

**PERRY NUCLEAR POWER PLANT**

10 CENTER ROAD  
PERRY, OHIO 44081  
(216) 259-3737

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PERRY, OHIO 44081

**Donald C. Shelton**  
SENIOR VICE PRESIDENT  
NUCLEAR

February 28, 1996  
PY-CEI/NRR-2029L

United States Nuclear Regulatory Commission  
Document Control Desk  
Washington, D.C. 20555

Re: Perry Nuclear Power Plant  
Docket No. 50-440  
OEPA Final Findings and Orders Update

Gentlemen:

Enclosed is a copy of the Ohio Environmental Protection Agency's updated approval for the use of zebra mussel control biocides at the Perry Nuclear Power Plant. This change to our current permit is provided in accordance with the PNPP Operating License, NPF-58, Appendix B, Environmental Protection Plan, Section 3.2.

If you have questions or require additional information, please contact Louise Barton at (216) 280-5512.

Very truly yours,

DCS:lkb

Enclosure

cc: NRR Project Manager  
Resident Inspector Office  
NRC Region III

9603050363 960228  
PDR ADOCK 05000440  
P PDR

Operating Companies  
Cleveland Electric Illuminating  
Toledo Edison

COPI 1



State of Ohio Environmental Protection Agency

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D.C. Shelton

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February 16, 1996

RE: Director's Final Findings and Orders  
CEI - Perry Nuclear Power Plant  
OEPA Permit No. 3IB00016

Donald C. Shelton, Senior V.P. Nuclear  
Centerior Energy  
Perry Nuclear Power Plant  
10 Center Road, P.O. Box 97  
Perry, Ohio 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 Board of Review 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. It must be filed with the Environmental Board of Review within thirty (30) days after notice of the Director's action. A copy of the appeal must be served on the Director of the Ohio Environmental Protection Agency and the Environmental Law Division of the Office of the Attorney General within three (3) days of filing with the Board. An appeal may be filed with the Environmental Board of Review at the following address:

Environmental Board of Review  
236 East Town Street, Room 300  
Columbus, Ohio 43215

Paul G. Novak, P.E., Manager  
Water Resources Management Section  
Division of Surface Water

PGN/rjm

Certified Mail

cc: George Elmaraghy, DSW  
Dennis Lee, NEDO/DSW  
Journal Room  
File

Date Issued: February 16, 1996  
Date Effective: February 16, 1996

**BEFORE THE  
OHIO ENVIRONMENTAL PROTECTION AGENCY**

In the matter of: \_\_\_\_\_ : Director's Final Findings  
CEI - Perry Nuclear \_\_\_\_\_ : and Orders  
Cooling Water Additive Request

Pursuant to the Ohio Revised Code Section 6111.33(H), the Director of the Ohio Environmental Protection Agency (Ohio EPA) hereby makes the following Findings and issues the following Orders:

**FINDINGS**

1. Centerior Energy, owns and operates the Perry Nuclear Power Plant, hereinafter referred to as "CEI-Perry Nuclear", located at 10 Center Road, Perry, Ohio.
2. CEI-Perry Nuclear currently holds an NPDES permit (No. 3IB00016, OH0063461) for the discharge of wastewater to Lake Erie.
3. Part II, Other Requirements, 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 July 31, 1991, CEI-Perry Nuclear applied to the Ohio EPA to receive written permission for the use of Calgon's H-130 Molluscicide cooling water treatment additive for the control of zebra mussels and Calgon's CL-37 to control foaming during treatment should any occur.
5. The use of the H-130 Molluscicide cooling water additive requires the addition of bentonite clay in the effluent to detoxify the active chemical before it is discharged into Lake Erie.
6. The proposed discharge concentrations of active H-130 and CL-37 contained in the final effluent entering Lake Erie are 0.04 mg/l and 1.9 mg/l, respectively.
7. The static acute bioassay information contained in CEI-Perry Nuclear's July 31, 1991, application adequately demonstrates that the proposed discharge concentrations for the H-130 Molluscicide and CL-37 cooling water additives should not be harmful or inimical to aquatic life.
8. On August 21, 1991, Director's Final Findings and Orders (DFFO) were issued to CEI-Perry Nuclear from Ohio EPA approving the use of Calgon's H-130 Molluscicide and CL-37 cooling water additives.
9. On January 26, 1996, CEI-Perry Nuclear submitted a request to Ohio EPA to have requirements deleted from the August 21, 1991, DFFO. CEI-Perry Nuclear's request is reasonable and acceptable to Ohio EPA.

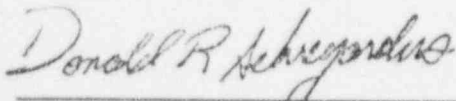
I certify this to be a true and accurate copy of the official document as filed in the records of the Ohio Environmental Protection Agency.

By: Mary Gavin Date 2-16-96

10. 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 Director's Final Findings and Orders issued and effective August 21, 1991, to CEI-Perry Nuclear are hereby revoked.
2. The proposed use of the Calgon's H-130 Molluscicide cooling water additives for the control of zebra mussels and Calgon's CL-37 anti-foaming agent at CEI-Perry Nuclear is approved and is subject to compliance with all applicable laws, rules, regulations, standards, and the conditions contained herein.
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.

  
Donald R. Schregardus  
Director

February 16, 1996  
Date

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

By: Mary Gavin Date 2-16-96

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DIRECTOR'S OFFICE