

Law Offices of
Gallagher, Sharp, Fulton, Norman & Mollison

350 Bulkeley Building
Cleveland, Ohio 44115

Telephone 241-8310
Area Code 218

January 27, 1976

M. AUSTIN HAUKEHURST (1958-1962)
FRANK E. COLL (1947-1965)
WALTER SHARP (1954-1966)

J. HALL KELLOGG
OF COUNSEL

LAWRENCE L. MOLLISON
ROBERT W. SHARP
MICHAEL R. GALLAGHER
ROBERT C. HERRIGAN
GEORGE W. STUHLDORENER
WERT FULTON
DORRIST A. NORMAN
AMES L. RYNALUR
AMES T. SWEENEY
EDWARD J. CASS
JOHN B. ROBERTSON
AMES G. O'BRYEN
THOMAS E. DETZ
WILLIAM A. VEDOMY
EFFIE C. GIERBER
LAW M. PETROV
CHARLES KAMPENSKI
THOMAS A. LINTON
EDIE ROBERTS
LYON L. STEPHENS

Elizabeth S. Bowers, Esq.
Chairman
Atomic Safety and Licensing Board Panel
U.S. Nuclear Regulatory Commission
Washington, D. C. 20555

In The Matter Of

The Toledo Edison Company and
The Cleveland Electric Illuminating Company
Docket Nos. 50-346A; 50-500A; 50-501A

And In The Matter Of

The Cleveland Electric Illuminating Company, et al.
Docket Nos. 50-440A and 50-441A

Dear Ms. Bowers:

Pursuant to Rule 2.713 of the Commission's Rules of Practice, wherein Squire, Sanders and Dempsey is extended an opportunity to be heard on the charges preferred against it by order dated January 20, 1976, Squire, Sanders and Dempsey intends to call to testify on its behalf at the hearing ordered to commence at 9:30 a.m. on Tuesday, February 3, 1976, the following identified witnesses.

John Lansdale, Jr.
John B. Brueckel and
Howard J. Holton

Each of the witnesses will supplement the evidence contained in his affidavit heretofore filed with the Nuclear Regulatory Commission. The testimony of each witness will amplify his aforesaid affidavit, correct erroneous inferences of fact contained in the majority memorandum accompanying the Order of January 20, 1976 and address more specifically the grounds recited on pages 24 through 26 of the majority memorandum.

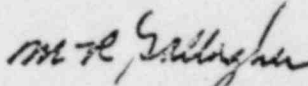
8003060 J83

m

Elizabeth S. Bowers, Esq.
January 27, 1976
Page 2

Enclosed herewith is an application for the issuance of a subpoena to Howard J. Holton, 308 Virginia Avenue, Alexandria, Virginia 22302, commanding him to appear and to give testimony at the Board's hearing of February 3, 1976.

Respectfully yours,



Michael R. Gallagher
Attorney for John Lansdale, Jr.
and Squire, Sanders & Dempsey

MRG:jd

Enclosure

cc: Edward Luton, Esq., Member
Atomic Safety & Licensing Board Panel

Thomas W. Reilly, Esq., Member
Atomic Safety & Licensing Board Panel

RELATED CORRESPONDENCE

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that copies of a letter addressed to Elizabeth S. Bowers, Esquire, Chairman, dated January 27, 1976, listing the witnesses intended to be called on behalf of Squire, Sanders and Dempsey together with copies of an application for issuance of a subpoena have been served by mailing the original and twenty (20) copies of the Application and twenty-one (21) copies of the letter to the Secretary, U. S. Atomic Energy Commission, Washington, D. C. 20545, Attention: Chief Docketing and Service Section, and by mailing one copy to each of the persons listed on the attached service list, regular U.S. Mail, First Class, postage prepaid on the 27th day of January, 1976.

Michael R. Gallagher
Michael R. Gallagher



SERVICE LIST

James B. Davis, Esq.
Director of Law
213 City Hall
Department of Law
Cleveland, Ohio 44114

Robert D. Hart, Esq.
First Assistant, Director of Law
213 City Hall
Cleveland, Ohio 44114

Douglas V. Rigler, Esq.
Chairman
Atomic Safety & Licensing Board Panel
Foley, Lardner, Hollabaugh & Jacobs
815 Connecticut Avenue, N.W.
Washington, D. C.

