Docket No. 50-440

MAR 18 1986

Mr. Murray R. Edelman, Vice President
Nuclear Operations Group
The Cleveland Electric Illuminating Company
P. O. Box 5000
Cleveland, Ohio 44101

Dear Mr. Edelman:

Subject: Issuance of Facility Operating License NPF-45, Perry Nuclear Power Plant, Unit 1

The U. S. Nuclear Regulatory Commission (NRC) has issued the enclosed Facility Operating License NPF-45, together with the Technical Specifications and the Environmental Protection Plan for the Perry Nuclear Power Plant, Unit 1. License No. NPF-45 authorizes operation of Perry Unit 1 at reactor core power levels not in excess of 3579 megawatts thermal (100% power). Pending Commission approval, operation is restricted to power levels not to exceed 5 percent of full power (178 megawatts thermal).

Enclosed is a copy of a related notice, the original of which has been forwarded to the Office of the Federal Register for publication.

Six copies of Amendment No. 1 to Indemnity Agreement No. B-98 which covers the activities authorized under License No. NPF-45 are also enclosed. Please sign all copies and return one to this office.

Sincerely,

/s/

Robert Bernero, Director
Division of BWR Licensing

Enclosures:
1. Facility Operating License NPF-45
2. Federal Register Notice
3. Amendment No. 1 to Indemnity Agreement No. B-98

cc w/enclosures:
See next page

DD:DIR	D:DIR	PWR#5	PD#4	SP	NRR/PAS	OELD	PD#4
RHouston	RBernero	MRushbrook:kab	JStefano	LDinitz	WLambe		WButler
1/10/85	1/22/85	1/16/85	1/18/85	1/17/85	1/9/85	/85	1/8/85

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E. CEICO shall fully implement and maintain in effect all provisions of the Commission-approved physical security, guard training and qualification, and safeguards contingency plans, including all amendments and revisions made pursuant to the authority of 10 CFR 50.90 and 10 CFR 50.54(p). The plans, which contain Safeguards Information protected under 10 CFR 73.21, are entitled: "Perry Nuclear Power Plant Security Plan," with revisions submitted through November 25, 1985; "Perry Nuclear Power Plant Security Force Training and Qualification Plan," with revisions submitted through September 27, 1985; and "Perry Nuclear Power Plant Safeguards Contingency Plan" (Chapter 8 of the Security Plan), with revisions submitted through October 22, 1985.

F. Except as otherwise provided in the Technical Specifications or Environmental Protection Plan, CEICO shall report any violations of the requirements contained in Section 2.C of this license in the following manner: initial notification shall be made within 24 hours to the NRC Operations Center via the Emergency Notification System with written followup within thirty (30) days in accordance with the procedures described in 10 CFR 50.73(b), (c) and (e).

G. The licensees shall have and maintain financial protection of such type and in such amounts as the Commission shall require in accordance with Section 170 of the Atomic Energy Act of 1954, as amended, to cover public liability claims.

H. This license is effective as of the date of issuance and shall expire at midnight on March 18, 2026.

FOR THE NUCLEAR REGULATORY COMMISSION

Harold R. Denton, Director
Office of Nuclear Reactor Regulation

Attachments/Appendices:
1. Attachment 1 - 4
2. Appendix A - Technical Specifications (NUREG-1162)
3. Appendix B - Environmental Protection Plan
4. Appendix C - Antitrust Conditions

Date of Issuance: MAR 18 1986

*Previously concurred:

*PWR#5	*PD#4	*SAB:DE	SP	SP	OELD *	OELD *
MRushbrook:kab	JStefano	WLomb	JDinitz	JSaltzman	CWoodhead	JRutberg
01/08/86	01/08/86	01/09/86	/ /86	/ /86	/ /86	/ /86

*OELD	*PD#4	*DD:DIR	*D:DIR	DD:NRR	D:NRR
JScinto	WRButler	RHouston	RBernero	DEisenhut	HDenton
/ /86	01/08/86	01/09 /86	01/22/86	/ /86	3/18 /86

* previously concurred

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Date of Issuance:

PWR#5	PD#4	PPAS:PRAB ~~SAB:DE~~	SP	SP	*OELD	*OELD
MRushbrook:kab	JStefano	WLamb	IDinitz	JSaltzman	CWoodhead	JRutberg
1/8/85	1/8/85	1/9/85	/ /85	/ /85	/ /85	/ /85

*OELD	PD#4	DD:DIR	D:DIR	DD:NRR	D:NRR
JScinto	WRButler	RHouston	RBernero	DEisenhut	HDenton
/ /85	1/8/85	1/4/85	1/22/85	/ /85	/ /85

* previous concurrence received.

E. CEICO shall fully implement and maintain in effect all provisions of the Commission-approved physical security, guard training and qualification, and safeguards contingency plans, including all amendments and revisions made pursuant to the authority of 10 CFR 50.90 and 10 CFR 50.54(p). The plans, which contain Safeguards Information protected under 10 CFR 73.21, are entitled: "Perry Nuclear Power Plant Security Plan," with revisions submitted through November 25, 1985; "Perry Nuclear Power Plant Security Force Training and Qualification Plan," with revisions submitted through September 27, 1985; and "Perry Nuclear Power Plant Safeguards Contingency Plan" (Chapter 8 of the Security Plan), with revisions submitted through October 22, 1985.

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FOR THE NUCLEAR REGULATORY COMMISSION

Harold R. Denton, Director
Office of Nuclear Reactor Regulation

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Date of Issuance:

PWR#5	PD#4	SAB:DE	SP	SP	OELD	OELD
MRushbrook:kab	JStefano	WLomb	IDinitz	JSaltzman	~~CWoodhead~~ J. GRAY	JRutberg
/ /85	1/8/86	/ /85	/ /85	/ /85	1/15/86	/ /85

with noted change to attachment 2

OELD	PD#4	DD:DIR	D:DIR	DD:NRR	D:NRR
JScinto	WRButler	RHouston	RBernero	DEisenhut	HDenton
/ /85	/ /85	/ /85	/ /85	/ /85	/ /85

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G. The licensees shall have and maintain financial protection of such type and in such amounts as the Commission shall require in accordance with Section 170 of the Atomic Energy Act of 1954, as amended, to cover public liability claims.

H. This license is effective as of the date of issuance and shall expire at midnight on , 2025.

FOR THE NUCLEAR REGULATORY COMMISSION

Harold R. Denton, Director
Office of Nuclear Reactor Regulation

Attachments/Appendices:
1. Attachment 1 - 4
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No legal objection to form - conditions not changed to Cond. 2.B(1), (2) noted changes to Cond. 2.B(2), 2.C(1)(a) (2) Deletion of proviso for protection of proprietary information (3) Final finding of adequacy of the emergency preparedness structure.

