

June 10, 1988

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 (TAC NO. 67169), TS CHANGE,
REACTOR COOLANT SYSTEM LEAKAGE DETECTION

Enclosed is a copy of the individual Notice of Consideration of Issuance of Amendment to Facility Operating License and Proposed No Significant Hazards Consideration Determination which has been forwarded to the Office of the Federal Register for publication. This notice relates to your request for amendment dated February 12, 1988 (PY-CE1/NRR-0806) as modified May 20, 1988 (PY-CE1/NRR-0854-L) to modify Technical Specification 3.4.3.1.

Your latest submittal responds to the staff's April 21, 1988 request for additional information concerning your original submittal. Your latest submittal modifies your earlier submittal to ensure that three of the four reactor coolant system leakage detection systems are operable for continuous plant operation and requires plant shutdown within 12 hours if less than two systems are operable or if both systems capable of detecting a one-gallon-per-minute leak rate within 1 hour are inoperable.

Sincerely,

TS/

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

Enclosure:
As stated

cc: See next page

8807110412 880610
PDR ADDCK 05000440
Q PDR

Office: LA/PDIII-3
Surname: PKreutzer
Date: 6/10/88

see
PM/PDIII-3
TColburn/tg
6/10/88

Q
PD/PDIII-3
KPerkins
6/10/88

Mr. Alvin Kaplan
The Cleveland Electric
Illuminating Company

cc:
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

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

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

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

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

Eileen M. Buzzelli
The Cleveland Electric
Illuminating Company
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
361 East Broad Street
Columbus, Ohio 43266-0558

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

Mr. Murray R. Edelman
Centerior Energy
6200 Oaktree Blvd.
Independence, Ohio 44131

UNITED STATES NUCLEAR REGULATORY COMMISSION
CLEVELAND ELECTRIC ILLUMINATING COMPANY, ET AL.

DOCKET NO. 50-440

NOTICE OF CONSIDERATION OF ISSUANCE OF AMENDMENT TO
FACILITY OPERATING LICENSE AND PROPOSED NO SIGNIFICANT HAZARDS
CONSIDERATION DETERMINATION 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 (CEI), the Duquesne Light Company, the Ohio Edison Company, the 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 licensees' application for amendment was dated February 12, 1988 (PY-CEI/NRR-0806) as modified May 20, 1988 (PY-CEI/NRR-0854-L) to modify Technical Specification 3.4.3.1.

The amendment would modify Technical Specification (TS) 3.4.3.1 to provide flexibility to allow that the upper drywell air coolers condensate flow rate monitoring system be operable so long as the drywell floor drain monitoring system and at least one other leakage detection system remain operable.

Current TS's require three combinations of reactor coolant system (RCS) leakage detection systems to be operable. These are:

1. Drywell atmosphere particulate or gaseous radioactivity monitoring system;
2. Drywell floor drain sump and equipment drain sump flow monitoring system; and
3. Upper drywell air coolers condensate flow rate monitoring system.

With only two of the above systems operable, operation may continue for 30 days, provided certain conditions are met, otherwise the plant will be in hot shutdown within 12 hours and cold shutdown within the next 24 hours.

Before 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.

The Commission has made a proposed determination that the request for amendment involves no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated, or (2) create the possibility of a new or different kind of accident from any accident previously evaluated, or (3) involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensees' proposed change and has proposed to determine that the proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

The proposed change would permit continued plant operation with the upper drywell air cooler condensate flow rate monitoring system inoperable, as long as the drywell floor drain flow monitoring system and at least one other leakage detection system were operable. The drywell floor drain flow monitoring system is class 1E powered, designed to withstand OBE loads, and has a sensitivity of detection of one (1) gpm within 1 hour.

The licensees have stated that the total flow coming from the upper drywell coolers drain system is collected in the drywell floor drain sump and will be monitored by the drywell floor drain sump flow monitoring system whether the upper drywell cooler condensate flow monitoring system is operable or not. Therefore, any flow from the upper drywell coolers, which would be indicative of a possible steam leak, would still be monitored and quantified. Additionally, at least one other leakage detection system would be available to confirm any indicated leakage. Thus, there is no increase in the probability of an accident previously evaluated. Since these systems are used to detect minor drywell leakages but not used to mitigate the results of any accidents, this proposed change will not increase the consequences of any previously evaluated accident.

The proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

The proposed change involves the reactor coolant system leakage detection systems, a group of systems used to monitor for reactor coolant leaks within the drywell. Since these systems are used for monitoring only, the change cannot create a new or different kind of accident from any previously evaluated.

The proposed change does not involve a significant reduction in a margin of safety.

The proposed change does not change allowable leakage rates or how those leakage rates will be classified. It attempts to add flexibility to the requirement to have three leakage detection systems available for

continuous operation. It is also more conservative than the previously proposed amendment for which the staff had made a no significant hazards consideration determination. As such, the proposed change does not involve a reduction in the margin of safety.

Therefore, based on these considerations and the three criteria given above, the Commission proposes to determine that the amendment request involves no significant hazards consideration.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination. The Commission will not normally make a final determination unless it receives a request for a hearing.

Comments should be addressed to the Rules and Procedures Branch, Division of Rules and Records, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and should cite the publication date and page number of this FEDERAL REGISTER notice. Written comments may also be delivered to Room 4000, Maryland National Bank Building, 7735 Old Georgetown Road, Bethesda, Maryland, from 8:15 a.m. to 5:00 p.m. Copies of written comments received may be examined at the NRC Public Document Room, 1717 H Street, NW, Washington, D.C. The filing of requests for hearing and petitions for leave to intervene is discussed below.

By July 18 , 1988, 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 petition for

leave to intervene. Request for a hearing and petitions for leave to intervene must 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 must 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 the 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 prehearing 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 which 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.

If a hearing is requested, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to decide when the hearing is held.

If the final determination is that the request for amendment involves no significant hazards consideration, the Commission may issue the amendment and make it effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment.

If the final determination is that the amendment involves a significant hazards consideration, any hearing held would take place before the issuance of any amendment.

Normally, the Commission will not issue the amendment until the expiration of the 30-day notice period. However, should circumstances change during the notice period such that failure to act in a timely way would result, for example, in derating or shutdown of the facility, the Commission may issue the license amendment before the expiration of the 30-day notice period, provided that its

final determination is that the amendment involves no significant hazards consideration. The final determination will consider all public and state comments received. Should the Commission take this action, it will publish a notice of issuance and provide for opportunity for a hearing after issuance. The Commission expects that the need to take this action will occur very infrequently.

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, 1717 H 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 (800) 325-6000 (in Missouri (800) 342-6700). The Western Union operator should be given Datagram Identification Number 3737 and the following message addressed to Kenneth E. Perkins: 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. 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).

For further details with respect to this action, see the application for amendment dated February 12 as amended May 20, 1988, which is available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., and at the Perry Public Library, 3753 Main Street, Perry, Ohio, 44081.

Dated at Rockville, Maryland, this 10th day of June , 1988.

FOR THE NUCLEAR REGULATORY COMMISSION



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