



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

PDR

October 25, 2000

MEMORANDUM TO: L. J. Chandler, Associate General Counsel for Hearings, Enforcement
and Administration, Office of the General Counsel

FROM: R. W. Borchardt, Director, Office of Enforcement

SUBJECT: FIRSTENERGY REQUEST FOR HEARING IN THE MATTER OF
ENFORCEMENT ACT 99-012.

By Order dated August 3, 2000, the NRC imposed a civil penalty in the amount of \$110,000 upon FirstEnergy, the licensee for the Perry facility, for violations of 10 CFR 50.7, "Employee Protection" which occurred in 1997. Pursuant to 10 CFR 2.202, the licensee, through its legal counsel, requested an enforcement hearing by letter dated October 13, 2000 to the Secretary of the Commission. The request for hearing is attached.

The Office Of Enforcement transmits the request for hearing in order that appropriate preparations can be made for the hearing.

Attachment: As stated

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AKIN, GUMP, STRAUSS, HAUER & FELD, L.L.P.

ATTORNEYS AT LAW

AUSTIN
BRUSSELS
DALLAS
HOUSTON
LONDON
LOS ANGELES
MOSCOW
NEW YORK
PHILADELPHIA
SAN ANTONIO
WASHINGTON

A REGISTERED LIMITED LIABILITY PARTNERSHIP
INCLUDING PROFESSIONAL CORPORATIONS

1333 NEW HAMPSHIRE AVENUE, N.W.
SUITE 400

WASHINGTON, D.C. 20036

(202) 887-4000

FAX (202) 887-4288

www.akingump.com

Rlessy@akingump.com

Roy P. Lessy, Jr.
(202) 887-4500

October 18, 2000

VIA HAND-DELIVERY OR FEDERAL EXPRESS

Secretary, U.S. Nuclear Regulatory Commission
Attn: Rulemakings and Adjudications Staff
One White Flint North
11555 Rockville Pike
Rockville, MD 20852-2738

Re: Perry Nuclear Power Plant, Docket No. 50-440
“Request for an Enforcement Hearing”
Order Imposing Civil Monetary Penalty - \$110,000, dated August 3, 2000

Ladies and Gentlemen:

Reference is made to the “Order Imposing Civil Monetary Penalty – \$110,000, Perry Nuclear Power Plant” dated August 3, 2000 (hereinafter “the August Order”) and to subsequent correspondence from Mr. John K. Wood, FirstEnergy Nuclear Operating Company (“FENOC”), to Mr. R. W. Borchardt, Director, Office of Enforcement, confirming the response date to the above Order would be 30 days following a meeting to discuss the enforcement process. That public meeting was held at NRC Headquarters on Thursday, September 21, 2000.

In reply to the August 3rd Order, the licensee hereby requests an enforcement hearing.

Please direct all communications related to this hearing request to the undersigned, as counsel for the licensee, as well as to Mr. John K. Wood, Vice President Nuclear, Perry Nuclear Power Plant, 10 Center Road, Perry, OH 44081.

U.S. Nuclear Regulatory Commission
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In order to facilitate contact with the undersigned, and in contemplation of the provisions of 10 C.F.R. §2.713, Notices of Appearance are attached.

Respectfully submitted,



Roy P. Lessy, Jr.
Donald R. Livingston
AKIN, GUMP, STRAUSS, HAUER & FELD, L.L.P.
(202) 887-4500; (202) 887-4000
Counsel for FENOC

RJL/mj
Attachments

cc: ✓ R. W. Borchardt, Director, Office of Enforcement
Dennis C. Dambly, Esq., Assistant General Counsel
for Materials Litigation and Enforcement
Lawrence J. Chandler, Esq., Associate General Counsel
James P. Dyer, Administrator, NRC Region III
Bruce A. Berson, Esq., Regional Counsel, NRC Region III
Christine A. Lipa, NRC Senior Resident Inspector
Douglas V. Pickett, NRR Project Manager

NOTICE OF APPEARANCE

Name: Roy P. Lessy, Jr.

Address: Akin, Gump, Strauss, Hauer & Feld, L.L.P.
1333 New Hampshire Ave., N.W.
Washington, D.C. 20036

Telephone Numbers, Etc.: (202) 887-4500
Facsimile Numbers: (202) 955-7763 and (202) 887-4288
Email Address: rlessy@akingump.com

Party Represented: FirstEnergy Nuclear Operating Company ("FENOC")

Bar Memberships: District of Columbia Court of Appeals
U.S. Court of Appeals for the District of Columbia Circuit
U.S. District Courts for the District of Columbia and Eastern
District of Washington
U.S. Court of Federal Claims

NOTICE OF APPEARANCE

Name: Donald R. Livingston

Address: Akin, Gump, Strauss, Hauer & Feld, L.L.P.
1333 New Hampshire Ave., N.W.
Washington, D.C. 20036

Telephone Numbers, Etc.: (202) 887-4242
Facsimile Number: (202) 887-4288
Email Address: dlivingston@akingump.com

Party Represented: FirstEnergy Nuclear Operating Company ("FENOC")

Bar Memberships: District of Columbia Court of Appeals
Georgia Supreme Court
U.S. Court of Appeals for the 4th, 5th, 6th, and 11th Circuits
U.S. District Courts for the Northern District of California,
Northern District of New York, District of Columbia, Middle
District of Georgia, and Northern District of Georgia
U.S. Supreme Court

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