Date of Issuance:

PWR#5	PD#4	SAB:DE	SP	SP	OELD
MRushbrook:kab	JStefano	WLomb	IDinitz	JSaltzman	~~GWoodhead~~
/ /85	/ /18/85	/ /85	/ /85	/ /85	12/20/85

OELD	OELD	PD#4	DD:DIR	D:DIR	DD:NRR	D:NRR
JRutberg	JScinto	WRButler	RHouston	RBernero	DEisenhut	HDenton
/ /85	/ /85	/ /85	/ /85	/ /85	/ /85	/ /85

Division of BWR Licensing. Copies of the Safety Evaluation Report and Supplements 1 through 9 (NUREG-0887) and the Final Environmental Statement (NUREG-0884) may be purchased at current rates from the Superintendent of Documents, U. S. Goverment Printing Office, Post Office Box 37082, Washington, D. C. 20012-7982 or by calling (202) 275-2060 or (202) 275-2171.

Dated at Bethesda, Maryland this 17th day of March, 1986

FOR THE NUCLEAR REGULATORY COMMISSION.

Walter R. Butler, Director
Project Directorate No. 4
Division of BWR Licensing

*See previous concurrences

PD#2	PD#4	*OELD	PD#4
MRushbrook:kab	JStefano	JGRAY	WRButler
3/13/86	3/17/86	1/15/86	3/17/85

* Concurred in w/ license by J. Gray on 1/15/86. gs.

Division of BWR Licensing. Copies of the Safety Evaluation Report and Supplements 1 through 8 (NUREG-0887) and the Final Environmental Statement (NUREG-0884) may be purchased at current rates from the Superintendent of Documents, U. S. Goverment Printing Office, Post Office Box 37082, Washington, D. C. 20012-7982 or by calling (202) 275-2060 or (202) 275-2171.

Dated at Bethesda, Maryland this day of

FOR THE NUCLEAR REGULATORY COMMISSION.

Walter R. Butler

Walter R. Butler, Director
Project Directorate No. 4
Division of BWR Licensing

PD#3	PD#4	OELD	PD#4
MRushbrook:kab	JStefano		WRButler
1/9/85	1/8/85	/85	1/8/85

See previous check

Commission has made appropriate findings as required by the Act and the Commission's regulations in 10 CFR Chapter I which are set forth in the License. Prior public notice of the overall action involving the proposed issuance of an operating license was published in the Federal Register on February 13, 1981 (46 FR 12372).

The Commission has determined that the issuance of this License will not result in any environmental impacts other than those evaluated in the Final Environmental Statement since the activity authorized by the license is encompassed by the overall action evaluated in the Final Environmental Statement.

For further details with respect to this action, see (1) Facility Operating License No. NPF-45, with Technical Specifications (NUREG-1162) and the Environmental Protection Plan; (2) the report of the Advisory Committee on Reactor Safeguards, dated July 13, 1982; (3) the Commission's Safety Evaluation Report, dated May 1982 (NUREG-0887), and Supplements 1 through 8; (4) the Final Safety Analysis Report and Amendments thereto; (5) the Environmental Report and supplements thereto; and (6) the Final Environmental Statement, dated August 1982 (NUREG-0884).

These items are available for inspection at the Commission's Public Document Room located at 1717 H Street, N. W., Washington, D. C. 20555, and at the Perry Public Library, 3753 Main Street, Perry, Ohio 44081. A copy of Facility Operating License NPF-45 may be obtained upon request addressed to the U. S. Nuclear Regulatory Commission, Washington, D. C. 20555, Attention: Director,

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

MAR 18 1986

Docket No. 50-440

Mr. Murray R. Edelman, Vice President
Nuclear Operations Group
The Cleveland Electric Illuminating Company
P. O. Box 5000
Cleveland, Ohio 44101

Dear Mr. Edelman:

Subject: Issuance of Facility Operating License NPF-45, Perry Nuclear Power Plant, Unit 1

The U. S. Nuclear Regulatory Commission (NRC) has issued the enclosed Facility Operating License NPF-45, together with the Technical Specifications and the Environmental Protection Plan for the Perry Nuclear Power Plant, Unit 1. License No. NPF-45 authorizes operation of Perry Unit 1 at reactor core power levels not in excess of 3579 megawatts thermal (100% power). Pending Commission approval, operation is restricted to power levels not to exceed 5 percent of full power (178 megawatts thermal).

Enclosed is a copy of a related notice, the original of which has been forwarded to the Office of the Federal Register for publication.

Six copies of Amendment No. 1 to Indemnity Agreement No. B-98 which covers the activities authorized under License No. NPF-45 are also enclosed. Please sign all copies and return one to this office.

Sincerely,

Robert Bernero, Director
Division of BWR Licensing

Enclosures:
1. Facility Operating License NPF-45
2. Federal Register Notice
3. Amendment No. 1 to Indemnity Agreement No. B-98

cc w/enclosures:
See next page

Mr. Murray R. Edelman
The Cleveland Electric
Illuminating Company

Perry Nuclear Power Plant
Units 1 and 2

cc:
Jay Silberg, Esq.
Shaw, Pittman, & Trowbridge
1800 M Street, N. W.
Washington, D. C. 20006

Donald H. Hauser, Esq.
The Cleveland Electric
Illuminating Company
P. O. Box 5000
Cleveland, Ohio 44101

Resident Inspector's Office
U. S. Nuclear Regulatory Commission
Parmly at Center Road
Perry, Ohio 44081

Regional Administrator, Region III
U. S. Nuclear Regulatory Commission
799 Roosevelt Road
Glen Ellyn, Illinois 60137

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

Ms. Sue Hiatt
OCRE Interim Representative
8275 Munson
Mentor, Ohio 44060

Terry J. Lodge, Esq.
618 N. Michigan Street
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John G. Cardinal, Esq.
Prosecuting Attorney
Ashtabula County Courthouse
Jefferson, Ohio 44047

Mr. Larry O. Beck
The Cleveland Electric
Illuminating Company
P. O. Box 97 E-210
Perry, Ohio 44081

Mr. James W. Harris, Director,
Division of Power Generation
Ohio Department of Industrial Relations
2323 West 5th Avenue
Post Office Box 825
Columbus, Ohio 43216

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

CLEVELAND ELECTRIC ILLUMINATING COMPANY

DUQUESNE LIGHT COMPANY

OHIO EDISON COMPANY

PENNSYLVANIA POWER COMPANY

TOLEDO EDISON COMPANY

DOCKET NO. 50-440

PERRY NUCLEAR POWER PLANT, UNIT NO. 1

FACILITY OPERATING LICENSE

License No. NPF-45

1. The Nuclear Regulatory Commission (the Commission) has found that:

   A. The application for license filed by the Cleveland Electric Illuminating Company* (CEICO) acting on behalf of itself and as agent for the Duquesne Light Company, Ohio Edison Company, Pennsylvania Power Company and the Toledo Edison Company (licensees) complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations set forth in 10 CFR Chapter I, and all required notifications to other agencies or bodies have been duly made;

   B. Construction of the Perry Nuclear Power Plant, Unit No. 1 (the facility) has been substantially completed in conformity with Construction Permit No. CPPR-148 and the application, as amended, the provisions of the Act, and the regulations of the Commission;

   C. The facility will operate in conformity with the application, as amended, the provisions of the Act, and the regulations of the Commission, (except as exempted from compliance in Section 2.D below);

   D. There is reasonable assurance: (i) that the activities authorized by this operating license can be conducted without endangering the health and safety of the public, and (ii) that such activities will be conducted in compliance with the Commission's regulations set forth in 10 CFR Chapter I (except as exempted from compliance in Section 2.D. below);

*Cleveland Electric Illuminating Company is authorized to act as agent for Duquesne Light Company, Ohio Edison Company, Pennsylvania Power Company and the Toledo Edison Company, and has exclusive responsibility and control over the physical construction, operation and maintenance of the facility.

