

December 21, 1998

Mr. Lew W. Myers
Vice President - Nuclear, Perry
Centerior Service Company
P.O. Box 97, A200
Perry, OH 44081

Distribution w/enc

Docket File
PUBLIC
PD3-2 Reading
ACRS
GGrant, RIII
THarris (TLH3,
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GHill (2)
OGC
WBeckner, TSB
EAdensam
SRichards
TEssig

SUBJECT: AMENDMENT NO. 96 TO FACILITY OPERATING LICENSE NO. NPF-58 - PERRY
NUCLEAR POWER PLANT, UNIT 1 (TAC NO. MA2218)

Dear Mr. Myers:

The U.S. Nuclear Regulatory Commission has issued the enclosed Amendment No. 96 to Facility Operating License No. NPF-58 for the Perry Nuclear Power Plant, Unit 1. This amendment revises the operating license in response to your application dated June 30, 1998 (PY-CEI/NRR-2292L) as supplemented by submittals dated October 27 (PY-CEI/NRR-2333L), November 30 (PY-CEI/NRR-2339L), and December 3, 1998 (PY-CEI/NRR-2347L).

This amendment revises the operating license to reflect the transfer of operating authority for the Perry Nuclear Power Plant from Cleveland Electric Illuminating Company and Centerior Service Company to a new operating company, FirstEnergy Nuclear Operating Company. The transfer was approved in the staff's Order dated December 2, 1998. In addition, several administrative changes are being made, unrelated to the transfer approval, to delete certain sections of the license that relate solely to historical events that have long since occurred, and that therefore have no practical effect or purpose.

A copy of the Safety Evaluation is also enclosed. Notice of Issuance will be included in the Commission's next biweekly Federal Register notice.

Sincerely,
ORIGINAL SIGNED BY
Douglas V. Pickett, Senior Project Manager
Project Directorate III-3
Division of Reactor Projects III/IV
Office of Nuclear Reactor Regulation

Docket No. 50-440

Enclosures: 1. Amendment No. 96 to
License No. NPF-58

2. Safety Evaluation

cc w/encls: See next page

DOCUMENT NAME: G:\PERRY\MA2218.AMD

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NAME	DPickett		EBarnhill		SRichards*		TEssig*		BMcClure*	
DATE	12/24/98		12/18/98		11/18/98		11/17/98		10/02/98	
OFFICE	(A)D:DRPW	<input type="checkbox"/>	(A)AD:ADPR	<input type="checkbox"/>	OGC	<input checked="" type="checkbox"/>	D:NRR	<input checked="" type="checkbox"/>		
NAME	EAdensam*		BBoger*		S. How		SCollins			
DATE	11/19/98		11/21/98		12/24/98		12/ /98			

*See previous concurrence

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Mr. Lew W. Myers
Vice President - Nuclear, Perry
Centerior Service Company
P.O. Box 97, A200
Perry, OH 44081

December 21, 1998
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Douglas V. Pickett, Senior Project Manager
Project Directorate III-3
Division of Reactor Projects III/IV
Office of Nuclear Reactor Regulation

Docket No. 50-440
Enclosures: 1. Amendment No. to
License No. NPF-58
2. Safety Evaluation
cc w/encs: See next page

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OFFICE	PM:PDIII-2	E	LA:PDIII-2	E	D:PDIII-2		BC:PGEB		TECH ED	
NAME	DPickett		EBarnhill	EB	SRichards*		TEssig*		BMcClure*	
DATE	12/21/98		12/18/98		11/18/98		11/17/98		10/02/98	
OFFICE	(A)D:DRPW		(A)AD:ADPR		OGC	N/O	D:NRR			
NAME	EAdensam*		BBoger*		S. Howl		SCollins			
DATE	11/19/98		11/21/98		12/21/98		12/ /98			

*See previous concurrence

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

December 21, 1998

Mr. Lew W. Myers
Vice President - Nuclear, Perry
Centerior Service Company
P.O. Box 97, A200
Perry, OH 44081

SUBJECT: AMENDMENT NO. 96 TO FACILITY OPERATING LICENSE NO. NPF-58 - PERRY
NUCLEAR POWER PLANT, UNIT 1 (TAC NO. MA2218)

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A copy of the Safety Evaluation supporting the amendment is also enclosed. Notice of Issuance will be included in the Commission's next biweekly Federal Register notice.

