

January 13, 1976

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 No. 50-346A
COMPANY	)	
(Davis-Besse Nuclear Power Station,	)	
Unit 1)	)	
	)	
THE CLEVELAND ELECTRIC ILLUMINATING	)	
COMPANY, ET AL.	)	Docket Nos. 50-440A
(Perry Nuclear Power Plant,	)	50-441A
Units 1 and 2)	)	
	)	
THE TOLEDO EDISON COMPANY, ET AL.	)	
(Davis-Besse Nuclear Power Station,	)	Docket Nos. 50-500A
Units 2 and 3)	)	50-501A

APPLICATION FOR ISSUANCE OF SUBPOENAS

1. Pursuant to Section 2.720(a) of the Commission's Rules of Practice, 10 C.F.R. §2.720(a), Applicants hereby request the Licensing Board to issue the attached four subpoenas to:

- a. American Municipal Power-Ohio, Inc.  
20 High Street  
Hamilton, Ohio 45013
- b. Mr. John C. Engle  
American Municipal Power-Ohio, Inc.  
20 High Street  
Hamilton, Ohio 45013
- c. Power Authority of the State of New York  
10 Columbus Circle  
New York, New York 10019
- d. Mr. George T. Berry  
Power Authority of the State of New York  
10 Columbus Circle  
New York, New York 10019

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2. The subpoenas request the production of certain documents specifically referred to in the testimony of Warren D. Hinchee during the evidentiary hearing in the above-captioned proceeding on January 5 and 6, 1976. Mr. Hinchee testified that there exist letters evidencing written requests for nuclear power by AMP-Ohio to Applicants and written responses by Applicants to those requests. He also testified that there was a letter of intent executed between PASNY and AMP-Ohio committing PASNY power to AMP-Ohio.

3. Applicants have re-examined the discovery materials produced by the other parties and by AMP-Ohio in an effort to locate the referenced documents; we have not found any of them. The purpose of these subpoenas is to secure these specific documents in the most expeditious and least burdensome manner possible. Applicants believe that the AMP-Ohio correspondence referred to by Mr. Hinchee should be produced, if it indeed exists, so that the Licensing Board will be in a position to base its decision on the most complete and accurate record that can be made.

WHEREFORE, Applicants request this Board to issue the attached subpoenas and deliver the executed subpoenas

to the undersigned counsel for Applicants for purposes of  
implementing service of process.

Respectfully submitted,

SHAW, PITTMAN, POTTS & TROWBRIDGE

By: \_\_\_\_\_

Wm. Bradford Reynolds  
Counsel for Applicants

Attachments

Dated: January 13, 1976.