

December 15, 1981

DOCKETED  
USNRC

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

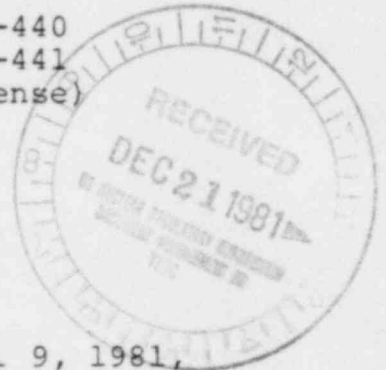
'81 DEC 17 P1:29

Before the Atomic Safety and Licensing Board

In the Matter of )  
 )  
THE CLEVELAND ELECTRIC )  
ILLUMINATING COMPANY, ET AL. )  
 )  
(Perry Nuclear Power Plant, )  
Units 1 and 2) )

Docket Nos. 50-440  
50-441  
(Operating License)

APPLICANTS' SECOND PROGRESS REPORT  
REGARDING DISCOVERY ACTIVITIES



In its Memorandum and Order dated September 9, 1981, the Licensing Board ordered the parties to submit discovery progress reports starting on October 15 and at two month intervals thereafter. As reported in Applicants' first progress report to the Board on October 15, 1981, Applicants filed on that date Interrogatories and Request for Production of Documents to each of the intervenors Sunflower Alliance, Inc., et al., ("Sunflower"), Ohio Citizens for Responsible Energy ("OCRE"), and Tod J. Kenney.

On November 19, 1981, Sunflower responded to all of Applicants' October 15 interrogatories except those related to Issue No. 2 (Financial Qualifications). Sunflower's letter of November 24, 1981, to Applicants confirmed our agreement for each party to defer answering interrogatories on this issue in light of the Commission's ongoing rulemaking proceeding on the issue of financial qualifications. Applicants plan to engage in discussions with Sunflower to work out arrangements for the

DSO3  
S  
1/1

12220305 811215  
PDR ADOCK 05000440  
G PDR

production of Sunflower's documents which are not otherwise available to Applicants.

OCRE responded to Applicants' interrogatories on November 30, 1981. Applicants and OCRE are discussing arrangements for the production of OCRE documents not otherwise available to Applicants.

Applicants are evaluating the answers of Sunflower and OCRE to determine if follow-up interrogatories will be necessary.

Applicants called Mr. Kenney on December 2, 1981 to inquire about his plans for answering Applicants' interrogatories. Mr. Kenney informed us he planned to file answers on December 7. Applicants have not yet received answers.

Sunflower submitted Interrogatories and Request for Production of Documents to Applicants on November 3, 1981, related to the financial qualifications issue. Applicants have deferred answering pursuant to the agreement with Sunflower described above. Interrogatories related to other issues were filed by Sunflower on December 2, 1981. Discussions with Sunflower are in progress for an extension of time for Applicants to respond and concerning the scope of certain of the interrogatories.

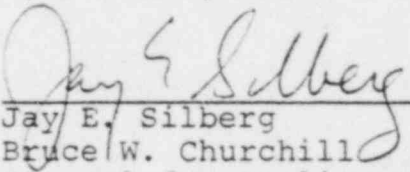
In Mr. Kenney's progress report of October 15, 1981, he requested access to "key documents" in Toledo, Ohio. Applicants notified Mr. Kenney on November 28, 1981, that they were providing copies of the Final Safety Analysis Report and the

Environmental Report to the Public Document Room of the University  
of Toledo Library, 2801 West Bancroft, Toledo.

Respectfully submitted,

SHAW, PITTMAN, POTTS & TROWBRIDGE

By

  
Jay E. Silberg  
Bruce W. Churchill  
Counsel for Applicants  
1800 M Street, N.W.  
Washington, D.C. 20036  
(202) 822-1000

Dated: December 15, 1981

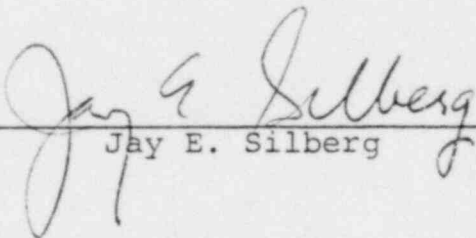
UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

Before the Atomic Safety and Licensing Board

In the Matter of	)	
	)	
THE CLEVELAND ELECTRIC	)	Docket Nos. 50-440
ILLUMINATING COMPANY, <u>ET AL.</u>	)	50-441
	)	(Operating License)
(Perry Nuclear Power Plant,	)	
Units 1 and 2)	)	

CERTIFICATE OF SERVICE

This is to certify that copies of "Applicants' Second Progress Report Regarding Discovery Activities", dated December 15, 1981, were served upon those persons on the attached Service List by deposit in the United States mail, postage prepaid, this 15th day of December, 1981.

  
\_\_\_\_\_  
Jay E. Silberg

Dated: December 15, 1981

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

Before the Atomic Safety and Licensing Board

In the Matter of	)	
	)	
THE CLEVELAND ELECTRIC	)	Docket Nos. 50-440
ILLUMINATING COMPANY <u>Et Al.</u>	)	50-441
	)	
(Perry Nuclear Power Plant,	)	
Units 1 and 2)	)	

SERVICE LIST

Peter B. Bloch, Chairman  
Atomic Safety and Licensing Board  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

Dr. Jerry R. Kline  
Atomic Safety and Licensing Board  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

Mr. Frederick J. Shon  
Atomic Safety and Licensing Board  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

Atomic Safety and Licensing  
Board Panel  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

Atomic Safety and Licensing  
Appeal Board Panel  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

Docketing and Service Section  
Office of the Secretary  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

James H. Thessin, Esquire  
Office of the Executive  
Legal Director  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

Robert Alexander  
OCRE Interim Representative  
2030 Portsmouth Street #2  
Houston, Texas 77098

Daniel D. Wilt, Esquire  
Wegman, Hessler & Vanderburg  
Suite 102  
7301 Chippewa Road  
Brecksville, Ohio 44141

Terry Lodge, Esquire  
915 Spitzer Building  
Toledo, Ohio 43604

Mr. Tod J. Kenney  
228 South College, Apt. A  
Bowling Green, Ohio 43402

Donald T. Ezzone, Esquire  
Assistant Prosecuting Attorney  
Lake County Administration Center  
105 Center Street  
Painesville, Ohio 44077