Sincerely,

A handwritten signature in cursive script, reading "Douglas V. Pickett", is positioned above the typed name.

Douglas V. Pickett, Senior Project Manager
Project Directorate III-2
Division of Reactor Projects III/IV
Office of Nuclear Reactor Regulation

Docket No. 50-440

Enclosures: 1. Amendment No. 96 to
License No. NPF-58
2. Safety Evaluation

cc w/encls: See next page

L. Myers
Centerior Service Company

cc:

Mary E. O'Reilly
FirstEnergy -- A290
10 Center Road
Perry, OH 44081

Resident Inspector's Office
U.S. Nuclear Regulatory Commission
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Cleveland Electric Illuminating Co.
Perry Nuclear Power Plant
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Associate General Counsel
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Mayor, Village of North Perry
North Perry Village Hall
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North Perry Village, OH 44081

Donna Owens, Director
Ohio Department of Commerce
Division of Industrial Compliance
Bureau of Operations & Maintenance
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P. O. Box 4009
Reynoldsburg, OH 43068-9009

Perry Nuclear Power Plant, Units 1 and 2

James R. Williams
Chief of Staff
Ohio Emergency Management Agency
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Columbus, OH 43235-7150

Mayor, Village of Perry
P.O. Box 100
Perry, OH 44081-0100

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

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

Chairman
Perry Township Board of Trustees
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East Broad Street
Columbus, OH 43266-0573

William R. Kanda, Jr., Plant Manager
Cleveland Electric Illuminating Co.
Perry Nuclear Power Plant
P.O. Box 97, SB306
Perry, OH 44081



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

CLEVELAND ELECTRIC ILLUMINATING COMPANY, ET AL.

DOCKET NO. 50-440

PERRY NUCLEAR POWER PLANT, UNIT 1

AMENDMENT TO FACILITY OPERATING LICENSE

Amendment No. 96
License No. NPF-58

1. The U.S. Nuclear Regulatory Commission (the Commission) has found that:
 - A. The application for amendment by the Cleveland Electric Illuminating Company (CEICO), Centerior Service Company, Duquesne Light Company, Ohio Edison Company, OES Nuclear, Inc., Pennsylvania Power Company, and Toledo Edison Company (the licensees) dated June 30, 1998, as supplemented on October 27, November 30, and December 3, 1998, complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations set forth in 10 CFR Chapter I;
 - B. The facility will operate in conformance with the application, the provisions of the Act, and the rules and regulations of the Commission;
 - C. There is reasonable assurance that (i) the activities authorized by this amendment can be conducted without endangering the health and safety of the public and (ii) such activities will be conducted in compliance with the Commission's regulations;
 - D. The issuance of this amendment will not be inimical to the common defense and security or to the health and safety of the public; and
 - E. The issuance of this amendment is in accordance with 10 CFR Part 51 of the Commission's regulations and all applicable requirements have been satisfied.

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2. Accordingly, Facility Operating License No. NPF-58 is hereby amended, as indicated in the attachments hereto, by changes to the title; paragraph 1.A and the associated footnote; paragraphs 1.E, 2, 2.B(1), and the asterisked footnote to paragraph 2.B(1); paragraphs 2.B(2), 2.B(3), 2.B(4), 2.B(5), 2.B(6), 2.C(1), 2.C(2), 2.C(3)(b), 2.C(4), 2.C(5), 2.C(6), 2.C(6)(a), 2.C(7), 2.C(8), 2.D, 2.E, and 2.F. In addition, Facility Operating License No. NPF-58 is also amended by deletion of Attachment 1 and by revisions to the cover pages to Appendix A and Appendix B.
3. This license amendment is effective as of January 1, 1999.

