UNITED STATES OF AMERICA NUCLEAR REGULATORY COMMISSION

Before the Atomic Safety and Licensing Board

In the Matter of)) Docket No. 50-440-CIVP
FIRSTENERGY NUCLEAR OPERATING COMPANY)) ASLBP No. 01-784-01-CivP
(Perry Nuclear Power Plant, Unit 1; Operating License No. NPF-58))) EA 99-012)

JOINT STATUS REPORT

This joint status report is in response to this Board's Order of February 8, 2001, granting the parties additional time, up to and including March 20, 2001, to engage in settlement negotiations. That Order also requested the parties to file a further report on the status of negotiations by March 8, 2001.

While the parties have reached an oral agreement in principle regarding settlement of the above-captioned matter, and good progress has been made in the negotiation of a formal written settlement agreement, it is believed that the parties would benefit from the appointment by this Board of a separate settlement judge, consistent with both the Commission's decision in Rockwell International Corporation, CLI-90-05, 30 NRC 337 (1990) and the NRC regulation which encourages settlements, 10 C.F.R. § 2.759. Accordingly, the parties hereby request: (1) the appointment of a settlement judge, consistent with the above-referenced authority; and (2) continuation of the suspension period for another forty-five (45) days until May 4, 2001, in order to allow

sufficient time for both the appointment and involvement in the settlement negotiations by such a settlement judge. (The documents requested by this Board, assuming settlement has not been reached, to similarly be deferred until the conclusion of the revised suspension period.)

Respectfully submitted,

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Dated at Rockville, MD this Etch day of MARCH., 2001.

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CERTIFICATE OF SERVICE

I hereby certify that on this and day of March, 2001, copies of the foregoing "Joint Status Report" have been served upon the following persons by U.S. mail, first class or by NRC internal distribution.

Office of Commission Appellate Adjudication U.S. Nuclear Regulatory Commission Washington, D.C. 20555

Administrative Judge Charles Bechhoefer, Chairman Atomic Safety and Licensing Board Panel Mail Stop – T-3 F23 U.S. Nuclear Regulatory Commission Washington, D.C. 20555 Administrative Judge
Dr. Richard F. Cole
Atomic Safety and Licensing Board
Panel Mail Stop – T-3 F23
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Administrative Judge
Ann Marshall Young
Atomic Safety and Licensing Board
Panel
Mail Stop – T-3 F23
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

John K. Wood Vice President Perry Nuclear Power Plant 10 Center Road Perry, OH 44081

Dated at Rockville, MD this day of March, 2001.

Dennis C. Dambly