)	175	601	760	2002	2056	2119
9	126 (b)	178	602	761	2004	2057	2120
10	127	179	609	762	2005	2058	2121
11	128	180	612	763	2006	2059	2121(a)
12	129	184	615	764	2007	2060	2122
17	130	187	616	765	2008	2061	2122(a)
18	131	188	619	767	2009	2062	2123
19	132	189	620	770	2010	2063	2124
21	133	191	622	771	2011	2064	2124(a)
22	134	192	623	772	2012	2065	2125
24	135	193	629	773	2013	2067	2125(a)
26	136	194	631	774	2014	2068	2126
28	137	195	632	775	2015	2071	2126(a)
29	138	196	633	776	2016	2072	2127
30	139	197	634	781	2017	2073	2127(a)
31	140	198	635	782	2018	2075	2128
35	141	199	650	786	2019	2076	2128(a)
36	142	200	657	789	2020	2079	2129
38	143	201	665	790	2021	2081	2129(a)
42	144	202	668	791	2022	2082	2130
77	145	203	669	796	2023	2083	2131
81	146	204	671	802	2024	2084	2132
84	147	205	673	803	2025	2085	2133
94	148	206	674	804	2028	2086	2134
98	149	212	675	815	2029	2087	2135
99	150	213	676	819	2030	2088	2137
100	152	214	677	820	2031	2089	2143
101	153	215	678	823	2032	2093	2152
104	154	508	679	824	2033	2094	2153
106	155	512	680	825	2035	2095	2154
107	156	516	703	829	2036	2096	2155
108	157	519	705	831	2037	2097	2156
111	158	525	706	836	2038	2098	2157
112	159	527	707	837	2039	2099	2157(a)
113	160	532	709	840	2040	2100	3001
114	161	533	710	842	2041	2101	3021
115	162	541	711	843	2042	2102	3022
116	163	549	722	846	2044	2103	3023
117	165	553	724	863	2045	2104	3024
118	166	554	727	864	2046	2105	3025
119	167	555	733	867	2047	2107	3026
120	168	558	734	871	2048	2108	3027
121	169	566	735	877	2049	2109	3029
122	170	574	740	888	2050	2110	3031
						2111	
						2113	

ATTACHMENT 2 CONTD.

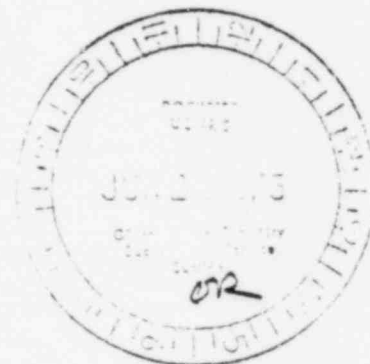
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ATTACHMENT 3

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ATTACHMENT 4

Part 1

23	750
27	752
33	754
34	755
57	757
60	766
88	769
95	793
103	798
174	799
185	801
186	821
190	827
207	828
209	834
517	844
524	848
529	852
571	855
572	872
575	884
579	885
580	894
582	897
583	2066
591	2070
626	2077
630	2078
648	2079
651	2142
658	2146
667	2151
670	3070
717	2077
749	



ATTACHMENT 4

Part 2

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2003
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ATTACHMENT 4

Part 3

31(a)	847
32	2080
48	2083
182	2106
183	2112
183	2138
216	2139
217	2140
218	2141
587	2144
625	3003
642	3034
644	3035
645	3046
741	3050
766	3058
769	3059
817	3064
821	3065
822	3066
826	3067
832	3074



ATTACHMENT 4

Part 4

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C-19-75

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

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

SERVICE LIST

I hereby certify that copies of REPORT OF SPECIAL MASTER dated June 19, 1975 in the captioned matter have been served on the following by deposit in the United States mail, first class or air mail, this 20th day of June 1975:

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Mr. Braitman
Reg. Files
ASLAB
ASLBP

Robert A. [Signature]
Office of the Secretary of the Commission