FOR THE NUCLEAR REGULATORY COMMISSION



Douglas V. Pickett, Senior Project Manager
Project Directorate III-2
Division of Reactor Projects III/IV
Office of Nuclear Reactor Regulation

Attachment: Changes to the License

Date of Issuance: December 21, 1998

ATTACHMENT TO LICENSE AMENDMENT NO. 96

FACILITY OPERATING LICENSE NO. NPF-58

DOCKET NO. 50-440

Replace the following pages of the operating license with the attached pages. The revised pages are identified by Amendment number and contain vertical lines indicating the area of change.

Remove

1

2

3

4

5

6

7

8

Attachment 1

Appendix A, cover letter

Appendix B, cover letter

Insert

1

2

3

4

5

6

7

-

Attachment 1

Appendix A, cover letter

Appendix B, cover letter



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

FIRSTENERGY NUCLEAR OPERATING COMPANY
CLEVELAND ELECTRIC ILLUMINATING COMPANY
DUQUESNE LIGHT COMPANY
OHIO EDISON COMPANY
OES NUCLEAR, INC.
PENNSYLVANIA POWER COMPANY
TOLEDO EDISON COMPANY
DOCKET NO. 50-440
PERRY NUCLEAR POWER PLANT, UNIT NO. 1
FACILITY OPERATING LICENSE

License No. NPF-58

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

- A. The application for license filed by FirstEnergy Nuclear Operating Company (FENOC)¹ acting on its own behalf and as agent for The Cleveland Electric Illuminating Company (CEICO), the Duquesne Light Company, Ohio Edison Company, OES Nuclear, Inc.², 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;

¹ FENOC is authorized to act as agent for Duquesne Light Company, Ohio Edison Company, OES Nuclear, Inc., Pennsylvania Power Company, the Toledo Edison Company, and The Cleveland Electric Illuminating Company, and has exclusive responsibility and control over the physical construction, operation, and maintenance of the facility.

² OES Nuclear, Inc., is a wholly owned subsidiary of Ohio Edison Company. OES Nuclear, Inc., owns a portion of the 30% interest in Perry Nuclear Power Plant Unit No. 1 attributable to Ohio Edison Company. Ohio Edison Company remains fully responsible for all costs and expenses, including decommissioning expenses, relating to the portion of the Perry Nuclear Power Plant Unit No. 1 owned by OES Nuclear, Inc., for the duration of the license through completion of plant decommissioning. OES Nuclear, Inc., was added as a licensee by Amendment No. 81 to this license.

- 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);
 - E. The FirstEnergy Nuclear Operating 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-58, 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 regarding this facility, the Partial-Initial Decisions issued December 2, 1983, and September 3, 1985, by the Atomic Safety and Licensing Board in regard to this facility (affirmed by ALAB-841, dated July 25, 1986) and pursuant to approval by the Nuclear Regulatory Commission at a meeting on November 7, 1986, Facility Operating License No. NPF-58, which supersedes the license for fuel loading and low power testing, License No. NPF-45, issued on March 18, 1986, is hereby issued to the Cleveland Electric Illuminating Company, FirstEnergy Nuclear Operating Company, Duquesne Light Company, Ohio Edison Company, OES Nuclear Inc., 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, OES Nuclear,

Inc., 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) FENOC, 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) CEICO, Duquesne Light Company, Ohio Edison Company, OES Nuclear, Inc., 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) FENOC, 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) FENOC, 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 fission detectors in amounts as required;
- (5) FENOC, 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 as to chemical or physical form, for sample analysis or instrument calibration or associated with radioactive apparatus or components; and
- (6) FENOC, 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.
- (7)(a) Ohio Edison Company is authorized to transfer any portion of its 30.0% ownership share of PNPP Unit 1 and a proportionate share of its interest in the PNPP common facilities to certain equity investors identified in its submission of January 23, 1987, as supplemented on March 3, 1987, and at the same time to lease back from such purchasers such interest sold in the PNPP Unit 1 facility. The term of the lease is for approximately 29½ years subject to a right of

