

February 21, 1990

Docket No. 50-440

Mr. Alvin Kaplan, Vice President
Nuclear Group
The Cleveland Electric Illuminating
Company
10 Center Road
Perry, Ohio 44081

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Dear Mr. Kaplan:

SUBJECT: PERRY NUCLEAR POWER PLANT, UNIT NO. 1

Enclosed is a "Notice of Consideration of Issuance of Amendment to Facility Operating License and Opportunity for Hearing" concerning your application for amendment dated January 19, 1990. This Notice was forwarded to the Office of the Federal Register for publication.

Sincerely,

/s/

Timothy G. Colburn, Sr. Project Manager
Project Directorate III-3
Division of Reactor Projects - III,
IV, V and Special Projects
Office of Nuclear Reactor Regulation

Enclosure:
As stated

cc w/enclosure:
See next page

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DOCUMENT NAME: PERRY CAT 3 FRN *Tea*

Office: LA/PDIII-3
Surname: *PKreutzer*
Date: *2/21/90*

PM/PDIII-3
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2/21/90

JI
PD/PDIII-3
JHannon
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UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D. C. 20555

February 21, 1990

Docket No. 50-440

Mr. Alvin Kaplan, Vice President
Nuclear Group
The Cleveland Electric Illuminating
Company
10 Center Road
Perry, Ohio 44081

Dear Mr. Kaplan:

SUBJECT: PERRY NUCLEAR POWER PLANT, UNIT NO. 1

Enclosed is a "Notice of Consideration of Issuance of Amendment to Facility Operating License and Opportunity for Hearing" concerning your application for amendment dated January 19, 1990. This Notice was forwarded to the Office of the Federal Register for publication.

Sincerely,

A handwritten signature in cursive script, reading "Timothy G. Colburn", is positioned above the typed name.

Timothy G. Colburn, Sr. Project Manager
Project Directorate III-3
Division of Reactor Projects - III,
IV, V and Special Projects
Office of Nuclear Reactor Regulation

Enclosure:
As stated

cc w/enclosure:
See next page

Mr. Alvin Kaplan
The Cleveland Electric
Illuminating Company

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

David E. Burke
The Cleveland Electric
Illuminating Company
P.O. Box 5000
Cleveland, Ohio 44101

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

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

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Painesville, Ohio 44077

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OCRE Interim Representative
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Mentor, Ohio 44060

Terry J. Lodge, Esq.
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Suite 105
Toledo, Ohio 43624

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

Robert A. Newkirk
Cleveland Electric
Illuminating Company
Perry Nuclear Power Plant
P. O. Box 97 E-210
Perry, Ohio 44081

Perry Nuclear Power Plant
Unit 1

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

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

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

Radiological Health Program
Ohio Department of Health
1224 Kinnear Road
Columbus, Ohio 43212

Ohio Environmental Protection
Agency
1800 Watermark Drive
Columbus, Ohio 43266-0149

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

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

Michael D. Lyster
Cleveland Electric
Illuminating Company
Perry Nuclear Power Plant
P. O. Box 97 SB306
Perry, Ohio 44081

UNITED STATES NUCLEAR REGULATORY COMMISSION
THE CLEVELAND ELECTRIC ILLUMINATING COMPANY, ET AL.
DOCKET NO. 50-440
NOTICE 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, Duquesne Light Company, Ohio Edison Company, Pennsylvania Power Company and Toledo Edison Company (the licensees), for operation of the Perry Nuclear Power Plant, Unit No. 1 located in Lake County, Ohio.

The amendment would remove the Reactor Core Isolation Cooling (RCIC) equipment room high differential temperature (ΔT) trip function from Technical Specification Table 3.3.2-1, "Isolation Actuation Instrumentation," of the Perry Nuclear Power Plant, Unit No. 1. The licensees submitted the request for amendment by application dated January 19, 1990.

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 March 30, 1990, 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

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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 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, 2120 L Street, N.W., Washington, D.C., 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 3737 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, NW., Washington, DC 20037, 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

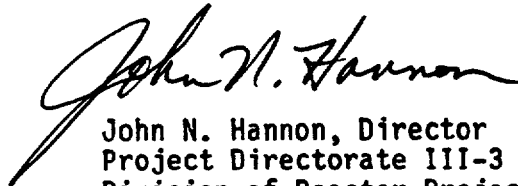
petition and/or request should be granted based upon a balancing of the factors specified in 10 CFR 2.714(a)(1)(i)-(v) and 2.714(d).

If a request for hearing is received, the Commission's staff may issue the amendment after it completes its technical review and prior to the 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 January 19, 1990, which is available for public inspection at the Commission's Public Document Room, 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 21st day of February 1990.

FOR THE NUCLEAR REGULATORY COMMISSION

A handwritten signature in cursive script, reading "John N. Hannon". The signature is written in dark ink and is positioned above the printed name and title.

John N. Hannon, Director
Project Directorate III-3
Division of Reactor Projects - III,
IV, V and Special Projects
Office of Nuclear Reactor Regulation