

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)	
)	
The Toledo Edison Company)	
The Cleveland Electric Illuminating Company)	Docket No. 50-346A
(Davis-Besse Nuclear Power Station))	
)	
The Cleveland Electric Illuminating Company, et al.)	Docket Nos. 50-440A
(Perry Plant, Units 1 and 2))	and 50-441A
)	
The Toledo Edison Company, et al.)	Docket Nos. 50-500A
(Davis-Besse Nuclear Power Station, Units 2 and 3))	and 50-501A

AMENDMENT TO THE RESPONSE OF THE DEPARTMENT OF JUSTICE
TO APPLICANTS' INTERROGATORIES AND THE REQUEST
FOR THE PRODUCTION OF DOCUMENTS

Pursuant to Section 2.740(e) of the Commission's Rules of Practice (10 C.F.R. §2.740(e)), the Department of Justice hereby amends its response of September 5, 1975 to the Applicants' interrogatories.

The Department's answer to Interrogatory Number 2 should be amended by adding at the end of part "C" the following statement:

Beginning at some time prior to March 1965, and continuing thereafter, Ohio Edison and Ohio Power Company engaged in a territorial allocation agreement, thereby foreclosing competition in supplying electric power.

The Department makes this amendment pursuant to its obligations under the Rules in that, at the time of its initial answer, it was wholly unaware of the facts underlying the amended answer. The Department further asserts good cause for the amendment in

that information relating to the alleged agreement is contained, in part, in documents sought from the Applicants during discovery. These documents were not produced by the Applicants, nor was any explanation given for their failure to produce them as required by the Department's document request. The Department, by letter of even date, has specifically requested certain documents which we believe to be in the Applicants' files and which bear directly upon the amended answer.

Respectfully submitted,



STEVEN M. CHARNO



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Attorneys, Antitrust Division
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City of Washington
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Subscribed and sworn to before me
this 14th day of October, 1975.



NOTARY PUBLIC

My commission expires

Expires August 14, 1977


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Units 2 and 3))	

CERTIFICATE OF SERVICE

I hereby certify that copies of MEMORANDUM TO THE RESPONDENTS OF THE DEPARTMENT OF JUSTICE TO APPLICANTS' INTERROGATORIES AND THE REQUEST FOR THE PRODUCTION OF DOCUMENTS, MOTION TO REJECT OR STRIKE UNAUTHORIZED PLEADING, and REPLY OF THE DEPARTMENT OF JUSTICE TO APPLICANTS' OBJECTIONS TO THE BOARD'S SIXTH PREHEARING CONFERENCE ORDER have been served upon all of the parties listed on the attachment hereto by deposit in the United States mail, first class, airmail or by hand delivery, this 14th day of October 1975.


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