renewal. Such sale and leaseback transactions are subject to a the representations and conditions set forth in the above mentioned application of January 23, 1987, as supplemented on March 3, 1987, as well as the letter of the Director of the Office of Nuclear Reactor Regulation dated March 16, 1987, consenting to such transactions. Specifically, a lessor and anyone else who may acquire an interest under these transactions are prohibited from exercising directly or indirectly any control over the licenses of PNPP Unit 1. For purposes of this condition the limitations of 10 CFR 50.81, as now in effect and as may be subsequently amended, are fully applicable to the lessor and any successor in interest to that lessor as long as the license for PNPP Unit 1 remains in effect; these financial transactions shall have no effect on the license for the Perry Nuclear facility throughout the term of the license.

- (b) Further, the licensees are also required to notify the NRC in writing prior to any change in: (i) the terms or conditions of any lease agreements executed as part of these transactions; (ii) the PNPP Operating Agreement; (iii) the existing property insurance coverage for PNPP Unit 1; and (iv) any action by a lessor or others that may have an adverse effect on the safe 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

FENOC 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.
 - (2) Technical Specifications

The Technical Specifications contained in Appendix A and the Environmental Protection Plan contained in Appendix B, as revised through Amendment No. 81, are hereby incorporated into the license. FENOC shall operate the facility in accordance with the Technical Specifications and the Environmental Protection Plan.
 - (3) Antitrust Conditions
 - a. Cleveland Electric Illuminating Company, Duquesne Light Company, Ohio Edison Company, OES Nuclear, Inc., 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.

- b. FENOC shall comply with the antitrust conditions delineated in Appendix C to this license as if named therein. FENOC shall not market or broker power or energy from the Perry Nuclear Power Plant, Unit No. 1. The Owners are responsible and accountable for the actions of FENOC to the extent that said actions affect the marketing or brokering of power or energy from the Perry Nuclear Power Plant, Unit No. 1, and in any way, contravene the antitrust condition contained in the license.

(4) Deleted

(5) Deleted

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

FENOC shall comply with the following requirements of the fire protection program: FENOC 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 through 10 thereto, subject to the following provisions:

- a. FENOC 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.

(7) Deleted

(8) Deleted

(9) Deleted

(10) Primary Containment air lock penetrations may be open during CORE ALTERATIONS and movement of irradiated fuel within the primary containment, except when moving recently irradiated fuel (i.e., fuel that has occupied part of a critical reactor core within the previous seven days), provided the following conditions exist:

- One door in each air lock is capable of being closed.
- Hoses and cables running through the air lock employ a means to allow safe, quick disconnect or severance, and are tagged at the air lock with specific instructions to expedite removal.

- The air lock is not blocked in such a way that it cannot be expeditiously closed.
 - A designated individual is available to expeditiously close the air lock door.
- D. FENOC is exempted from: 1) the requirements of Section III.D.2(b)(ii), containment airlock testing requirements, 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); and 2) the requirements of Section IV.F., Full Participation Exercise, of Appendix E to 10 CFR Part 50, due to the special circumstance described in the Exemption dated November 6, 1986. These exemptions are authorized by law, will not present an undue risk to the public health and safety, and are consistent with the common defense and security. The exemptions are hereby granted pursuant to 10 CFR 50.12. With the granting of these exemptions, 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. FENOC shall fully implement and maintain in effect all provisions of the Commission-approved physical security, guard training and qualification, and safeguards contingency plans, including amendments made pursuant to provisions of the Miscellaneous Amendments and Search Requirements revisions to 10 CFR 73.55 (51 FR 27817 and 27822) and 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 Physical Security Plan," with revisions submitted through September 11, 1987; "Perry Nuclear Power Plant Guard Training and Qualification Plan," with revisions submitted through August 12, 1986; and "Perry Nuclear Power Plant Safeguards Contingency Plan" (Chapter 8 of the Security Plan), with revisions submitted through May 15, 1986. Changes made in accordance with 10 CFR 73.55 shall be implemented in accordance with the schedule set forth therein.
- F. Except as otherwise provided in the Technical Specifications or Environmental Protection Plan, FENOC 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

ORIGINAL SIGNED BY:

