

UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D. C. 20555

OCT 6 1976

OFFICE OF THE SECRETARY

Director
Office of the Federal Register
National Archives and Records Service
Washington, D. C. 20408

Dear Sir:

Enclosed for publication in the Federal Register are an original
and two certified copies of a document entitled:

TOLEDO EDISON COMPANY, ET AL.
CLEVELAND ELECTRIC ILLUMINATING COMPANY, ET AL.
(Docket Nos. 50-346A, -500A, -501A, -440A & -441A)

ORDER

Please publish on Thursday, October 7, 1976.

Publication of the above document at the earliest possible date would
be appreciated.

Sincerely,

Samuel J. Chilk
Secretary of the Commission

Enclosures:
Original and 2 certified
copies

bcc: Central Files
Information Services
Legal Director
Office of Congressional Affairs
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V.
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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING SPECIAL BOARD

In the Matter of)	Docket 50-346A
)	50-500A
THE TOLEDO EDISON COMPANY and)	50-501A
THE CLEVELAND ELECTRIC ILLUMINATING COMPANY))	
(Davis-Besse Nuclear Power Station,)	
Units 1, 2 and 3))	
)	
THE CLEVELAND ELECTRIC ILLUMINATING)	Docket 50-440A
COMPANY, et al.)	50-441A
(Perry Nuclear Power Plant, Units 1 and 2))	
)	

ORDER

October 5, 1976

This Special Board has now received the brief of the City of Cleveland in opposition to the motion filed on August 26, 1976 by Squire, Sanders & Dempsey moving the Special Board to dismiss the disqualification proceedings pending in this matter.^{1/} Answers to the SS&D dismissal motion by the Applicants and by the NRC Staff have also been filed. Upon examination of the motion and the responses thereto we have concluded that oral argument is warranted.

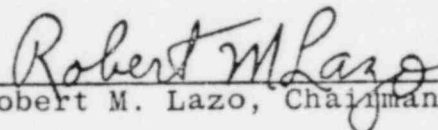
1/ By order of September 1, 1976, the time for the filing of the answer by the City of Cleveland to the SS&D dismissal motion was extended to September 15, 1976. The time for filing the answers by the NRC Staff and the Applicants was extended to September 24, 1976.

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Inquiry has been made of the attorneys respecting a convenient date for calendaring the argument and October 15, 1976 has been agreed upon as suitable by counsel for each of the parties.

WHEREFORE, IT IS ORDERED, in accordance with the Atomic Energy Act, as amended, and the Rules of Practice of the Commission, that oral argument on the motion of Squire, Sanders & Dempsey to dismiss the disqualification proceedings pending in this matter, is calendared for 11:00 a.m. on Friday, October 15, 1976, in the NRC Public Hearing Room, 5th Floor, East-West Towers, 4350 East/West Highway, Bethesda, Maryland.

FOR THE ATOMIC SAFETY
AND LICENSING SPECIAL BOARD


Robert M. Lazo, Chairman

Issued at Bethesda, Maryland
this 5th day of October, 1976.