



FirstEnergy Nuclear Operating Company

Perry Nuclear Power Station  
10 Center Road  
Perry, Ohio 44081

Mark B. Bezilla  
Vice President

440-280-5382  
Fax: 440-280-8029

June 5, 2008  
L-08-205

ATTN: Document Control Desk  
U. S. Nuclear Regulatory Commission  
Washington, D.C. 20555-0001

SUBJECT:  
Perry Nuclear Power Plant  
Docket No. 50-440, NPF-58  
Revision of the National Pollutant Discharge Elimination System Permit

Enclosed is a copy of the Ohio Environmental Protection Agency Director's Final Findings and Orders. The order modifies the Perry National Pollution Discharge Elimination System permit and approves the use of a cooling water treatment additive, Nalco H150M in the cooling water system and intake that discharges to FirstEnergy - Perry outfall 31E00016004 to control zebra mussels. The order was effective May 6, 2008.

The enclosed information is submitted as required by the Perry Operating License, NPF-58, Appendix B, Environmental Protection Plan, Section 3.2.

There are no regulatory commitments contained in this letter. If there are any questions, or if additional information is required, please contact Ms. Elizabeth Ryan, Chemistry Specialist, at (440) 280-5536.

Sincerely,

Mark B. Bezilla

For Mark B. Bezilla

Enclosure:  
Ohio EPA Director's Final Findings and Orders

cc: NRC Region III  
NRC Resident Inspector  
NRC Project Manager

COO1  
NRR

Enclosure  
L-08-205

Ohio EPA Director's Final Findings and Orders



State of Ohio Environmental Protection Agency

**STREET ADDRESS:**

Lazarus Government Center  
50 W. Town St., Suite 700  
Columbus, Ohio 43215

TELE: (614) 644-3020 FAX: (614) 644-3184  
www.epa.state.oh.us

**MAILING ADDRESS:**

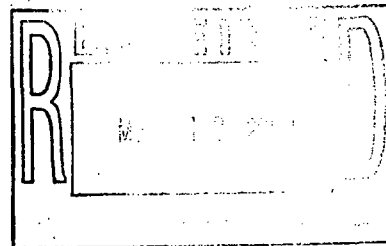
P.O. Box 1049  
Columbus, OH 43216-1049

May 6, 2008

RE: Director's Final Findings and Orders  
FirstEnergy Nuclear Generation Corporation  
OEPA Permit No. 3IB00016

*PY-OEPA/CEI-00306*

Mark Bezilla  
FirstEnergy Nuclear Generation Corporation  
Perry Nuclear Power Station  
10 Center Road  
Perry, OH 44081



Transmitted herewith is one copy of the Director's Final Findings and Orders in the referenced matter.

You are hereby notified that this action of the Director is final and may be appealed to the Environmental Review Appeals Commission pursuant to Section 3745.04 of the Ohio Revised Code. The appeal must be in writing and set forth the action complained of and the grounds upon which the appeal is based. The appeal must be filed with the Commission within thirty (30) days after notice of the Director's action. The appeal must be accompanied by a filing fee of \$70.00 which the Commission, in its discretion, may reduce if by affidavit you demonstrate that payment of the full amount of the fee would cause extreme hardship. Notice of the filing of the appeal shall be filed with the Director within three (3) days of filing with the Commission. Ohio EPA requests that a copy of the appeal be served upon the Ohio Attorney General's Office, Environmental Enforcement Section. An appeal may be filed with the Environmental Review Appeals Commission at the following address:

Environmental Review Appeals Commission  
309 South Fourth Street, Room 222  
Columbus, Ohio 43215

*Patti L. Smith*

Patti L. Smith, Supervisor  
Permit Processing Unit  
Division of Surface Water

PLS/EN

Certified Mail

cc: Marie Underwood  
Journal Room

Eric Nygaard  
Permit File 3IB00016

Ted Strickland, Governor  
Lee Fisher, Lieutenant Governor  
Chris Korleski, Director

OHIO E.P.A.

Date Issued: May 6, 2008  
Date Effective: May 6, 2008

MAY -6 2008

ENTERED DIRECTOR'S JOURNAL

BEFORE THE  
OHIO ENVIRONMENTAL PROTECTION AGENCY

In the matter of: FirstEnergy Nuclear Generation Corp.: Director's Final Findings  
Cooling Water Additive Request : and Orders

Pursuant to the Ohio Revised Code Section 6111.03(H)(4), the Director of the Ohio Environmental Protection Agency (Ohio EPA) hereby makes the following Findings and issues the following Orders:

FINDINGS

1. FirstEnergy Nuclear Generation Corporation, owns and operates an electric power generating station, hereinafter referred to as FirstEnergy - Perry, located at 10 Center Road, Perry, Ohio.
2. FirstEnergy - Perry currently holds an NPDES permit (No. 3IB00016, OH0053461) for the discharge of wastewater to Lake Erie.
3. Part II, Other Requirements, C. of the aforementioned NPDES permit requires that, "In the event that the permittee's operation shall require the use of a cooling water treatment additive, written permission must be obtained from the Ohio Environmental Protection Agency. The permittee shall demonstrate that the use of the additive in the concentrations expected will not be harmful or inimical to aquatic life as determined by acute static bioassays."
4. On April 24, 2008, FirstEnergy - Perry applied to the Ohio EPA to receive written permission for the use of Nalco H150M in the cooling water system and intake that discharges to FirstEnergy - Perry outfall 3IE00016004 to control zebra mussels.
5. The proposed discharge concentration of Nalco H150M contained in the final effluent entering Lake Erie is less than 0.02 mg/l.
6. The static acute bioassay information contained in FirstEnergy - Perry's April 24, 2008 application adequately demonstrates that the proposed discharge concentration for the Nalco H150M of less than 0.02 mg/l, respectively should not be harmful or inimical to aquatic life, as determined by the procedures in OAC Rules 3745-1-04(D) and OAC Chapter 3745-2.

I certify this to be a true and accurate copy of the  
official documents as filed in the records of the Ohio  
Environmental Protection Agency.

By:  Date: 5-6-08

7. The Director has given consideration to, and based his determination on, evidence relating to the technical feasibility and economic reasonableness of complying with these Orders and to evidence relating to conditions calculated to result from compliance with these Orders, and its relation to the benefits to the people of the State to be derived from such compliance in accomplishing the purposes of Chapter 6111 of the Revised Code.

#### ORDERS

1. The proposed use of the Nalco H150M at FirstEnergy - Perry is approved and is subject to compliance with all applicable laws, rules, regulations, standards, and the conditions contained herein.
2. In order to make an alternative proposal, or if additional cooling water additives are needed, a separate request must be submitted to the Ohio EPA, Division of Surface Water, Permit and Compliance Section, Industrial Permits Unit.
3. The cooling water additive treatment program may only be applied in accordance with the proposal approved by the Director of the Ohio Environmental Protection Agency. There may be no deviation from the approved proposal without the express, written approval of the Agency. Any deviation from the proposal or the above conditions may lead to revocation of these Findings and Orders and/or other sanctions and penalties provided under Ohio law. Approval of this proposal does not constitute an assurance that the cooling water additive treatment program will operate in compliance with all Ohio laws and regulations. Additionally, the terms and conditions of this approval do not relieve a permitted facility from complying with all monitoring requirements and effluent limitations that have been established in its NPDES permit.

  
Laura H. Powell  
Assistant Director

May 6, 2008  
Date