

June 25, 1992

Docket No. 50-440

Mr. Michael D. Lyster, Vice President  
Nuclear - Perry  
The Cleveland Electric Illuminating  
Company  
10 Center Road  
Perry, Ohio 44081

DISTRIBUTION

Docket File EJordan  
NRC & Local PDRs ACRS (10)  
PDIII-3 Reading Region III,DRP  
BBoger PDIII-3 Gray  
JZwolinski  
JHannon  
PKreutzer  
JHall  
OGC-WF

Dear Mr. Lyster:

SUBJECT: NOTICE OF CONSIDERATION OF ISSUANCE OF AMENDMENT TO FACILITY  
OPERATING LICENSE AND OPPORTUNITY FOR HEARING (TAC NO. M83833)

Enclosed is a "Notice of Consideration of Issuance of Amendment  
to Facility Operating License and Opportunity for Hearing" concerning  
your application for amendment dated June 24, 1992.

This Notice has been forwarded to the Office of the Federal Register for  
publication.

Sincerely,

**original** signed by

James R. Hall, Sr. Project Manager  
Project Directorate III-3  
Division of Reactor Projects III/IV/V  
Office of Nuclear Reactor Regulation

Enclosure:  
As stated

cc w/enclosure:  
See next page

LA/PDIII-3  
PKreutzer  
6/24/92

PM/PDIII-3  
JRHall/bj  
6/24/92

PD/PDIII-3  
JHannon  
6/25/92

100001

9207160091 920625  
PDR ADOCK 05000440  
P PDR

ARC FILE CENTER COPY

DF01

Mr. Michael D. Lyster  
Cleveland Electric Illuminating Company

Perry Nuclear Power Plant  
Unit Nos. 1 and 2

cc:

Jay E. Silberg, Esq.  
Shaw, Pittman, Potts & Trowbridge  
2300 N Street, N.W.  
Washington, D.C. 20037

Mr. James W. Harris, Director  
Division of Power Generation  
Ohio Department of Industrial Relations  
P. O. Box 825  
Columbus, Ohio 43216

Mary E. O'Reilly  
Centerior Energy Corporation  
300 Madison Avenue  
Toledo, Ohio 43652

The Honorable Lawrence Logan  
Mayor, Village of Perry  
4203 Harper Street  
Perry, Ohio 44081

Resident Inspector's Office  
U.S. Nuclear Regulatory Commission  
Parmlly at Center Road  
Perry, Ohio 44081

The Honorable Robert V. Orosz  
Mayor, Village of North Perry  
North Perry Village Hall  
4778 Lockwood Road  
North Perry Village, Ohio 44081

Regional Administrator, Region III  
U.S. Nuclear Regulatory Commission  
799 Roosevelt Road  
Glen Ellyn, Illinois 60137

Attorney General  
Department of Attorney General  
30 East Broad Street  
Columbus, Ohio 43216

Frank P. Weiss, Esq.  
Assistant Prosecuting Attorney  
105 Main Street  
Lake County Administration Center  
Painesville, Ohio 44077

Radiological Health Program  
Ohio Department of Health  
Post Office Box 118  
Columbus, Ohio 43266-0118

Ms. Sue Hiatt  
OCRE Interim Representative  
8275 Munson  
Mentor, Ohio 44060

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

Terry J. Lodge, Esq.  
618 N. Michigan Street, Suite 105  
Toledo, Ohio 43624

Mr. Phillip S. Haskell, Chairman  
Perry Township Board of Trustees  
4171 Main Street, Box 65  
Perry, Ohio 44081

John G. Cardinal, Esq.  
Prosecuting Attorney  
Ashtabula County Courthouse  
Jefferson, Ohio 44047

State of Ohio  
Public Utilities Commission  
East Broad Street  
Columbus, Ohio 43266-0573

Mr. Kevin P. Donovan  
Cleveland Electric  
Illuminating Company  
Perry Nuclear Power Plant  
P. O. Box 97, E-210  
Perry, Ohio 44081

