

March 13, 1989

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: TECHNICAL SPECIFICATION CHANGE REQUEST - ADDITION OF TWO CONTAINMENT  
ISOLATION VALVES ((TAC NO. 71913))

Enclosed is a "Notice of Consideration of Issuance of Amendment to  
Facility Operating License and Opportunity for Hearing." This amendment was  
requested by your letter dated January 18, 1989. 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: See next page

Office: LA/PDIII-3  
Surname: PKreutzer  
Date: 3/13/89

*Tbc*  
PM/PDIII-3  
TColburn/tg  
3/13/89

*Rec for*  
PD/PDIII-3  
JHannon  
3/13/89

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Mr. Alvin Kaplan  
The Cleveland Electric  
Illuminating Company

cc: Jay E. Silberg, Esq.  
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Perry Nuclear Power Plant  
Unit 1

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The Honorable Lawrence Logan  
Mayor, Village of Perry  
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The Honorable Robert V. Orosz  
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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 1, located in Lake County, Ohio.

The amendment would revise Tables 3.6.4-1 and 3.3.7.4-1 of the Technical Specifications to add two additional automatic containment isolation valves to the Containment Isolation Valve Table and one valve control switch to the Division 1 Remote Shutdown System Control Table. The valves are being added to separate the Suppression Pool Cleanup System from the Residual Heat Removal (RHR) System.

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 April 19, 1989, the licensees 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. 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, and the bases for each contention set forth with reasonable specificity. Contentions shall be limited to matters within the scope of the amendment under consideration. 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 and Trowbridge, 2300 N Street, N.W., Washington, D.C., 20037, attorney for the licensees.

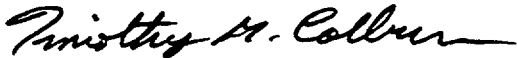
Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the presiding Atomic Safety and Licensing Board that the petition and/or request should 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 18, 1989, 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 13th day of March, 1989.

FOR THE NUCLEAR REGULATORY COMMISSION

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