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P PDR

E. The Cleveland Electric Illuminating Company is technically qualified to engage in the activities authorized by this license in accordance with the Commission's regulations set forth in 10 CFR Chapter I;

F. The licensees have satisfied the applicable provisions of 10 CFR Part 140 "Financial Protection Requirements and Indemnity Agreements," of the Commission's regulations;

G. The issuance of this license will not be inimical to the common defense and security or to the health and safety of the public;

H. After weighing the environmental, economic, technical and other benefits of the facility against environmental and other costs and considering available alternatives, the issuance of this Facility Operating License No. NPF-45, subject to the conditions for protection of the environment set forth in the Environmental Protection Plan attached as Appendix B, is in accordance with 10 CFR Part 51 of the Commission's regulations and all applicable requirements have been satisfied; and

I. The receipt, possession, and use of source, byproduct and special nuclear material as authorized by this license will be in accordance with the Commission's regulations in 10 CFR Parts 30, 40 and 70.

2. Based on the foregoing findings and the Partial Initial Decisions issued December 2, 1983 and September 3, 1985, by the Atomic Safety and Licensing Board regarding this facility, Facility Operating License No. NPF-45, is hereby issued to the Cleveland Electric Illuminating Company, Duquesne Light Company, Ohio Edison Company, Pennsylvania Power Company and Toledo Edison Company (the licensees) to read as follows:

A. The license applies to the Perry Nuclear Power Plant, Unit No. 1, a boiling water nuclear reactor and associated equipment (the facility), owned by the Cleveland Electric Illuminating Company, Duquesne Light Company, Ohio Edison Company, Pennsylvania Power Company and the Toledo Edison Company. The facility is located on the shore of Lake Erie in Lake County, Ohio, approximately 35 miles northeast of Cleveland, Ohio and is described in the licensees' Final Safety Analysis Report, as supplemented and amended, and in the licensees' Environmental Report, as supplemented and amended.

B. Subject to the conditions and requirements incorporated herein, the Commission hereby licenses:

(1) The Cleveland Electric Illuminating Company (CEICO) pursuant to Section 103 of the Act and 10 CFR Part 50, to possess, use and operate the facility at the designated location in Lake County, Ohio, in accordance with the procedures and limitations set forth in this license;

(2) Duquesne Light Company, Ohio Edison Company, Pennsylvania Power Company and Toledo Edison Company, to possess the facility at the designated location in Lake County, Ohio, in accordance with the procedures and limitations set forth in this license;

(3) CEICO, pursuant to the Act and 10 CFR Part 70, to receive, possess and use at any time special nuclear material as reactor fuel, in accordance with the limitations for storage and amounts required for reactor operation, as described in the Final Safety Analysis Report, as supplemented and amended;

(4) CEICO, pursuant to the Act and 10 CFR Parts 30, 40 and 70, to receive, possess, and use at any time any byproduct, source and special nuclear material such as sealed neutron sources for reactor startup, sealed sources for reactor instrumentation and radiation monitoring equipment calibration, and as fission detectors in amounts as required;

(5) CEICO, pursuant to the Act and 10 CFR Parts 30, 40 and 70, to receive, possess, and use in amounts as required any byproduct, source or special nuclear material without restriction to chemical or physical form, for sample analysis or instrument calibration or associated with radioactive apparatus or components; and

(6) CEICO, pursuant to the Act and 10 CFR Parts 30, 40 and 70, to possess, but not separate, such byproduct and special nuclear materials as may be produced by the operation of the facility.

C. This license shall be deemed to contain and is subject to the conditions specified in the Commission's regulations set forth in 10 CFR Chapter I and is subject to all applicable provisions of the Act and to the rules, regulations, and orders of the Commission now or hereafter in effect; and is subject to the additional conditions specified or incorporated below:

(1) Maximum Power Level

CEICO is authorized to operate the facility at reactor core power levels not in excess of 3579 megawatts thermal (100% power) in accordance with the conditions specified herein and in Attachment 1 to this license. The items identified in Attachment 1 to this license shall be completed as specified. Attachment 1 is hereby incorporated into this license. Pending Commission approval, this license is restricted to power levels not to exceed 5 percent of full power (178 megawatts thermal);

(2) Technical Specifications and Environmental Protection Plan

The Technical Specifications contained in Appendix A and the Environmental Protection Plan contained in Appendix B, both of which are attached hereto, are hereby incorporated into this license. CEICO shall operate the facility in accordance with the Technical Specifications and the Environmental Protection Plan.

(3) Antitrust Conditions

Cleveland Electric Illuminating Company, Duquesne Light Company, Ohio Edison Company, Pennsylvania Power Company and the Toledo Edison Company shall comply with the antitrust conditions delineated in Appendix C to this license; Appendix C is hereby incorporated into this license.

(4) Post-Fuel Loading Initial Test Program (Section 14, SSER #3)*

Any changes to the Initial Test Program described in Section 14 of the FSAR made in accordance with the provisions of 10 CFR 50.59 shall be reported in accordance with 50.59(b) within one month of such change.

(5) Inservice Inspection Program (Section 6.6.3, SSER #7)

Within six (6) months after exceeding 5% of rated thermal power, CEICO shall submit the Initial Inservice Inspection Program required by 10 CFR 50.55(a) for the NRC staff's review and approval.

(6) Fire Protection (Section 9.5, SER, SSER #1, 2, 3, 4, 7 and 8)

CEICO shall comply with the requirements of the fire protection program as specified in Attachment 2. Attachment 2 is hereby incorporated into this license.

(7) Detailed Control Room Design Review (Section 18, SSER #7 and 8)

CEICO shall implement the activities remaining to complete the Detailed Control Room Design Review and correct all human engineering discrepancies (HED's) identified in Attachment 3. Attachment 3 is hereby incorporated into this license.

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*The parenthetical notation following the title of many license conditions denotes the section of the Safety Evaluation Report (SER) and/or its supplements wherein the license condition is discussed.

(8) Emergency Planning (Section 13.3, SSER #7)

(a) Prior to exceeding 5% of rated thermal power, CEICO shall obtain letters of agreement from all school districts for the supply of buses for evacuation purposes.

(b) Prior to exceeding 5% of rated thermal power, CEICO shall verify that the training of fire protection personnel in radiological monitoring and decontamination procedures are completed and verify that the necessary decontamination equipment has been provided at the fire department facilities for each reception center.