Mr. Robert A. Stratman  
Cleveland Electric Illuminating Company  
Perry Nuclear Power Plant  
Post Office Box 97, SB306  
Perry, Ohio 44081

UNITED STATES NUCLEAR REGULATORY COMMISSIONTHE CLEVELAND ELECTRIC ILLUMINATING COMPANY, ET AL.DOCKET NO. 50-440NOTICE OF CONSIDERATION OF ISSUANCE OF AMENDMENT TO  
FACILITY OPERATING LICENSE AND OPPORTUNITY FOR HEARING

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. NPF-58, issued to the Cleveland Electric Illuminating Company, Centerior Service Company, the Duquesne Light Company, Ohio Edison Company, Pennsylvania Power Company and the Toledo Edison Company, (the licensees), for operation of the Perry Nuclear Power Plant, Unit No. 1, located in Lake County, Ohio.

The amendment would revise the Technical Specifications (TSs), to increase the limits on containment maximum average air temperature and normal maximum average suppression pool water temperature; and to reduce the minimum allowable suppression pool water level (with the addition of an appropriate correction factor). Additional proposed changes to the TSs include increasing the allowable upper containment pool water temperature and reducing the allowable minimum upper containment pool water level. Several editorial changes are also proposed.

Prior to issuance of the proposed license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

By August 3, 1992, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this

proceeding and who wishes to participate as a party in the proceeding must file a written request for hearing and a petition for leave to intervene. Requests for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. Interested persons should consult a current copy of 10 CFR 2.714 which is available at the Commission's Public Document Room, the Gelman Building, 2120 L Street, N.W., Washington, D.C. 20555 and at the Local Public Document Room located at the Perry Public Library, 3753 Main Street, Perry, Ohio 44081. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition; and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) the nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party

may amend the petition without requesting leave of the Board up to fifteen (15) days prior to the first pre-hearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions that are sought to be litigated in the matter. Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner shall provide a brief explanation of the bases of the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner intends to rely in proving the contention at the hearing.

The petitioner must also provide references to those specific sources and documents of which the petitioner is aware and on which the petitioner intends to rely to establish those facts or expert opinion. Petitioner must provide sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall be limited to matters within the scope of the amendment under consideration. The contention must be one which, if proven, would entitle the petitioner to relief. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the

opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch, or may be delivered to the Commission's Public Document Room, the Gelman Building, 2120 L Street, N.W., Washington, D.C., 20555 by the above date. Where petitions are filed during the last ten (10) days of the notice period, it is requested that the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at 1-800-325-6000 (in Missouri 1-800-342-6700). The Western Union operator should be given Datagram Identification Number N1023 and the following message addressed to John N. Hannon: petitioner's name and telephone number; date petition was mailed; plant name; and publication date and page number of this FEDERAL REGISTER notice. A copy of the petition should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to Jay Silberg, Esq., Shaw, Pittman, Potts & Trowbridge, 2300 N Street, N.W., Washington, D.C., attorney for the licensee.

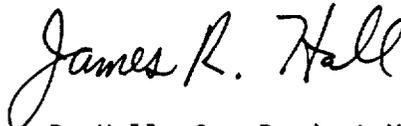
Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the presiding Atomic Safety and Licensing Board that the petition and/or request should be granted based upon a balancing of the factors specified in 10 CFR 2.714(a)(1)(i)-(v) and 2.714(d).

completion of any required hearing if it publishes a further notice for public comment of its intent to make a no significant hazards consideration finding in accordance with 10 CFR 50.91 and 50.92.

For further details with respect to this action, see the application for amendment dated June 24, 1992, which is available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, N.W., Washington, D. C. 20555, and at the local public document room, Perry Public Library, 3753 Main Street, Perry, Ohio 44081.

Dated at Rockville, Maryland, this 25th day of June 1992.

FOR THE NUCLEAR REGULATORY COMMISSION

A handwritten signature in cursive script that reads "James R. Hall".

James R. Hall, Sr. Project Manager  
Project Directorate III-3  
Division of Reactor Projects III/IV/V  
Office of Nuclear Reactor Regulation