

July 3, 2006

Mr. Gary R. Leidich  
President and Chief Nuclear Officer  
FirstEnergy Nuclear Operating Company  
Mail Stop A-GO-19  
76 South Main Street  
Akron, OH 44308

SUBJECT: NOTICE OF CONSIDERATION OF APPROVAL OF APPLICATION  
REGARDING PROPOSED CORPORATE RESTRUCTURING, AND  
OPPORTUNITY FOR A HEARING - PERRY NUCLEAR POWER PLANT UNIT 1  
(TAC NO. MD2185)

Dear Mr. Leidich:

Enclosed is a copy of a "Notice of Consideration of Approval of Application Regarding Proposed Corporate Restructuring" related to the application dated June 6, 2006, filed by FirstEnergy Nuclear Operating Company. The application (pursuant to 10 CFR 50.80) seeks approval of the proposed indirect transfer of the licenses to the extent held by FirstEnergy Nuclear Generation Corp. (FENGenCo) that would result from the proposed corporate restructuring under which FirstEnergy Solutions Corp. would become the direct corporate parent of FENGenCo.

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

Sincerely,  
**/RA/**

Stephen J. Campbell, Project Manager  
Plant Licensing Branch III-2  
Division of Operating Reactor Licensing  
Office of Nuclear Reactor Regulation

Docket No. 50-440

Enclosure:  
Notice

cc w/encl: See next page

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OFFICIAL RECORD COPY

Perry Nuclear Power Plant, Unit 1

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Akron, OH 44308

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Perry Nuclear Power Plant, Unit 1

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Perry, OH 44081-0097

UNITED STATES NUCLEAR REGULATORY COMMISSION

FIRSTENERGY NUCLEAR OPERATING COMPANY

FIRSTENERGY NUCLEAR GENERATION CORP.

PERRY NUCLEAR POWER PLANT, UNIT 1

DOCKET NO. 50-440

NOTICE OF CONSIDERATION OF APPROVAL OF APPLICATION REGARDING

PROPOSED CORPORATE RESTRUCTURING,

AND

OPPORTUNITY FOR A HEARING

The U.S. Nuclear Regulatory Commission (the Commission) is considering the issuance of an order under 10 CFR 50.80 approving the indirect transfer of the Facility Operating License No. NPF-58 for the Perry Nuclear Power Plant, Unit 1 (PNPP) currently held by FirstEnergy Nuclear Generation Corp. (FENGenCo), regarding its ownership interests in PNPP.

According to an application for approval filed by FirstEnergy Nuclear Operating Company (FENOC), the licensed operator of PNPP, acting on behalf of FENGenCo and FirstEnergy Solutions Corp. (FE Solutions), a corporate restructuring is planned such that FE Solutions will become the new direct corporate parent of FENGenCo. FE Solutions is currently a wholly-owned subsidiary of FirstEnergy Corp., as is FENGenCo. After the corporate restructuring, FE Solutions will continue to be a wholly-owned subsidiary of FirstEnergy Corp., while FENGenCo will be an indirect wholly-owned subsidiary of FirstEnergy Corp. and a direct wholly-owned subsidiary of FE Solutions. The Ohio Edison Company, which holds a leased

interest in PNPP and is licensed to possess such interest, is not involved in the planned corporate restructuring.

No physical changes to the PNPP facility or operational changes are being proposed in the application.

Pursuant to 10 CFR 50.80, no license, or any right thereunder, shall be transferred, directly or indirectly, through transfer of control of the license, unless the Commission shall give its consent in writing. The Commission will approve an application for the indirect transfer of a license, if the Commission determines that the proposed corporate restructuring will not affect the qualifications of the licensee to hold the license, and that the transfer is otherwise consistent with applicable provisions of law, regulations, and orders issued by the Commission pursuant thereto.

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

Within 20 days from the date of publication of this notice, any person whose interest may be affected by the Commission's action on the application may request a hearing and, if not the applicant, may petition for leave to intervene in a hearing proceeding on the Commission's action. Requests for a hearing and petitions for leave to intervene should be filed in accordance with the Commission's rules of practice set forth in Subpart C "Rules of General Applicability: Hearing Requests, Petitions to Intervene, Availability of Documents, Selection of Specific Hearing Procedures, Presiding Officer Powers, and General Hearing Management for NRC Adjudicatory Hearings," of 10 CFR Part 2. In particular, such requests and petitions must comply with the requirements set forth in 10 CFR 2.309. Untimely requests and petitions may be denied, as provided in 10 CFR 2.309(c)(1), unless good cause for failure to file on time is established. In addition, an untimely request or petition should address the

factors that the Commission will also consider, in reviewing untimely requests or petitions, set forth in 10 CFR 2.309(c)(1)(i)-(viii).

Requests for a hearing and petitions for leave to intervene should be served upon Mr. David W. Jenkins, Esq., address: 76 South Main Street, Mail Stop A-GO-18, Akron, OH 44308, telephone: 330-384-5037, and email: [djenkins@firstenergycorp.com](mailto:djenkins@firstenergycorp.com); the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001 (e-mail address for filings regarding license transfer cases only: [OGCLT@NRC.gov](mailto:OGCLT@NRC.gov)); and the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, Attention: Rulemakings and Adjudications Staff, in accordance with 10 CFR 2.302 and 2.305.

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

As an alternative to requests for hearing and petitions to intervene, within 30 days from the date of publication of this notice, persons may submit written comments regarding the license transfer application, as provided for in 10 CFR 2.1305. The Commission will consider and, if appropriate, respond to these comments, but such comments will not otherwise constitute part of the decisional record. Comments should be submitted to the Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, Attention: Rulemakings and Adjudications Staff, and should cite the publication date and page number of this *Federal Register* notice.

For further details with respect to this action, see the application dated June 6, 2006, available for public inspection at the Commission's Public Document Room (PDR), located at One White Flint North, Public File Area O1 F21, 11555 Rockville Pike (first floor), Rockville,

Maryland. Publicly available records will be accessible electronically from the Agencywide Documents Access and Management System's (ADAMS) Public Electronic Reading Room on the Internet at the NRC web site, <http://www.nrc.gov/reading-rm/adams.html>. Persons who do not have access to ADAMS or who encounter problems in accessing the documents located in ADAMS should contact the NRC PDR Reference staff by telephone at 1-800-397-4209, or 301-415-4737 or by e-mail to [pdr@nrc.gov](mailto:pdr@nrc.gov).

Dated at Rockville, Maryland this 3rd day of July 2006.

FOR THE NUCLEAR REGULATORY COMMISSION

**/RA/**

Stephen J. Campbell, Project Manager  
Plant Licensing Branch III-2  
Division of Operating Reactor Licensing  
Office of Nuclear Reactor Regulation