

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the Matter of)	
)	
The Toledo Edison Company and)	Docket Nos. 50-346A
The Cleveland Electric Illuminating)	50-500A
Company)	50-501A
(Davis-Besse Nuclear Power Station)	
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))	

SUBPOENA DUCES TECUM

The Nuclear Regulatory Commission to:

John B. Brueckel, Esq.
Squire, Sanders & Dempsey
1800 Union Commerce Building
Cleveland, Ohio 44115

YOU ARE HEREBY COMMANDED, pursuant to the Atomic Energy Act of 1954, as amended, Section 2.720 of the Rules of the Nuclear Regulatory Commission, 10 CFR Part 2, to produce the documents described below at the time of your appearance to give testimony at a hearing in the above captioned matter to be taken before the Atomic Safety and Licensing Board on February 3, 1976, commencing at 9:30 a.m. at the First Floor Hearing Room in the Willste Building at 7915 Eastern Avenue, Silver Spring, Maryland.

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SCHEDULE OF DOCUMENTS TO BE PRODUCED

1. Copies of all drafts of the Affidavits attached to the brief of Squire, Sanders & Dempsey filed in these proceedings dated December 12, 1975.
2. Copies of all documents, notes, memoranda, recordings, or minutes of meetings or telephone conversations between yourself and other members or employees of Squire, Sanders & Dempsey relating in any way to Cleveland's Municipal Electric Light Plant (MELP).
3. Copies of all memoranda, reports or analyses prepared by you or under your direction for use directly or indirectly by The Cleveland Electric Illuminating Company (CEI).
4. Copies of all notes, memoranda, minutes or recordings of meetings or telephone conversations between you and officers, directors or employees of CEI relating in any way to MELP.
5. Copies of all documents relating to the preparation, amendment or passage of Cleveland Ordinance No. 2104-72.
6. Copies of all documents prepared by you or under your supervision or reviewed by you or with respect to which you were consulted dealing with the proceedings before the Nuclear Regulatory Commission.
7. Copies of all documents referred to by you or relied upon by you in preparing your Affidavit dated December 10, 1975 and filed in these proceedings or in preparing to testify in these proceedings.
8. Copies of daily diaries, time sheets, or appointment calendars showing meetings or appointments with officers, directors or employees of CEI

or members or employees of Squire, Sanders & Dempsey who have or do provide legal services for CEI .

Documents prepared prior to January 1, 1965 need not be produced.

In accordance with Section 2.720(f) of the Rules of Practice of the Nuclear Regulatory Commission, 10 CFR Part 2, you may, by motion promptly made, and in any event at or before the time specified herein for compliance and upon notice to James B. Davis, Counsel for Cleveland, Director of Law, Department of Law, 213 City Hall, Cleveland, Ohio 44114, request that this subpoena be quashed or modified if it is unreasonable or requires evidence not relevant to any matter at issue in these proceedings. The Nuclear Regulatory Commission may condition its denial of such a motion to quash or modify this subpoena on just and reasonable terms.

Further, pursuant to Section 2.720(c), you are entitled upon service of this subpoena to a tender of fees and mileage payable to witnesses in District Courts of the United States.

Atomic Safety and Licensing Board
Nuclear Regulatory Commission

Elizabeth S. Bowers
Chairman

Issued:

1976