

September 7, 1988

Docket No. 50-440

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

Dear Mr. Kaplan:

SUBJECT: CONTAINMENT PENETRATION CONDUCTOR OVERCURRENT PROTECTION DEVICES -  
REQUEST FOR LICENSE AMENDMENT (TAC NO. 68450)

Enclosed is a "Notice of Consideration of Issuance of Amendment to  
 Facility Operating License and proposed No Significant Hazards Consideration  
 Determination and Opportunity for Hearing." This amendment was requested by  
 your letter dated June 9, 1988. This Notice was forwarded to the Office of  
 the Federal Register for publication.

Sincerely,

*/s/*

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

Office: LA/PDIII-3  
 Surname: PKreutzer  
 Date: 9/7/88

*Tec*  
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 9/7/88

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 9/7/88

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Mr. Alvin Kaplan  
The Cleveland Electric  
Illuminating Company

Perry Nuclear Power Plant  
Unit 1

cc:

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The Honorable Lawrence Logan  
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The Honorable Robert V. Orosz  
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Perry Township Board of Trustees  
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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 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, et al. (the licensees) for operation of the Perry Nuclear Power Plant, Unit No. 1 located in Lake County, Ohio.

The amendment would revise Technical Specification Table 3.8.4.1-1 to delete circuit breakers that are not Containment Penetration Conductor Overcurrent Protection Devices (spare breakers) and to correct typographical errors in the table.

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 amendment request 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.

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The licensees have provided the following analyses concerning no significant hazards considerations:

- (1) The proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

As stated above, all of the proposed changes are to either delete spare circuit breakers from the table or to correct typographical errors on the table. As such there is no increase in the probability or consequences of an accident previously evaluated. Deleting spare circuit breakers can not increase the probability or consequences of any accident, since these breakers are not energized or connected to loads inside or outside of the containment. Correcting the typographical errors assures that the right circuits and circuit breakers are tested, and thus provides assurance of proper functioning of containment penetration overcurrent protection devices.

- (2) The proposed change does not create the possibility of a new or different kind of accident.

Removing spare circuit breakers from the table can not create a new or different kind of accident, since these breakers do not supply electrical power to any component. Correcting the typographical errors to make the circuits and circuit breakers correct can not create a new or different kind of accident. The circuits/components being energized have not changed. There is no new component or circuit being added to the table. Therefore no new or different kind of accident has been created by this proposed change.

- (3) The proposed change does not involve a significant reduction in the margin of safety.

The removal of the spare circuit breakers from the table does not change the margin of safety, since these breakers do not supply power to any components. Correcting the typographical errors on the table will not change the margin of safety since the purpose of the table is to list all the containment penetration conductor overcurrent protective devices. Correcting the typographical errors does this. Thus the change involves no significant reduction in the margin of safety.

The staff concurs with the licensees' analyses that the proposed amendment would involve no significant hazards consideration.

Therefore, based on the above information, 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.

Written comments may be submitted by mail 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 P-216, Phillips Building, 7920 Norfolk Avenue, Bethesda, Maryland, from 8:15 AM to 5:00 PM. Copies of written comments received may be examined at the NRC Public Document Room, 2120 L Street, N.W., Washington, D.C. 20555. The filing of requests for hearing and petitions for leave to intervene is discussed below.

By October 17, 1988, 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. 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.

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 amendment request 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 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, 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 (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-Rockville, 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 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).

For further details with respect to this action, see the application for amendment which is available for public inspection at the Commission's Public Document Room, 2120 L Street, N.W., Washington, D.C., and at the Perry Public Library, 3753 Main Street, Perry, Ohio.

Dated at Rockville, Maryland, this 7th day of September, 1988.

FOR THE NUCLEAR REGULATORY COMMISSION

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