(c) In the event that the NRC finds that the lack of progress in completion of the procedures in the Federal Emergency Management Agency's final rule (44 CFR Part 350) indicates that a major substantive problem exists in achieving or maintaining an adequate state of emergency preparedness, the provisions of 10 CFR 50.54(s)(2) will apply.

(9) TDI Diesel Generator Reliability (Section 9.6.3, SSER #6 & 8)

CEICO shall comply with the requirements identified in Attachment 4 relative to the Transamerica Delaval, Inc., diesel engines. Attachment 4 is hereby incorporated into this license.

(10) Hydrogen Control Preliminary Design (ASLB M&O, September 3, 1985)

(a) Prior to exceeding 5% of rated thermal power, CEICO shall have made further confirmatory analysis of equipment in the containment that has not been qualified for pressure survivability, or has narrow margin of pressure survivability. The equipment includes containment vacuum breakers, hydrogen mixing compressor and discharge check valves.

(b) Prior to exceeding 5% of rated thermal power, CEICO shall ensure that written procedures are available for operation of the hydrogen igniter system.

D. CEICO is exempted from the Section III.D.2(b)(ii) containment airlock testing requirements of Appendix J to 10 CFR Part 50, due to the special circumstance described in Section 6.2.6 of SER Supplement No. 7 authorized by 10 CFR 50.12(a)(2)(iii). This exemption is authorized by law, will not present an undue risk to the public health and safety and is consistent with the common defense and security. The exemption is hereby granted pursuant to 10 CFR 50.12. With the granting of this exemption, the facility will operate, to the extent authorized herein, in conformity with the application, as amended, the provisions of the Act, and the rules and regulations of the Commission.

E. CEICO shall fully implement and maintain in effect all provisions of the Commission-approved physical security, guard training and qualification, and safeguards contingency plans, including all amendments and revisions made pursuant to the authority of 10 CFR 50.90 and 10 CFR 50.54(p). The plans, which contain Safeguards Information protected under 10 CFR 73.21, are entitled: "Perry Nuclear Power Plant Security Plan," with revisions submitted through November 25, 1985; "Perry Nuclear Power Plant Security Force Training and Qualification Plan," with revisions submitted through September 27, 1985; and "Perry Nuclear Power Plant Safeguards Contingency Plan" (Chapter 8 of the Security Plan), with revisions submitted through October 22, 1985.

F. Except as otherwise provided in the Technical Specifications or Environmental Protection Plan, CEICO shall report any violations of the requirements contained in Section 2.C of this license in the following manner: initial notification shall be made within 24 hours to the NRC Operations Center via the Emergency Notification System with written followup within thirty (30) days in accordance with the procedures described in 10 CFR 50.73(b), (c) and (e).

G. The licensees shall have and maintain financial protection of such type and in such amounts as the Commission shall require in accordance with Section 170 of the Atomic Energy Act of 1954, as amended, to cover public liability claims.

H. This license is effective as of the date of issuance and shall expire at midnight on March, 18, 2026.

FOR THE NUCLEAR REGULATORY COMMISSION

Harold R. Denton, Director
Office of Nuclear Reactor Regulation

Attachments/Appendices:
1. Attachment 1 - 4
2. Appendix A - Technical Specifications (NUREG-1162)
3. Appendix B - Environmental Protection Plan
4. Appendix C - Antitrust Conditions

Date of Issuance: MAR 18 1986

ATTACHMENT 1

This attachment identifies specific items which must be completed to the Commission's satisfaction in accordance with the operational models as identified below.

A. The preoperational tests and testing exceptions identified in the attachment to the February 27, 1986 letter from Mr. Edelman to James G. Keppler shall be completed in accordance with the scheduled commitments contained in that attachment.

B. The following open or unresolved items must be resolved prior to entering the mode indicated:

1. CEI shall complete installation of all raceway separation barriers required to meet IEEE 384-1974 independence requirements (Inspection Report 50-440/85-018, Item 01). Complete prior to initial criticality.

2. CEI shall provide its program for evaluation of the audibility problems encountered on evacuation of personnel from high noise areas. IE Bulletin 79018 (Inspection Tracking No. 50-440/79018-BB). Complete prior to initial criticality.

3. CEI shall obtain, install, and test IEEE Class 1E qualified isolation transformers in the power supply for Division 3 APRM circuits. Complete prior to exceeding 5% power.

4. CEI shall complete a verification of System Operation Instructions (SOI) in accordance with the schedule set forth in a letter from Edelman to Keppler dated March 4, 1986.

5. CEI shall complete all phases of the Instrument Valve Lineup Verification Special Project Plan 1401 in accordance with the schedule set forth in a letter from Murray R. Edelman to James G. Keppler, dated March 14, 1986.

ATTACHMENT 2

TO NPF-45

FIRE PROTECTION PROGRAM REQUIREMENTS

CEICO shall comply with the following requirements of the fire protection program:

1. CEICO shall implement and maintain in effect all provisions of the approved fire protection program as described in the Final Safety Analysis Report as amended, for the Perry Nuclear Power Plant and as approved in the Safety Evaluation Report (NUREG-0887) dated May 1982 and Supplement Nos. 1 thru 9 thereto, subject to the following provisions:

    a. CEICO may make changes to the approved fire protection program without prior approval of the Commission only if those changes would not adversely affect the ability to achieve and maintain safe shutdown in the event of a fire.

ATTACHMENT 3

TO NPF-45

DETAILED CONTROL ROOM DESIGN REVIEW

CEICO shall comply with the following requirements related to the Detailed Control Room Design Review (DCRDR):

1. Prior to exceeding five percent of thermal rated power, the licensee shall implement corrections to human engineering discrepancies per commitments in the October 14, 1985 letter from M. R. Edelman (CEICO) to B. J. Youngblood (NRC) and February 19, 1986 letter from Mr. R. Edelman (CEICO) to W. R. Butler (NRC) and shall, per commitment in an October 2, 1985 letter from M. R. Edelman to B. J. Youngblood (NRC), provide for NRC review:

    a. Results of a human factors survey of communications equipment in the control room and at the remote shutdown facilities

    b. Results of the interim sound surveys in the control room and at the remote shutdown facilities

    c. Results of the augmented process for verifying that selected improvements provide the necessary correction and do not introduce new human engineering discrepancies

    d. Commitments and implementation schedules for correction of human engineering discrepancies identified in the above results or justifications for decisions not to correct or to partially correct them.

2. Prior to startup following the first refueling outage, the licensee shall implement corrections to human engineering discrepancies per commitments in the January 10, 1985 Detailed Control Room Design Review Summary Report, in the October 2, 1985 letter from M. R. Edelman (CEICO) to B. J. Youngblood (NRC), and in the October 14, 1985 Supplement to the Detailed Control Room Design Review Summary Report and shall provide for NRC review results of the final sound surveys in the control room and at the remote shutdown facilities.

Additionally, CEICO shall complete the validation of the Perry Nuclear Power Plant Emergency Instructions, and issue a summary report, prior to achieving initial criticality.

