

Mr. J. E. Cross
 President-Generation Group
 Duquesne Light Company
 Post Office Box 4
 Shippingport, PA 15077

June 8, 1999

SUBJECT: NOTICE OF CONSIDERATION OF APPROVAL OF TRANSFER OF FACILITY OPERATING LICENSES AND ISSUANCE OF CONFORMING AMENDMENTS, AND OPPORTUNITY FOR A HEARING - BEAVER VALLEY POWER STATION, UNIT NOS. 1 AND 2 (TAC NOS. MA5370 AND MA5371)

Dear Mr. Cross:

Enclosed is a copy of a "Notice of Consideration of Approval of Transfer of Facility Operating Licenses and Issuance of Conforming Amendments, and Opportunity for a Hearing" related to the application dated May 5, 1999, filed by Duquesne Light Company and FirstEnergy Nuclear Operating Company. The application (pursuant to 10 CFR 50.80) seeks approval of the proposed transfer of Duquesne Light Company's ownership interests in the Beaver Valley Power Station, Unit Nos. 1 and 2 (BVPS-1 and BVPS-2), Facility Operating Licenses Nos. DPR-66 and NPF-73 to Pennsylvania Power Company, a wholly owned subsidiary of FirstEnergy Corporation; and approval for FirstEnergy Nuclear Operating Company, also a wholly owned subsidiary of FirstEnergy Corporation, to be the exclusive licensed operator of BVPS-1 and BVPS-2 under essentially the same conditions and authorizations included in the existing licenses. The application also seeks (pursuant to 10 CFR 50.90) the issuance of conforming amendments to the licenses to reflect the transfer.

This notice is being forwarded to the Office of the Federal Register for publication.

Sincerely,

ORIGINAL SIGNED BY:

Daniel S. Collins, Project Manager, Section 1
 Project Directorate I
 Division of Licensing Project Management
 Office of Nuclear Reactor Regulation

|||

Docket Nos. 50-334 and 50-412

Enclosure: Notice

cc w/encl: See next page

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UNITED STATES
NUCLEAR REGULATORY COMMISSION

WASHINGTON, D.C. 20555-0001

June 8, 1999

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President-Generation Group
Duquesne Light Company
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Shippingport, PA 15077

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This notice is being forwarded to the Office of the Federal Register for publication.

Sincerely,

A handwritten signature in cursive script that reads "Daniel S. Collins".

Daniel S. Collins, Project Manager, Section 1
Project Directorate I
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

Docket Nos. 50-334 and 50-412

Enclosure: Notice

cc w/encl: See next page

Beaver Valley Power Station, Units 1 and 2

**Jay E. Silberg, Esquire
Shaw, Pittman, Potts & Trowbridge
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**Duquesne Light Company
Safety and Licensing Department
Mark S. Ackerman, Manager (2 Copies)
Beaver Valley Power Station
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Shippingport, PA 15077**

**Commissioner Roy M. Smith
West Virginia Department of Labor
Building 3, Room 319
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Charleston, WV 25305**

**Director, Utilities Department
Public Utilities Commission
180 East Broad Street
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**Director, Pennsylvania Emergency
Management Agency
Post Office Box 3321
Harrisburg, PA 17105-3321**

**Ohio EPA-DERR
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Post Office Box 1049
Columbus, OH 43266-0149**

**Dr. Judith Johnsrud
National Energy Committee
Sierra Club
433 Orlando Avenue
State College, PA 16803**

**Duquesne Light Company
Beaver Valley Power Station
PO Box 4
Shippingport, PA 15077
ATTN: Kevin L. Ostrowski, Division Vice
President, Nuclear Operations Group
and Plant Manager (BV-SOSB-7)**

**Bureau of Radiation Protection
Pennsylvania Department of
Environmental Protection
ATTN: Michael P. Murphy
Post Office Box 2063
Harrisburg, PA 17120**

**Mayor of the Borough of
Shippingport
Post Office Box 3
Shippingport, PA 15077**

**Regional Administrator, Region I
U.S. Nuclear Regulatory Commission
475 Allendale Road
King of Prussia, PA 19406**

**Resident Inspector
U.S. Nuclear Regulatory Commission
Post Office Box 298
Shippingport, PA 15077**

**Duquesne Light Company
Beaver Valley Power Station
PO Box 4
Shippingport, PA 15077
ATTN: S. C. Jain, Senior Vice President
Nuclear Services (BV-A)**

**Mr. J. A. Hultz, Manager
Projects & Support Services
First Energy
76 South Main Street
Akron, OH 44308**

UNITED STATES NUCLEAR REGULATORY COMMISSION

DUQUESNE LIGHT COMPANY

OHIO EDISON COMPANY

PENNSYLVANIA POWER COMPANY

THE CLEVELAND ELECTRIC COMPANY

THE TOLEDO EDISON COMPANY

BEAVER VALLEY POWER STATION, UNIT NOS. 1 AND 2

DOCKET NOS. 50-334 AND 50-412

NOTICE OF CONSIDERATION OF APPROVAL OF TRANSFER

OF FACILITY OPERATING LICENSES AND ISSUANCE OF CONFORMING AMENDMENTS,

AND OPPORTUNITY FOR A HEARING

The U.S. Nuclear Regulatory Commission (the Commission) is considering the issuance of an order under 10 CFR 50.80 approving the transfer of the interests held by Duquesne Light Company (DLC) in Facility Operating Licenses Nos. DPR-66 and NPF-73 for the Beaver Valley Power Station, Unit Nos. 1 and 2 (BVPS-1 and BVPS-2), located in Beaver County, Pennsylvania, as part owner and exclusive licensed operator of BVPS-1 and BVPS-2. The Commission is also considering issuance of conforming amendments to the licenses under 10 CFR 50.90.