Harold R. Denton, Director
Office of Nuclear Reactor Regulation

Attachments/Appendices

1. Attachments 1 - 2
2. Appendix A - Technical Specifications
(NUREG -1204)
3. Appendix B - Environmental Protection
Plan
4. Appendix C - Antitrust Conditions

Date of Issuance: November 13, 1986

ATTACHMENT 1

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APPENDIX A

TO FACILITY OPERATING LICENSE NO. NPF-58

PERRY NUCLEAR POWER PLANT

UNIT 1

FIRSTENERGY NUCLEAR OPERATING COMPANY

DOCKET NO. 50-440

TECHNICAL SPECIFICATIONS

ARE FILED IN THE

TECHNICAL SPECIFICATION MANUAL

APPENDIX B

TO FACILITY OPERATING LICENSE NO. NPF-58

PERRY NUCLEAR POWER PLANT

UNIT 1

FIRSTENERGY NUCLEAR OPERATING COMPANY

DOCKET NOS. 50-440 AND 50-441

ENVIRONMENTAL PROTECTION PLAN

(NONRADIOLOGICAL)

November 13, 1986



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

**SAFETY EVALUATION BY THE OFFICE OF NUCLEAR REACTOR REGULATION
RELATED TO AMENDMENT NO. 96 TO FACILITY OPERATING LICENSE NO. NPF-58**

CLEVELAND ELECTRIC ILLUMINATING COMPANY, ET AL.

PERRY NUCLEAR POWER PLANT, UNIT 1

DOCKET NO. 50-440

1.0 INTRODUCTION

By letter dated June 30, 1998, and as supplemented by submittals dated October 27, November 30, and December 3, 1998, The Cleveland Electric Illuminating Company and the Centerior Service Company requested approval of the transfer of operating authority under Facility Operating License No. NPF-58 for the Perry Nuclear Power Plant, Unit 1 (PNPP), to a new company, FirstEnergy Nuclear Operating Company (FENOC), and issuance of a conforming amendment, pursuant to 10 CFR 50.80 and 50.90. By Order Approving Application Regarding the Transfer of Operating Authority, issued on December 2, 1998, the U.S. Nuclear Regulatory Commission (NRC) consented to the transfer of the license to FENOC, with respect to authority to operate the facility, on the basis of the findings discussed in the Order. The Order allows FENOC to use and operate PNPP and to possess and use related licensed nuclear materials in accordance with the same conditions and authorizations included in the current operating license. The proposed license amendment would make changes to reflect the transfer of operating authority, including removing the Centerior Service Company from the license. In addition, the proposed amendment would delete certain sections of the license that relate solely to historical events that have long since occurred, and that therefore have no practical effect or purpose.

The supplemental information contained clarifying information and did not change the initial no significant hazards consideration determination and did not expand the scope of the original application.

2.0 EVALUATION

For administrative purposes, there is a need to amend the license to reflect the implementation of the approved transfer. References to Centerior Service Company are being removed as they are no longer applicable. FirstEnergy Nuclear Operating Company is being added to reflect its status as a licensee, plant operator, and as the agent acting for the owners. References to "Cleveland Electric Illuminating Company" as an operator are being replaced by references to FENOC. Changes to the antitrust license conditions to account for FENOC's existence are also being made. In addition, as mentioned above, several administrative changes, unrelated to the approved transfer, are being made to delete certain sections of the license that relate solely to

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historical events that have long since occurred, and that therefore have no practical effect or purpose. Finally, format changes are being made for clarification. Each change is described below.

2.1 Title

The heading is being revised by adding the FirstEnergy Nuclear Operating Company and deleting Centerior Service Company

2.2 Paragraph 1.A

Centerior Service Company is being deleted and the FirstEnergy Nuclear Operating Company (FENOC) is being added. In addition, the associated footnote is being replaced with the following:

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

2.3 Paragraph 1.E

Replaces the reference to The Cleveland Electric Illuminating Company with The FirstEnergy Nuclear Operating Company.

