

December 4, 1995

Mr. Donald C. Shelton
Acting Vice President Nuclear - Perry
Centerior Service Company
P. O. Box 97, A200
Perry, OH 44081

SUBJECT: NOTICE OF TRANSFER OF OWNERSHIP AS DESCRIBED IN LICENSE NPF-58 FOR
PERRY NUCLEAR POWER PLANT, UNIT NO. 1 (TAC NO. M94075)

Dear Mr. Shelton:

Enclosed is the subject notice related to a request dated November 17, 1995, from Shaw, Pittman, Potts and Trowbridge for consideration of approval under 10 CFR 50.80 of the transfer of 17.42 percent ownership of the Perry Nuclear Power Plant, Unit No. 1 (PNPP Unit 1), from Ohio Edison Company (Ohio Edison) to a wholly owned subsidiary, OES Nuclear Inc. If approved, an order will be issued to document our consent to the transfer of Ohio Edison's 17.42 percent ownership of PNPP Unit 1.

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

Sincerely, Original Signed By:
J. B. Hopkins

Jon B. Hopkins, Senior Project Manager
Project Directorate III-3
Division of Reactor Projects - III/IV
Office of Nuclear Reactor Regulation

Docket No. 50-440

Enclosure: Notice

cc w/encl: See next page

DISTRIBUTION:

Docket File PUBLIC
PDIII-3 r/f OGC
ACRS WAxelson, RIII
JRoe EAdensam(E)

FILE CENTER COPY

DOCUMENT NAME: G:\PERRY\PER94075.FRN

To receive a copy of this document, indicate in the box: "C" = Copy without enclosures "E" = Copy with enclosures
"N" = No copy *See previous concurrence

| | | | | | | |
|--------|-----------------|-------------------------------------|------------|-------------------------------------|----------------------------------|-------------------|
| OFFICE | LA:PDIII-3 | <input checked="" type="checkbox"/> | PM:PDIII-3 | <input checked="" type="checkbox"/> | OGC | D:PDIII-3 |
| NAME | DFoster-Curseen | <input checked="" type="checkbox"/> | JHopkins | <input checked="" type="checkbox"/> | <i>ETank - with change noted</i> | GMarcus <i>GM</i> |
| DATE | 11/28/95 | <input checked="" type="checkbox"/> | 11/28/95 | <input checked="" type="checkbox"/> | 12/1/95 | 12/4/95 |

OFFICIAL RECORD COPY

9603120187 951204
PDR ADOCK 05000440
P PDR

DFOI

Mr. Donald C. Shelton
Centerior Service Company

Perry Nuclear Power Plant
Unit Nos. 1 and 2

cc:

Jay E. Silberg, Esq.
Shaw, Pittman, Potts & Trowbridge
2300 N Street, N. W.
Washington, D. C. 20037

Mr. James W. Harris, Director
Division of Power Generation
Ohio Dept. of Industrial Relations
P.O. Box 825
Columbus, Ohio 43216

Ms. Mary E. O'Reilly
Centerior Energy Corporation
300 Madison Avenue
Toledo, Ohio 43652

The Honorable Lawrence Logan
Mayor, Village of Perry
4203 Harper Street
Perry, Ohio 44081

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

The Honorable Robert V. Orosz
Mayor, Village of North Perry
North Perry Village Hall
4778 Lockwood Road
North Perry Village, Ohio 44081

Regional Administrator, Region III
U. S. Nuclear Regulatory Commission
801 Warrenville Road
Lisle, Illinois 60532-4531

Attorney General
Department of Attorney General
30 East Broad Street
Columbus, Ohio 43216

Lake County Prosecutor
Lake County Administration Bldg.
105 Main Street
Painesville, Ohio 44077

Radiological Health Program
Ohio Department of Health
P.O. Box 118
Columbus, Ohio 43266-0118

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

Ohio Environmental Protection
Agency
DERR--Compliance Unit
ATTN: Mr. Zack A. Clayton
P.O. Box 1049
Columbus, Ohio 43266-0149

Terry J. Lodge, Esq.
618 N. Michigan Street, Suite 105
Toledo, Ohio 43624

Mr. Thomas Haas, Chairman
Perry Township Board of Trustees
3750 Center Rd., Box 65
Perry, Ohio 44081

