

NRC DISTRIBUTION FOR PART 50 DOCKET MATERIAL

TO: Mr. Edson G. Case		FROM: Shaw, Pittman, Potts & Trowbridge Washington, D. C. Wm. Bradford Reynolds		DATE OF DOCUMENT 1/23/78
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DESCRIPTION

Advising NRC that the transmission schedule has not yet been filed because certain of its provisions are being reconsidered in light of the City of Cleveland's most recent objections.....

(2-P)

PLANT NAME : Davis-Besse/Perry 1 & 2
 RJL 1/30/78

ENCLOSURE

SAFETY	FOR ACTION/INFORMATION	ENVIRONMENTAL
ASSIGNED AD:		ASSIGNED AD: V. MOORE (LTR)
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PROJECT MANAGER:		PROJECT MANAGER:
LIC. ASST:		LIC. ASST:
		B. HARLESS

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HELTEMES			BUNCH
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JOHN H. SHARON
EDWARD B. CROSLAND *
COUNSEL

* NOT ADMITTED IN D. C.

January 23, 1978

Mr. Edson G. Case
Director of Nuclear
Reactor Regulation
Nuclear Regulatory Commission
Washington, D. C. 20555



Dear Mr. Case:

I have received a copy of Mr. Hjelmfelt's response of January 16.

This follow-up letter is simply to apprise you of the fact that the referenced transmission schedule has not yet been filed principally because certain of its provisions are being reconsidered in light of the City of Cleveland's most recent objections thereto. It is now anticipated that a schedule will shortly be ready for filing which will fully satisfy all of the City's complaints.

Accordingly, as stated in my earlier letter to you of January 9, 1978, the City's suggestion that your office should immediately start enforcement proceedings against the Cleveland Electric Illuminating Company ("CEI") is not well taken at this time. There is no hint that CEI has yet acted in a manner contrary to the conditions attached to the Davis-Besse and Perry licenses; nor is there reason to suspect it intends to do so.

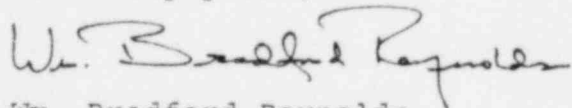
As soon as the transmission schedule is filed with the Federal Energy Regulatory Commission, a copy will be forwarded to

SHAW, PITTMAN, POTTS & TROWBRIDGE

Mr. Edson G. Case
January 23, 1978
Page Two

you. At that time, questions as to its compliance with the referenced license condition 3. and, if deemed necessary, as to the matter of which federal agency has enforcement responsibility in this area, can be more appropriately evaluated on an informed basis.

Sincerely yours,



Wm. Bradford Reynolds
Counsel for The Cleveland
Electric Illuminating Company

WBR:ats

cc: Counsel of record
Jack M. Schulman
Robert D. Hart
David C. Hjelmfelt