According to an application for approval filed by DLC and FirstEnergy Nuclear Operating Company (FENOC), Pennsylvania Power Company (Penn Power), which currently owns 17.5% of BVPS-1, is to acquire DLC's 47.5 % ownership interest, resulting in 65%

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ownership, in BVPS-1, and DLC's 13.74 % ownership interest in BVPS-2 pursuant to a DLC restructuring plan and agreements between DLC and FirstEnergy Corporation of which FENOC and Penn Power are subsidiaries. Additionally, FENOC would become the exclusive licensed operator responsible for the operation, maintenance, and eventual decommissioning of BVPS-1 and BVPS-2. No physical changes to the BVPS-1 and BVPS-2 facility or operational changes are being proposed in the application.

The proposed conforming amendments would replace references to DLC in the licenses with references to Penn Power and FENOC, as appropriate, to reflect the proposed transfer.

Pursuant to 10 CFR 50.80, no license, or any right thereunder, shall be transferred, directly or indirectly, through transfer of control of the license, unless the Commission shall give its consent in writing. The Commission will approve an application for the transfer of a license, if the Commission determines that the proposed transferee is qualified to hold the license, and that the transfer is otherwise consistent with applicable provisions of law, regulations, and orders issued by the Commission pursuant thereto.

Before issuance of the proposed conforming license amendments, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations.

As provided in 10 CFR 2.1315, unless otherwise determined by the Commission with regard to a specific application, the Commission has determined that any amendment to the license of a utilization facility which does no more than conform the license to reflect the transfer action involves no significant hazards consideration. No contrary determination has been made with respect to this specific license amendment application. In light of the generic determination reflected in 10 CFR 2.1315, no public comments with respect to significant

hazards considerations are being solicited, notwithstanding the general comment procedures contained in 10 CFR 50.91.

The filing of requests for hearing and petitions for leave to intervene, and written comments with regard to the license transfer application, are discussed below.

By July 6, 1999, any person whose interest may be affected by the Commission's action on the application may request a hearing, and, if not the applicants, may petition for leave to intervene in a hearing proceeding on the Commission's action. Requests for a hearing and petitions for leave to intervene should be filed in accordance with the Commission's rules of practice set forth in Subpart M, "Public Notification, Availability of Documents and Records, Hearing Requests and Procedures for Hearings on License Transfer Applications," of 10 CFR Part 2. In particular, such requests and petitions must comply with the requirements set forth in 10 CFR 2.1306, and should address the considerations contained in 10 CFR 2.1308(a). Untimely requests and petitions may be denied, as provided in 10 CFR 2.1308(b), unless good cause for failure to file on time is established. In addition, an untimely request or petition should address the factors that the Commission will also consider, in reviewing untimely requests or petitions, set forth in 10 CFR 2.1308(b)(1)-(2).

Requests for a hearing and petitions for leave to intervene should be served upon Mary E. O'Reilly, Counsel for FENOC, at FirstEnergy, 76 South Main Street, Akron, OH 44308 (tel : 330-384-5224; fax: 330-384-3875; e-mail : meoreilly@firstenergycorp.com); Roy P. Lessy, Counsel for FENOC, at Akin, Gump, Stauss, Hauer & Feld, L.L.P.; 1333 New Hampshire Avenue, NW, Suite 400, Washington, DC 20036 (tel : 202-887-4500; fax : 202-887-4288; e-mail : rlessy@akingump.com); Larry R. Crayne, Assistant General Counsel, Duquesne Light Company, 411 Seventh Avenue, Pittsburgh, PA 15219 (tel : 412-393-6049;

fax : 412-393-6645; e-mail : larry_r_crayne@dlc.dqe.com); John E. Mathews, Counsel for DLC, at Morgan, Lewis & Bockius, LLP; 1800 M Street, NW, Washington, DC 20036-5869 (tel : 202-467-7524, fax: 202-467-7176, e-mail: matt7524@mlb.com); the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555 (e-mail address for filings regarding license transfer case only: OGCLT@NRC.gov); and the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, Attention: Rulemakings and Adjudications Staff, in accordance with 10 CFR 2.1313.

The Commission will issue a notice or order granting or denying a hearing request or intervention petition, designating the issues for any hearing that will be held and designating the Presiding Officer. A notice granting a hearing will be published in the FEDERAL REGISTER and served on the parties to the hearing.

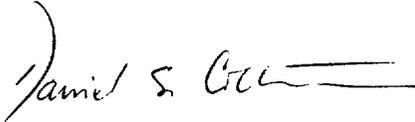
As an alternative to requests for hearing and petitions to intervene, by July 14, 1999, persons may submit written comments regarding the license transfer application, as provided for in 10 CFR 2.1305. The Commission will consider and, if appropriate, respond to these comments, but such comments will not otherwise constitute part of the decisional record. Comments should be submitted to the Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, Attention: Rulemakings and Adjudications Staff, and should cite the publication date and page number of this FEDERAL REGISTER notice.

For further details with respect to this action, see the application dated May 5, 1999, available for public inspection at the Commission's Public Document Room, the Gelman

Building, 2120 L Street, NW., Washington, DC, and at the local public document room located at the B.F. Jones Memorial Library, 663 Franklin Avenue, Aliquippa, PA 15001.

Dated at Rockville, Maryland this 8th day of June 1999.

FOR THE NUCLEAR REGULATORY COMMISSION

A handwritten signature in cursive script that reads "Daniel S. Collins". The signature is written in black ink and is positioned above the typed name and title.

Daniel S. Collins, Project Manager, Section 1
Project Directorate I
Division of Licensing Project Management
Office of Nuclear Reactor Regulation