ATTACHMENT 4

TO NPF-45

TRANSAMERICA DELAVEL, INC. (TDI) DIESEL ENGINE REQUIREMENTS

CEICO shall comply with the following requirements related to the TDI diesel engines:

1. Changes to the maintenance and surveillance program for the TDI diesel engines, as identified and approved by the NRC staff in the supplemental safety evaluation report in the letter dated November 5, 1985, shall be subject to the provisions of 10 CFR 50.59.

2. Crankshafts shall be inspected as follows:

   The oil holes and fillets of the three main bearing journals subject to the highest torsional stresses (Nos. 4, 6, 8) shall be examined with fluorescent liquid penetrant and, as necessary, eddy current, during each 5 year major disassembly. The same inspections on oil holes and fillets shall be performed on at least three crankpin journals between journals 3 and 8.

3. Cylinder blocks shall be inspected at intervals calculated using the cumulative damage index (CDI) model and using inspection methodologies described by Failure Analysis Associates, Inc., (FaAA) in the report entitled "Design Review of TDI R-4 Series Emergency Diesel Generator Cylinder Blocks" (FaAA-84-9-11) dated December 1984. Liquid penetrant inspection of the cylinder liner landing area shall be performed anytime liners are removed.

4. The engines shall be rolled over with the airstart system and the cylinder stopcocks open prior to any planned starts, unless that start occurs within 4 hours of a shutdown. The engines shall also be rolled over with the airstart system and the cylinder stopcocks open after 4 hours, but no more than 8 hours after engine shutdown and then rolled over once again approximately 24 hours after each shutdown. In the event an engine is removed from service for any reason other than the rolling over procedure prior to expiration of the 8 hour or 24 hour periods noted above, that engine need not be rolled over while it is out of service. The licensee shall air roll the engine over with the stopcocks open at the time it is returned to service. The origin of any water detected in the cylinders must be determined and any cylinder head which leaks due to a crack shall be replaced. No cylinder heads that contain a through-wall weld repair where the repair was performed from one side only shall be used on the engines.

5. If inspection of either TDI engine reveals cracks in the crankshaft or in the cylinder block between stud holes of adjacent cylinders, this condition shall be reported promptly to the NRC staff and the affected engine(s) shall be considered inoperable. The engines shall not be restored to "operable" status until the proposed disposition and/or corrective actions have been approved by the NRC staff.

6. Operation beyond the first refueling outage shall require staff approval based on the staff's final review of the Owners Group generic findings and of the overall implementation status of Owners Group recommendations at Perry.

APPENDIX B

TO FACILITY OPERATING LICENSE NO. NPF-45

PERRY NUCLEAR POWER PLANT

UNITS 1 AND 2

CLEVELAND ELECTRIC ILLUMINATING COMPANY

DOCKET NOS. 50-440 AND 50-441

ENVIRONMENTAL PROTECTION PLAN

(NONRADIOLOGICAL)

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PERRY NUCLEAR POWER PLANT

UNITS 1 AND 2

ENVIRONMENTAL PROTECTION PLAN

(NONRADIOLOGICAL)

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1.0 Objectives of the Environmental Protection Plan

The Environmental Protection Plan (EPP) is to provide for protection of nonradiological environmental values during operation of the nuclear facility. The principal objectives of the EPP are as follows:

(1) Verify that the facility is operated in an environmentally acceptable manner, as established by the Final Environmental Statement - Operating Licensing Stage (FES-OL) and other NRC environmental impact assessments.

(2) Coordinate NRC requirements and maintain consistency with other Federal, State and local requirements for environmental protection.

(3) Keep NRC informed of the environmental effects of facility construction and operation and of actions taken to control those effects.

Environmental concerns identified in the FES-OL which relate to water quality matters are regulated by way of the licensee's NPDES permit.

2.0 Environmental Protection Issues

In the FES-OL dated August 1982, the staff considered the environmental impacts associated with the operation of the two unit Perry Nuclear Power Plant. Certain environmental issues were identified which required study or license conditions to resolve environmental concerns and to assure adequate protection of the environment.

2.1 Aquatic Issues

(1) No specific nonradiological aquatic impact issues were identified by NRC staff in the FES-OL.

(2) The presence of Asiatic clams (Corbicula sp) in western Lake Erie renders their eventual presence near Perry as likely. Should the presence of Corbicula in the vicinity of Perry threaten the operation of a safety system, due to biofouling, measures to control Corbicula will be undertaken (FES Section 4.3.6.2).

Section 9.2.1 of the SER (May 1982) recognizes the potential safety-related problem of biofouling by Corbicula, and cites the licensee's monitoring program that consists of: (a) sampling of the lake for the presence of Corbicula, both at Perry and at one of the licensee's nearby fossil-fueled power plants; (b) maintenance inspections; and (c) surveillance testing. This EPP addresses the lake sampling in (a) above.

2.2 Terrestrial Issues

(1) Cooling tower drift was not expected to cause adverse effects but the need for operational data to confirm this conclusion was identified by the staff. (FES Section 5.5.1.5)

(2) Herbicide use should conform with current Federal and state regulation. (FES Section 5.5.1.4)

3.0 Consistency Requirements

3.1 Plant Design and Operation

The licensee may make changes in station design or operation or perform tests or experiments affecting the environment provided such activities do not involve an unreviewed environmental question and do not involve a change in the EPP*. Changes in station design or operation or performance of tests or experiments which do not affect the environment are not subject to the requirements of this EPP. Activities governed by Section 3.3 are not subject to the requirements of this Section.

Before engaging in additional construction or operational activities which may significantly affect the environment, the licensee shall prepare and record an environmental evaluation of such activity. Activities are excluded from this requirement if all measurable nonradiological environmental effects are confined to the on-site areas previously disturbed during site preparation and plant construction. When the evaluation indicates that such activity involves an unreviewed environmental question, the licensee shall provide a written evaluation of such activity and obtain prior NRC approval. When such activity involves a change in the EPP, such activity and change to the EPP may be implemented only in accordance with an appropriate license amendment as set forth in Section 5.3 of this EPP.

A proposed change, test or experiment shall be deemed to involve an unreviewed environmental question if it concerns: (1) a matter which may result in a significant increase in any adverse environmental impact previously evaluated in the FES-OL, environmental impact appraisals, or in any decisions of the Atomic Safety and Licensing Board; or (2) a significant change in effluents or power level; or (3) a matter, not previously reviewed and evaluated in the documents specified in (1) of this Subsection, which may have a significant adverse environmental impact.

The licensee shall maintain records of changes in facility design or operation and of tests and experiments carried out pursuant to this Subsection. These records shall include written evaluations which provide bases for the determination that the change, test, or experiment does not involve an unreviewed environmental question or constitute a decrease in the effectiveness of this EPP to meet the objectives specified in Section 1.0. The licensee shall include as part of the Annual Environmental Operating Report (per Subsection 5.4.1) brief descriptions, analyses, interpretations, and evaluations of such changes, tests and experiments.

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* This provision does not relieve the licensee of the requirements of 10 CFR 50.59.

