

September 25, 1990

Ms. Susan L. Hiatt
Ohio Citizens
for Responsible Energy, Inc.
8275 Munson Road
Mentor, Ohio 44060

DISTRIBUTION

| | | |
|-----------------------------|-------------|----------------|
| <u>Docket File (50-440)</u> | JHannon | CCater, SECY |
| NRC PDR | PKreutzer | MMalsch, OGC |
| Local PDR | TChan | LChandler, OGC |
| EDO #5427 | GPA/PA | ASLAB |
| EDO Reading | ETana, PMAS | ASLAP |
| TMurley/FMiraglia | (EDO#-5427) | ACRS (10) |
| JPartlow | PD33 Green | VYanez(2) |
| DCrutchfield | Ticket File | (W-501) |
| JZwolinski | JTaylor | |

Dear Ms. Hiatt:

On April 6, 1990, you submitted a Petition pursuant to Section 2.206 of Title 10 of the Code of Federal Regulations (10 CFR) that sought an ordered shutdown of Perry Nuclear Power Plant, Unit 1, and the issuance of a Notice of Violation and imposition of a civil penalty, based upon the assertion that from November 1989 to April 6, 1990, Perry was operated in violation of the conditions of its operating license as defined by the plant technical specifications.

By letter of May 29, 1990, I acknowledged receipt of your petition and denied the request for an immediate shutdown. I also stated that we would take action on your request within a reasonable time. For the reasons stated in the Director's Decision (Enclosure 1) under 10 CFR 2.206, (DD-90-06), your request has been denied. A copy of the Decision will be filed with the Secretary of the Commission for the Commission's review in accordance with 10 CFR 2.206(c). As provided by this regulation, the Decision will constitute the final action of the Commission 25 days after the date of issuance of the Decision unless the Commission, on its own motion, institutes a review of the Decision within that time. Copies of this Decision also will be placed in the Commission's Public Document Room, 2120 L. Street, N. W., Washington, D. C. 20555, and in the local public document room located at the Perry Public Library, 3753 Main Street, Perry, Ohio 44081. For your information, I have also enclosed a copy of the notice filed with the Office of the Federal Register for publication regarding this Decision.

Sincerely,

Original signed by

Thomas E. Murley

Thomas E. Murley, Director
Office of Nuclear Reactor Regulation

9010020179 900925
PDR ADOCK 05000440
P PNU

Enclosures:

1. Director's Decision (DD-90-06)
2. Federal Register Notice

PD33:PM *AK*
TChan/bj
9/16/90

PD33:KA
PKreutzer
9/15/90

PD33:D
JHannon
9/15/90

TechEditor
JMain *JM*
9/15/90

ADR3
JZwolinski
9/16/90

N. legal objection, subject to modifications noted.
9/20
OGC *SH*
SH Lewis
9/19/90

DRB/DRSP:D
DCrutchfield
9/20/90

AD #3 *a/a*
JPartlow
9/24/90

D:NRR
Murley
9/25/90

DOCUMENT NAME: GREEN TICKET 5427 - 1990

ETT
9/25/90

JFol
1/1



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

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Sincerely,

A handwritten signature in cursive script that reads "Thomas E. Murley".

Thomas E. Murley, Director
Office of Nuclear Reactor Regulation

Enclosures:

1. Director's Decision (DD-90-06)
2. Federal Register Notice