

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)	Docket No. 50-346A
(Davis-Besse Nuclear Power Station,)	
Unit 1))	
THE CLEVELAND ELECTRIC ILLUMINATING)	
COMPANY)	
(Perry Nuclear Power Plant,)	Docket Nos. 50-440A
Units 1 and 2))	50-441A

STATEMENT ON CONSOLIDATION PROCEDURES

1. In its Memorandum and Order filed on March 15, 1974, the Atomic Safety and Licensing Board directed the parties common to both the Davis-Besse and Perry proceedings to confer and report to the Board on a joint statement for effecting consolidation of these proceedings, indicating the procedures to be followed. On March 28, 1974, counsel for Applicants, the City of Cleveland (hereinafter referred to as "City"), and the Regulatory Staff met at the AEC office, 1717 H Street, N. W., Washington, D. C., to discuss consolidation procedures. Counsel for American Municipal Power - Ohio also attended the meeting.

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2. The parties have agreed that pretrial discovery will be conducted simultaneously in the Davis-Besse and Perry proceedings, but that the scope of each party's discovery will continue to be limited by its respective contentions as ultimately allowed by the Board. The Regulatory Staff will attempt to coordinate its discovery with the Department of Justice; accordingly, any requests of the Staff and the Department for document production, for answers to interrogatories, and for oral or written depositions may, in each case, be made jointly, rather than in separate, independent filings. Pretrial discovery may include requests for document production, for answers to interrogatories and for the taking of oral and written depositions, but the parties have agreed to make every effort to avoid needless duplication in the discovery process.

3. It is agreed that the burden of going forward will, in the first instance, be on those parties seeking to establish a situation inconsistent with the antitrust laws. Written direct testimony, if any, will be filed initially by those parties seeking to establish a situation inconsistent with the antitrust laws, followed by the filing of written direct testimony by Applicants. A similar schedule will be followed for the filing of written rebuttal testimony.

4. Ordinarily no witness will be interrogated either on direct or cross-examination by more than one counsel for each Intervenor, one counsel for the Regulatory Staff,

one counsel for the Department of Justice, and one counsel for the Applicants. It is further agreed that every effort will be made by all counsel to avoid duplicating earlier cross-examination of the same witness.

5. The parties also agree that a single Prehearing Brief and/or Trial Brief will be filed by each Intervenor, the Regulatory Staff, the Department of Justice, and the Applicants, respectively, which will discuss all relevant matters at issue in the consolidated proceeding (and, if necessary, a single Reply Brief), it being understood that the Board intends to dispose of the various claims raised in the Davis-Besse and Perry proceedings in a single decision.

Respectfully submitted,

By

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By

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Dated: March 29, 1974

March 29, 1974

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(Ferry Nuclear Power Plant.)	50-441A
Units 1 and 2))	

CERTIFICATE OF SERVICE

I hereby certify that copies of the Statement on Consolidation Procedures were served upon those persons on the attached Service List, by deposit in the United States mail, postage prepaid, this 29th day of March, 1974.

Robert L. Brown

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THE CLEVELAND ELECTRIC)
ILLUMINATING COMPANY)
) Docket Nos. 50-440A
(Perry Nuclear Power Plant) 50-441A
Units 1 and 2))

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