Ashtabula County Prosecutor
25 West Jefferson Street
Jefferson, Ohio 44047

Mr. James D. Kloosterman
Regulatory Affairs Manager
Cleveland Electric Illuminating
Company
Perry Nuclear Power Plant
P. O. Box 97, E-210
Perry, Ohio 44081

State of Ohio
Public Utilities Commission
East Broad Street
Columbus, Ohio 43266-0573

Mr. James R. Williams, Chief of
Staff
Ohio Emergency Management Agency
2825 West Granville Road
Worthington, Ohio 43085

Mr. Richard D. Brandt, Plant Manager
Cleveland Electric Illuminating
Company
Perry Nuclear Power Plant
P.O. Box 97, SB306
Perry, Ohio 44081

UNITED STATES NUCLEAR REGULATORY COMMISSION

CLEVELAND ELECTRIC ILLUMINATING AND

OHIO EDISON COMPANY, ET AL.

DOCKET NO. 50-440

NOTICE OF TRANSFER OF OWNERSHIP OF PERRY NUCLEAR POWER PLANT

Notice is hereby given that the United States Nuclear Regulatory Commission (Commission) is considering approval under Title 10 of the Code of Federal Regulations (CFR), Section 50.80, of the transfer of 17.42% (except for related transmission facilities) of the ownership of the facilities for the Perry Nuclear Power Plant, Unit No. 1 (PNPP Unit 1) from the Ohio Edison Company (Ohio Edison) to a wholly owned subsidiary of Ohio Edison, OES Nuclear Inc. (OES). By "Application For License Transfer In Connection With Sale And Related Transactions" filed November 17, 1995, Ohio Edison informed the Commission that it will sell to OES on or before December 31, 1995, a 17.42% ownership interest in the PNPP Unit 1 facility, except for the transmission facilities that are a part of Unit 1. On January 1, 1996, or immediately thereafter, OES will enter into a take or pay steam sale agreement with Ohio Edison pursuant to which Ohio Edison will purchase from OES the steam generated by the interest in PNPP Unit 1 transferred to OES. OES will also grant Ohio Edison the right to utilize the turbine generator portion of PNPP Unit 1 transferred to OES. Both the agreement for the sale of steam and the grant of the right to use the turbine generator will run for the term of the PNPP Unit 1 license through completion of plant decommissioning. Pursuant to the terms of the arrangements, Ohio Edison will have the option to convert the

steam purchase agreement and its right to utilize the Unit 1 turbine generator to a lease to itself of the interest in PNPP Unit 1 conveyed to OES.

Pursuant to 10 CFR 50.80, the Commission may approve the transfer of a license, after notice to interested persons, upon the Commission's determination that the holder of the license following the transfer of control is qualified to be a holder of the license and the transfer of the control is otherwise consistent with applicable provisions of law, regulations and orders of the Commission. Ohio Edison has requested consent under 10 CFR 50.80 to transfer of the license effectuated by the change in control of such ownership interest in PNPP Unit 1. Additionally, Ohio Edison has submitted a license amendment application, dated November 22, 1995, adding OES to the PNPP Unit 1 license, to reflect this transfer.

For further details with respect to this action, see the November 17, and 22, 1995 letters, which are 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 Perry Public Library, 3753 Main Street, Perry, Ohio.

Dated at Rockville, Maryland this 4th day of December 1995.

FOR THE NUCLEAR REGULATORY COMMISSION

ORIGINAL SIGNED BY;

Gail H. Marcus, Director
Project Directorate III-3
Division of Reactor Projects - III/IV
Office of Nuclear Reactor Regulation

DOCUMENT NAME: G:\PERRY\PER94075.FRN

*See Previous Concurrence

To receive a copy of this document, indicate in the box: "C" = Copy without enclosures "E" = Copy with enclosures

"N" = No copy *See previous concurrence

| | | | | | | | | |
|--------|-----------------|------------|------------|----------|----------|--|-----------|-----|
| OFFICE | LA:PDIII-3 | E | PM:PDIII-3 | E | OGC* | | D:PDIII-3 | |
| NAME | DFoster-Curseen | | JHopkins | | STurk | | GMarcus | GHM |
| DATE | 12/4/95 | <i>DFC</i> | 12/4/95 | <i>A</i> | 12/01/95 | | 12/4/95 | |

OFFICIAL RECORD COPY