2.4 Paragraph 2

Replaces the reference to Centerior Service Company with FirstEnergy Nuclear Operating Company.

2.5 Paragraph 2.B(1)

Replaces the reference to The Cleveland Electric Illuminating Company (CEICO) with FENOC and deletes the associated footnote.

2.6 Paragraph 2.B(2)

CEICO is being added to reflect its status as a non-operating owner, in light of its deletion from Paragraph 2.B(1).

2.7 Paragraph 2.B(3)

The reference to CEICO is being replaced with FENOC.

2.8 Paragraph 2.B(4)

The reference to CEICO is being replaced with FENOC.

2.9 Paragraph 2.B(5)

The reference to CEICO is being replaced with FENOC.

2.10 Paragraph 2.B(6)

The reference to CEICO is being replaced with FENOC.

2.11 Paragraph 2.C(1)

The reference to CEICO is being replaced with FENOC.

2.12 Paragraph 2.C(2)

The reference to The Cleveland Electric Illuminating Company is being replaced with FENOC.

2.13 Paragraph 2.C(3)(b)

The paragraph is revised to read as follows:

FENOC shall comply with the antitrust conditions delineated in Appendix C to this license as if named therein. FENOC shall not market or broker power or energy from the Perry Nuclear Power Plant, Unit No. 1. The Owners are responsible and accountable for the actions of FENOC to the extent that said actions affect the marketing or brokering of power or energy from the Perry Nuclear Power Plant, Unit No. 1, and in any way, contravene the antitrust conditions contained in the license.

2.15 Paragraph 2.C(4)

This license condition, dealing solely with the Initial Test Program, which has long been completed, is being deleted.

2.16 Paragraph 2.C(5)

This license condition, which deals with submitting the Initial Inservice Inspection Program, has long been satisfied and is being deleted.

2.17 Paragraph 2.C(6) and 2.C(6)(a)

The references to CEICO are being replaced with FENOC.

2.18 Paragraph 2.C(7)

This license condition, which deals with the Detailed Control Room Design Review, has long been satisfied and is being deleted. Updated Safety Evaluation Report Appendix 1.B, Item 8, provides the history of complying with this requirement.

2.19 Paragraph 2.C(8)

This license condition, which deals with the Federal Emergency Management Agency's (FEMA) review of emergency planning procedures, has been satisfied for several years and is being deleted. FEMA's letter of June 17, 1994, documented that its review was complete.

2.20 Paragraph 2.D

The reference to CEICO is being replaced with FENOC.

2.21 Paragraph 2.E

The reference to CEICO is being replaced with FENOC.

2.22 Paragraph 2.F

The reference to CEICO is being replaced with FENOC.

2.23 Attachment 1 to NPF-58, "Detailed Control Room Design Review"

As described in item 2.18 above, the Detailed Control Room Design Review was completed several years ago; thus, this attachment is being deleted.

2.24 Appendix A Cover Page

The reference to Cleveland Electric Illuminating Company is being replaced with a reference to the FirstEnergy Nuclear Operating Company.

2.25 Appendix B Cover Page

The reference to Cleveland Electric Illuminating Company is being replaced with a reference to the FirstEnergy Nuclear Operating Company.

2.26 Summary

These changes do no more than conform the license to reflect the approved transfer, and thus are essentially administrative in nature. In consideration of the foregoing, the staff finds the amendment acceptable.

3.0 STATE CONSULTATION

In accordance with the Commission's regulations, the Ohio State official was notified of the proposed issuance of the amendment. The State official had no comments.

4.0 ENVIRONMENTAL CONSIDERATION

Pursuant to 10 CFR 51.21 and 51.35, an environmental assessment and finding of no significant impact was published in the Federal Register on September 10, 1998 (63 FR 48531).

5.0 CONCLUSION

The staff has concluded on the basis of the considerations discussed above that (1) there is reasonable assurance that the health and safety of the public will not be endangered by operation in the proposed manner, (2) such activities will be conducted in compliance with the Commission's regulations, and (3) the issuance of this amendment will not be inimical to the common defense and security or to the health and safety of the public.

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Date: December 21, 1998