

3/18/76



UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of	)	
	)	
The Toledo Edison Company and	)	
The Cleveland Electric Illuminating	)	Docket Nos. 50-346A
Company	)	50-500A
(Davis-Besse Nuclear Power Station,	)	50-501A
Units 1, 2 and 3)	)	
	)	
The Cleveland Electric Illuminating	)	Docket Nos. 50-440A
Company, et al.	)	50-441A
(Perry Nuclear Power Plant,	)	
Units 1 and 2)	)	

MOTION OF THE DEPARTMENT OF JUSTICE  
FOR AN ORDER COMPELLING THE PRODUCTION OF DOCUMENTS  
BY THE CLEVELAND ELECTRIC ILLUMINATING COMPANY

Pursuant to Rule 2.740(f) of the Commission's Rules of Practice (10 C.F.R. §2.740(f)), and the Memorandum of the Board Relating to Motion to Compel Production of Civil Investigative Demand Documents, the Department of Justice hereby moves this Licensing Board to issue an order requiring production of the documents listed on the attached Schedule.

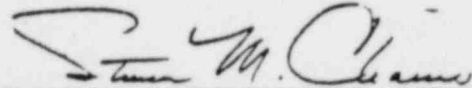
The Department intends to introduce into evidence each of the documents listed on the Schedule as part of its direct case in this proceeding. It may become necessary, after presentation of the Applicants' case, to specify additional documents which

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the Department would seek to introduce into evidence in the course of its rebuttal case. Since it is impossible to designate such rebuttal materials at this time, the Department reserves the right to move this Licensing Board to issue a supplemental order to compel the production of additional documents 1/ at the appropriate time.

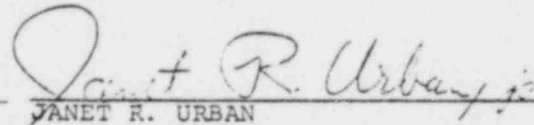
Respectfully submitted,



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MELVIN G. BERGER



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Washington, D.C. 20530

March 19, 1976

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1/ The Department would, of course, confine its request for any additional documents to those listed in the attachment to the Application of the Department of Justice for a Subpoena to The Cleveland Electric Illuminating Company, dated October 31, 1975.

SCHEDULE

<u>CEI #</u>	<u>Type Of Document</u>	<u>Author, Title, Docket No., etc.</u>	<u>Date</u>	<u>No. of Pages</u>
C1-253	Memo (with attachments)	From R. H. Bridges to Lee C. Howley	11/16/65	11
C3-127	Memo	From E. H. Maugans to R. W. Wyman	4/11/69	11
C3-95		Marketing Group Planning Project	4/13/67	14
C1-90		Document entitled "Outline of Program to take Advantage of the MELP Philosophy of Independent Operation" by D. Hauser	1968	19
C1-126	Memo	From F. C. Prasse to R. W. Coan	2/5/71	4
C1-69	Memo	From H. J. Lester and C. C. Chopp to C. T. Loshing	2/1/68	7
C3-133		Document entitled "Market Group, Planning Project"	6/24/65 6/7/66	9
C3-177		Planning Project Log		1
C1-313		Document entitled "Painesville Presentation - Presidents Council - Friday, June 10, 1966"	6/7/66	2

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Company, et al.	)	50-441A
(Perry Nuclear Power Plant,	)	
Units 1 and 2)	)	

CERTIFICATE OF SERVICE

I hereby certify that copies of MOTION OF THE DEPARTMENT OF JUSTICE FOR AN ORDER COMPELLING THE PRODUCTION OF DOCUMENTS BY THE CLEVELAND ELECTRIC ILLUMINATING COMPANY have been served upon all of the parties listed on the attachment hereto by deposit in the United States mail, first class or airmail or hand this 19th day of March 1976.

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