Ivan W. Smith, Esq.
Atomic Safety & Licensing Board Panel
U.S. Nuclear Regulatory Commission
Washington, D. C. 20555

John M. Frysiak, Esq.
Atomic Safety & Licensing Board Panel
U.S. Nuclear Regulatory Commission
Washington, D. C. 20555

Mr. Chase R. Stephens
Docketing and Service Section
U.S. Nuclear Regulatory Commission
1717 H Street, N.W.
Washington, D. C. 20555

Gerald Charnoff, Esq.
Wm. Bradford Reynolds, Esq.
Shaw, Pittman, Potts & Trowbridge
910 Seventeenth Street, N.W.
Washington, D. C. 20006

Donald H. Hauser, Esq.
Corporate Solicitor
The Cleveland Electric Illuminating Company
Post Office Box 5000
Cleveland, Ohio 44101

John Lansdale, Jr., Esq.
Cox, Langford & Brown
21 Dupont Circle, N.W.
Washington, D. C. 20036

Reuben Goldberg, Esq.
David C. Hjelmfelt, Esq.
1700 Pennsylvania Avenue, N.W.
Suite 550
Washington, D. C. 20006

Alan S. Rosenthal, Chairman
Atomic Safety and Licensing Appeals Board
U.S. Nuclear Regulatory Commission
Washington, D. C. 20555

Dr. John H. Buck
Dr. Lawrence K. Quarles
Atomic Safety and Licensing Appeals Board
U.S. Nuclear Regulatory Commission
Washington, D. C. 20555

Howard K. Shapar, Esq.
Executive Legal Director
U.S. Nuclear Regulatory Commission
Washington, D. C. 20555

Mr. Frank W. Karas, Chief
Public Proceedings Branch
Office of the Secretary
U.S. Nuclear Regulatory Commission
Washington, D. C. 20555

Abraham Braitman, Esq.
Office of Antitrust & Indemnity
U.S. Nuclear Regulatory Commission
Washington, D. C. 20555

Frank R. Clokey, Esq.
Special Assistant Attorney General
Towne House Apartments, Room 219
Harrisburg, Pennsylvania 17105

Edward A. Matto, Esq.
Assistant Attorney General
Chief, Antitrust Section
30 East Broad Street, 15th Floor
Columbus, Ohio 43215

Richard S. Salzman, Chairman
Atomic Safety and Licensing Appeals Board
U.S. Nuclear Regulatory Commission
Washington, D. C. 20555

Michael C. Farrar
Dr. W. Reed Johnson
Atomic Safety and Licensing Appeals Board
U.S. Nuclear Regulatory Commission
Washington, D. C. 20555

Andrew F. Popper, Esq.
Office of the Executive Legal Director
U.S. Nuclear Regulatory Commission
Washington, D. C. 20555

Benjamin H. Vogler, Esq.
Joseph Rutberg, Esq.
Robert J. Verdisco, Esq.
Roy P. Lessy, Jr., Esq.
Office of the General Counsel
Regulation
U.S. Nuclear Regulatory Commission
Washington, D. C. 20555

Melvin C. Berger, Esq.
Joseph J. Saunders, Esq.
Steven M. Charno, Esq.
David A. Leckie, Esq.
Janet R. Urban, Esq.
Ruth Greenspan Bell, Esq.
Antitrust Division
Department of Justice
Post Office Box 7513
Washington, D. C. 20044

Christopher R. Schraff, Esq.
Assistant Attorney General
Environmental Law Section
361 East Broad Street, 8th Floor
Columbus, Ohio 43215

Thomas J. Munsch, Jr., Esq.
General Attorney
Duquesne Light Company
435 Sixth Avenue
Pittsburgh, Pennsylvania 15219

Joseph Rieser, Esq.
Reed, Smith, Shaw & McClay
Suite 440
1155 Fifteenth Street, N. W.
Washington, D. C. 20005

Terrance H. Benbow, Esq.
Winthrop, Stimson, Putnam & Roberts
40 Wall Street
New York, New York 10005

Wallace L. Duncan, Esq.
Jon T. Brown, Esq.
Duncan, Brown, Weinberg & Palmer
1700 Pennsylvania Avenue, N.W.
Washington, D. C. 20006

Robert P. Mone, Esq.
George, Greek, King, McMahon & McConnaughey
Columbus Center
100 East Broad Street
Columbus, Ohio 43215

David McNeill Olds, Esq.
John McN. Cramer, Esq.
William S. Lerach, Esq.
Reed, Smith, Shaw & McClay
Post Office Box 2009
Pittsburgh, Pennsylvania 15230

John C. Engle, President
AMP-O Inc.
Municipal Building
20 High Street
Hamilton, Ohio 45012

Victor F. Greenslade, Jr., Esq.
Principal Staff Counsel
The Cleveland Electric Illuminating Company
Post Office Box 5000
Cleveland, Ohio 44101

Lee A. Rau, Esq.
Joseph A. Rieser, Jr., Esq.
Reed, Smith, Shaw & McClay
Suite 404
Madison Building
Washington, D. C. 20005

Leslie Henry, Esq.
Michael M. Briley, Esq.
Roger P. Klee, Esq.
Fuller, Henry, Hodge & Snyder
300 Madison Avenue
Toledo, Ohio 43604

Pennsylvania Power Company
One East Washington Street
New Castle, Pennsylvania 15103

Elizabeth S. Bowers, Esq.
Chairman
Atomic Safety & Licensing Board
U.S. Nuclear Regulatory Commission
Washington, D. C. 20555

Edward Luton, Esq., Member
Atomic Safety & Licensing Board
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Thomas W. Reilly, Esq., Member
Atomic Safety & Licensing Board
U.S. Nuclear Regulatory Commission
Washington, D. C. 20555