3.2 Reporting Related to the NPDES Permit and State Certification

Changes to, or renewals of, the NPDES Permits or the State certification shall be reported to the NRC within 30 days following the date the change or renewal is approved. If a permit or certification, in part or in its entirety, is appealed and stayed, the NRC shall be notified within 30 days following the date the stay is granted.

The licensee shall notify the NRC of changes to the effective NPDES Permit proposed by the licensee by providing NRC with a copy of the proposed change at the same time it is submitted to the permitting agency. The licensee shall provide the NRC a copy of the application for renewal of the NPDES Permit at the same time the application is submitted to the permitting agency.

3.3 Changes Required for Compliance with Other Environmental Regulations

Changes in plant design or operation and performance of tests or experiments which are required to achieve compliance with other Federal, State, and local environmental regulations are not subject to the requirements of Section 3.1.

4.0 Environmental Conditions

4.1 Unusual or Important Environmental Events

Any occurrence of an unusual or important event that indicates or could result in significant environmental impact causally related to plant operation shall be recorded and reported to the NRC within 24 hours followed by a written report per Subsection 5.4.2. The following are examples: excessive bird impaction events, onsite plant or animal disease outbreaks, mortality or unusual occurrence of any species protected by the Endangered Species Act of 1973, fish kills, increase in nuisance organisms or conditions, and unanticipated or emergency discharge of waste water or chemical substances.

No routine monitoring programs are required to implement this condition.

4.2 Environmental Monitoring

4.2.1 Aquatic Monitoring

(1) The certifications and permits required under the Clean Water Act provide mechanisms for protecting water quality and, indirectly, aquatic biota. The NRC will rely on the decisions made by the U.S. Environmental Protection Agency and the State of Ohio under the authority of the Clear Water Act for any requirements for aquatic monitoring.

(2) Semi-annual (late spring and early fall) sampling of areas adjacent to the Perry intake and discharge structures and the licensee's Eastlake plant intake and discharge shall be conducted to detect the presence of Corbicula.

The sampling methodology shall be that committed to and described by the licensee in his December 3, 1982 affidavit of R.S. Nugent [1/], that was reviewed and found to be acceptable by the ASLB in its Memorandum and Order of December 22, 1982 [16 NRC 1909 (1982)].

1/ Affidavit of Dr. Richard S. Nugent in Support of NRC Staff's Motion for Summary Disposition of Issue No. 7, In the Matter of The Cleveland Electric Illuminating Company, et. al. Perry Nuclear Power Plant Units 1 and 2.

4.2.2 Terrestrial Monitoring

4.2.2.1 Aerial Remote Sensing

Vegetative communities of the site and vicinity within 1 kilometer of the cooling towers in all directions shall be aerially photographed to detect and assess the significance of damage, or lack thereof, as related to cooling tower drift dispersions. Photography shall be done by aerial overflight during August or September. Monitoring shall include a program of low altitude color infrared photography. The scale for full coverage shall be adequate to enable identification of vegetative damage over relatively small areas of terrain. Some circumstances may warrant inspection of photographs discerning individual trees. Such scale should be adequate to resolve impacted features. Photographs shall be compared with baseline to ascertain changes in vegetation. Photographic interpretations shall be verified by ground inspection surveys to confirm areas of stress and non-stress. This program shall require aerial photographic monitoring during the first August-September period after the station has been in operation for one year and the program shall be repeated once the following year and alternate years for three (3) additional periods. A report shall be submitted as part of the annual report following each aerial photographic monitoring period. The report shall contain a description of the program, results, and interpretative analyses of environmental impacts. Results reported shall contain information encompassing but not limited to the following: sampling date; time of day; film types; and one (1) set of resultant color transparencies encompassing an area within approximately a one kilometer (1 km) radius of the Unit 1 and 2 towers.

4.2.2.2 Herbicide Use

If herbicides are used, their use shall conform to the U.S. EPA regulations printed on the labels. Records of which herbicide was used, date of application, where herbicide was applied and quantity applied shall be made available for a five year period for inspection by NRC.

5.0 Administrative Procedures

5.1 Review and Audit

The licensee shall provide for review and audit of compliance with the EPP. The audits shall be conducted independently of the individual or groups responsible for performing the specific activity. A description of the organization structure utilized to achieve the independent review and audit function and results of the audit activities shall be maintained and made available for inspection.

5.2 Records Retention

Records and logs relative to the environmental aspects of station operation shall be made and retained in a manner convenient for review and inspection. These records and logs shall be made available to NRC on request.

Records of modifications to station structures, systems and components determined to potentially affect the continued protection of the environment shall be retained for the life of the station. All other records, data and logs relating to this EPP shall be retained for five years or, where applicable, in accordance with the requirements of other agencies.

5.3 Changes in Environmental Protection Plan

Requests for changes in the EPP shall include an assessment of the environmental impact of the proposed change and a supporting justification. Implementation of such changes in the EPP shall not commence prior to NRC approval of the proposed changes in the form of a license amendment incorporating the appropriate revision to the EPP.

5.4 Plant Reporting Requirements

5.4.1 Routine Reports

An Annual Environmental Operating Report describing implementation of this EPP for the previous year shall be submitted to the NRC prior to May 1 of each year. The initial report shall be submitted prior to May 1 of the year following issuance of the operating license.

The report shall include summaries and analyses of the results of the environmental protection activities required by Subsection 4.2 of this EPP for the report period, including a comparison with related preoperational studies, operational controls (as appropriate), and previous nonradiological environmental monitoring reports, and an assessment of the observed impacts of the plant operation on the environment. If harmful effects or evidence of trends toward irreversible damage to the environment are observed, the licensee shall provide a detailed analysis of the data and a proposed course of mitigating action.

The Annual Environmental Operating Report shall also include:

(1) A list of EPP noncompliances and the corrective actions taken to remedy them.

(2) A list of all changes in station design or operation, tests, and experiments made in accordance with Subsection 3.1 which involved a potentially significant unreviewed environmental question.

(3) A list of nonroutine reports submitted in accordance with Subsection 5.4.2.

In the event that some results are not available by the report due date, the report shall be submitted noting and explaining the missing results. The missing results shall be submitted as soon as possible in a supplementary report.

5.4.2 Nonroutine Reports

A written report shall be submitted to the NRC within 30 days of occurrence of a nonroutine event. The report shall (a) describe, analyze, and evaluate the event, including extent and magnitude of the impact, and plant operating characteristics, (b) describe the probable cause of the event, (c) indicate the action taken to correct the reported event, (d) indicate the corrective action taken to preclude repetition of the event and to prevent similar occurrences involving similar components or systems, and (e) indicate the agencies notified and their preliminary responses.

Events reportable under this subsection which also require reports to other Federal, State or local agencies shall be reported in accordance with those reporting requirements in lieu of the requirements of this subsection. The NRC shall be provided with a copy of such report at the same time it is submitted to the other agency.

APPENDIX C

PERRY NUCLEAR POWER PLANT, UNIT 1

ANTITRUST CONDITIONS

FOR

CLEVELAND ELECTRIC ILLUMINATING COMPANY

DUQUESNE LIGHT COMPANY

OHIO EDISON COMPANY

PENNSYLVANIA POWER COMPANY

TOLEDO EDISON COMPANY

A. The licensees are subject to the following antitrust conditions:

Definitions

Applicants shall mean the five companies listed above.

Entity shall mean any electric generation and/or distribution system or municipality or cooperative with a statutory right or privilege to engage in either of these functions.

Wheeling shall mean transportation of electricity by a utility over its lines for another utility, including the receipt from and delivery to another system of like amounts but not necessarily the same energy. Federal Power Commission, The 1970 National Power Survey, Part 1, p. I-24-8.

Licensing Conditions

(1) Applicants shall not condition the sale or exchange of wholesale power or coordination services upon the condition that any other entity:

(a) enter into any agreement or understanding restricting the use of or alienation of such energy or services to any customers or territories;

(b) enter into any agreement or understanding requiring the receiving entity to give up any other power supply alternatives or to deny itself any market opportunities;

(c) withdraw any petition to intervene or forego participation in any proceeding before the Nuclear Regulatory Commission or refrain from instigating or prosecuting any antitrust action in any other forum.

(2) Applicants, and each of them, shall offer interconnections upon reasonable terms and conditions at the request of any other electric entity(ies) in the Combined CAPCO Company Territories (CCCT), such interconnection to be available (with due regard for any necessary and applicable safety procedures) for operation in a closed-switch synchronous operating mode if requested by the interconnecting entity(ies). Ownership of transmission lines and switching stations associated with such interconnection shall remain in the hands of the party funding the interconnection subject, however, to any necessary safety procedures relating to disconnection facilities at the point of power delivery. Such limitations on ownership shall be the least necessary to achieve reasonable safety practices and shall not serve to deprive purchasing entities of a means to effect additional power supply options.

(3) Applicants shall engage in wheeling for and at the request of other entities in the CCCT:

(a) of electric energy from delivery points of Applicants to the entity(ies); and,

(b) of power generated by or available to the other entity, as a result of its ownership or entitlements* in generating facilities, to delivery points of Applicants designated by the other entity.

Such wheeling services shall be available with respect to any unused capacity on the transmission lines of Applicants, the use of which will not jeopardize Applicants' system. In the event Applicants must reduce wheeling services to other entities due to lack of capacity, such reduction shall not be effected until reductions of at least 5 percent have been made in transmission capacity allocations to other Applicants in these proceedings and thereafter shall be made in proportion to reductions** imposed upon other Applicants to this proceeding.

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* "Entitlement" includes but is not limited to power made available to an entity pursuant to an exchange agreement.

** The objective of this requirement is to prevent the pre-emption of unused capacity on the lines of one Applicant by other Applicants or by entities the transmitting Applicant deems noncompetitive. Competitive entities are to be allowed opportunity to develop bulk power services options even if this results in re-allocation of CAPCO (Central Area Power Coordination Group) transmission channels. This relief is required in order to avoid prolongation of the effects of Applicants' illegally sustained dominance.

Applicants shall make reasonable provisions for disclosed transmission requirements of other entities in the CCCT in planning future transmission either individually or within the CAPCO grouping. By "disclosed" is meant the giving of reasonable advance notification of future requirements by entities utilizing wheeling services to be made available by Applicants.

(4) (a) Applicants shall make available membership in CAPCO to any entity in the CCCT with a system capability of 10 Mw or greater;

(b) A group of entities with an aggregate system capability of 10 Mw or greater may obtain a single membership in CAPCO on a collective basis;*

(c) Entities applying for membership in CAPCO pursuant to License Condition 4 shall become members subject to the terms and conditions of the CAPCO Memorandum of Understanding of September 14, 1967, and its implementing agreements; except that new members may elect to participate on an equal percentage of reserve basis rather than a P/N allocation formula for a period of twelve years from date of entrance.** Following the twelfth year of entrance, new members shall be expected to adhere to such allocation methods as are then employed by CAPCO (subject to equal opportunity for waiver or special consideration granted to original CAPCO members which then are in effect).

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* E.g., Wholesale Customer of Ohio Edison (WCOE).

** The selection of the 12-year period reflects our determination that an adjustment period is necessary since the P/N formula has a recognized effect of discriminating against small systems and forcing them to forego economies of scale in generation in order to avoid carrying excessive levels of reserves. We also found that P/N is not entirely irrational as a method of reserve allocation. We have observed that Applicants themselves provided adjustment periods and waivers to integrate certain Applicants into the CAPCO reserve requirement program. The 12-year period should permit new entrants to avoid initial discrimination but to accommodate and adjust to the CAPCO system over some reasonable period of time. Presumably new entrants will be acquiring ownership shares and entitlements during the 12-year period so that adverse consequences of applying the P/N formula will be mitigated.

(d) New members joining CAPCO pursuant to this provision of relief shall not be entitled to exercise voting rights until such time as the system capability of the joining member equals or exceeds the system capability of the smallest member of CAPCO which enjoys voting rights.*

(5) Applicants shall sell maintenance power to requesting entities in the CCCT upon terms and conditions no less favorable than those Applicants make available: (a) to each other either pursuant to the CAPCO agreements or pursuant to bilateral contract; or (b) to non-Applicant entities outside the CCCT.

(6) Applicants shall sell emergency power to requesting entities in the CCCT upon terms and conditions no less favorable than those Applicants make available: (a) to each other either pursuant to the CAPCO agreements or pursuant to bilateral contract; or (b) to non-Applicant entities outside the CCCT.

(7) Applicants shall sell economy energy to requesting entities in the CCCT, when available, on terms and conditions no less favorable than those available: (a) to each other either pursuant to the CAPCO agreements or pursuant to bilateral contract; or (b) to non-Applicant entities outside the CCCT.

(8) Applicants shall share reserves with any interconnected generation entity in the CCCT upon request. The requesting entity shall have the option of sharing reserves on an equal percentage basis or by use of the CAPCO P/N allocation formula or on any other mutually agreeable basis.

(9) (a) Applicants shall make available to entities in the CCCT access to the Davis-Besse 1, 2 and 3 and the Perry 1 and 2 nuclear units and any other nuclear units for which Applicants or any of them, shall apply for a construction permit or operating license during the

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* Our objective is to prevent impediments to the operation and development of an area-wide power pool through the inability of lesser entities to respond timely or to make necessary planning commitments. While we grant new member entities the opportunity to participate in CAPCO it is not our intent to relieve joining entities of responsibilities and obligations necessary to the successful operation of the pool. For those smaller entities which do not wish to assume the broad range of obligations associated with CAPCO membership we have provided for access to bulk power service options which will further their ability to survive and offer competition in the CCCT.

next 25 years. Such access, at the option of the requesting entity, shall be on an ownership share, or unit participation or contractual pre-purchase of power basis.* Each requesting entity (or collective group of entities) may obtain up to 10% of the capacity of the Davis-Besse and Perry Units and 20% of future units (subject to the 25-year limitation) except that once any entity or entities have contracted for allocations totaling 10% or 20%, respectively, no further participation in any given units need be offered.

(b) Commitments for the Davis-Besse and Perry Units must be made by requesting entities within two years after this decision becomes final. Commitments for future units must be made within two years after a construction permit application is filed with respect to such a unit (subject to the 25-year limitation) or within two years after the receipt by a requesting entity of detailed written notice of Applicants' plans to construct the unit, whichever is earlier; provided, however, that the time for making the commitment shall not expire until at least three months after the filing of the application for a construction permit. Where an Applicant seeks to operate a nuclear plant with respect to which it did not have an interest at the time of filing the application for the construction permit, the time periods for commitments shall be the same except that reference should be to the operating license, not the construction permit.

(10) Applicants shall sell wholesale power to any requesting entity in the CCCT, in amounts needed to meet all or part of such entity's requirements. The choice as to whether the agreement should cover all or part of the entity's requirements should be made by the entity, not the Applicant or Applicants.

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* Requesting entities' election as to the type of access may be affected by provisions of State law relating to dual ownership of generation facilities by municipalities and investor-owned utilities. Such laws may change during the period of applicability of these conditions. Accordingly, we allow requesting entities to be guided by relevant legal and financial considerations (including Commission regulations on nuclear power plant ownership) in fashioning their requests.

(ii) These conditions are intended as minimum conditions and do not preclude Applicants from offering additional wholesale power or coordination services to entities within or without the CCCT. However, Applicants shall not deny wholesale power or coordination services required by these conditions to non-Applicant entities in the CCCT based upon prior commitments arrived at in the CAPCO Memorandum of Understanding or implementing agreements. Such denial shall be regarded as inconsistent with the purpose and intent of these conditions.

The above conditions are to be implemented in a manner consistent with the provisions of the Federal Power Act and all rates, charges or practices in connection therewith are to be subject to the approval of regulatory agencies having jurisdiction over them.

CLEVELAND ELECTRIC ILLUMINATING COMPANY

DUQUESNE LIGHT COMPANY

OHIO EDISON COMPANY

PENNSYLVANIA POWER COMPANY

TOLEDO EDISON COMPANY

DOCKET NO. 50-440

PERRY NUCLEAR POWER PLANT, UNIT NO. 1

NOTICE OF ISSUANCE OF FACILITY OPERATING LICENSE

Notice is hereby given that the U. S. Nuclear Regulatory Commission (the Commission or NRC), has issued Facility Operating License No. NPF-45 to the Cleveland Electric Illuminating Company, Duquesne Light Company, Ohio Edison Company, Pennsylvania Power Company and the Toledo Edison Company (licensees) which authorizes operation of the Perry Nuclear Power Plant, Unit 1 (the facility), at reactor core power levels not in excess of 3579 megawatts thermal in accordance with the provisions of the License, the Technical Specifications and the Environmental Protection Plan with a condition limiting operation to five percent of full power (178 megawatts thermal). Authorization to operate beyond five percent of full power will require specific Commission approval.

Perry Unit 1 is a boiling water reactor located near Lake Erie in Lake County, Ohio, approximately 35 miles northeast of Cleveland, Ohio.

The license is effective as of the date of issuance. The application for the license complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations. The

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Commission has made appropriate findings as required by the Act and the Commission's regulations in 10 CFR Chapter I which are set forth in the License. Prior public notice of the overall action involving the proposed issuance of an operating license was published in the Federal Register on February 13, 1981 (46 FR 12372).

The Commission has determined that the issuance of this License will not result in any environmental impacts other than those evaluated in the Final Environmental Statement since the activity authorized by the license is encompassed by the overall action evaluated in the Final Environmental Statement.

For further details with respect to this action, see (1) Facility Operating License No. NPF-45, with Technical Specifications (NUREG-1162) and the Environmental Protection Plan; (2) the reports of the Advisory Committee on Reactor Safeguards, dated July 13, 1982 and March 17, 1986; (3) the Commission's Safety Evaluation Report, dated May 1982 (NUREG-0887), and Supplements 1 through 9; (4) the Final Safety Analysis Report and Amendments thereto; (5) the Environmental Report and supplements thereto; and (6) the Final Environmental Statement, dated August 1982 (NUREG-0884).

These items are available for inspection at the Commission's Public Document Room located at 1717 H Street, N. W., Washington, D. C. 20555, and at the Perry Public Library, 3753 Main Street, Perry, Ohio 44081. A copy of Facility Operating License NPF-45 may be obtained upon request addressed to the U. S. Nuclear Regulatory Commission, Washington, D. C. 20555, Attention: Director,

Division of BWR Licensing. Copies of the Safety Evaluation Report and Supplements 1 through 9 (NUREG-0887) and the Final Environmental Statement (NUREG-0884) may be purchased at current rates from the Superintendent of Documents, U. S. Government Printing Office, Post Office Box 37082, Washington, D. C. 20012-7982 or by calling (202) 275-2060 or (202) 275-2171.

Dated at Bethesda, Maryland this 18th day of March 1986.

FOR THE NUCLEAR REGULATORY COMMISSION.

Walter R. Butler

Walter R. Butler, Director
Project Directorate No. 4
Division of BWR Licensing

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

Docket No. 50-440

AMENDMENT TO INDEMNITY AGREEMENT NO. B-98
AMENDMENT NO. 1

Effective March 18, 1986, Indemnity Agreement No. B-98, between Cleveland Electric Illuminating Company, Toledo Edison Company, Ohio Edison Company, Duquesne Light Company and Pennsylvania Power Company and the Nuclear Regulatory Commission, dated March 7, 1985, is hereby amended as follows:

Item 2a of the Attachment to the indemnity agreement is deleted in its entirety and the following substituted therefor:

Item 2 - Amount of financial protection

a. $1,000,000 (From 12:01 a.m., March 7, 1985, to 12 midnight, March 17, 1986 inclusive)

$160,000,000 *(From 12:01 a.m., March 18, 1986)

Item 3 of the Attachment to the indemnity agreement is deleted in its entirety and the following substituted therefor:

Item 3 - License number or numbers

SNM-1929 (From 12:01 a.m., March 7, 1985, to 12 midnight, March 17, 1986 inclusive)

NPF-45 (From 12:01 a.m., March 18, 1986)

* and, as of August 1, 1977, the amount available as secondary financial protection

Item 5 of the Attachment to the indemnity agreement is amended by adding the following:

Nuclear Energy Liability Policy (Facility Form) No. MF - 124 issued by Mutual Atomic Energy Liability Underwriters

FOR THE U.S. NUCLEAR REGULATORY COMMISSION

Jerome Saltzman, Assistant Director
State and Licensee Relations
Office of State Programs

Accepted _____

By _____
CLEVELAND ELECTRIC ILLUMINATING COMPANY

Accepted _____

By _____
OHIO EDISON COMPANY

Accepted _____

By _____
PENNSYLVANIA POWER COMPANY

Accepted _____

By _____
TOLEDO EDISON COMPANY

Accepted _____

By _____
DUQUESNE COMPANY