

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, PROPOSED NO SIGNIFICANT HAZARDS  
CONSIDERATION DETERMINATION, AND OPPORTUNITY FOR A 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 licensee), for operation of the Perry Nuclear Power Plant, Unit 1, located in Lake County, Ohio.

The proposed amendment would revise the Technical Specifications (TS) to allow one main steam line's leakage rate to be as high as 35 standard cubic feet per hour (scfh) as long as the total leakage rate through all four main steam lines does not exceed 100 scfh until the end of Operating Cycle 6.

The need for a change to the main steam line leakage rate limits became apparent on February 11, 1996, during surveillance testing of the main steam lines. The "C" main steam line was found to exceed the TS limit of 25 scfh by 3.1 scfh. However, the total of all four main steam lines was less than 100 scfh. Repair of the responsible valve to reduce the leakage below 25 scfh would provide no significant benefit to safety, while involving an estimated 2 person-REM of radiation exposure and an estimated 2200 person-hours of work. Plant startup from the current refueling outage is scheduled for March 27, 1996. Therefore, the license amendment is needed prior to that date to avoid

delaying plant startup. The request was submitted in a timely fashion since discovery that the "C" main steam line exceeded the leakage rate limits, and the circumstances could not have been avoided.

Pursuant to 10 CFR 50.91(a)(6) for amendments to be granted under exigent circumstances, the NRC staff must determine 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. As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. The proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated. The proposed TS change requests a relaxation of the leakage rate requirements for one main steam line while preserving the overall leakage rate limit for the main steam line penetrations. The proposed leakage rate limit is well below any steam line leakage rate that is used as an accident assumption, and the proposed change would not increase the probability that a steam line rupture would occur. Therefore, the probability of an accident previously evaluated has not changed. In addition, the proposed overall leakage rate limit is the leakage rate limit used in the accident analysis, and that limit is not being changed by this proposal. Therefore, the proposed change does not increase the consequences of an accident previously evaluated.
2. The proposed change would not create the possibility of a new or different kind of accident from any previously evaluated. The proposed change increases the allowable leakage rate for one main steam line, without changing the combined leakage rate for the four main steam lines. This request does not change the method for

operation of the plant. Thus the requested change cannot create the possibility of a new or different kind of accident from any previously evaluated.

3. The proposed change will not involve a significant reduction in the margin of safety. The proposed change does not revise the overall leakage rate permitted in the present Specifications for leakage through the main steam lines. An increase in the leakage rate of any one main steam line is not considered in any accident analysis. It is the combined main steam line penetration leakage rate that is assumed in the accident analysis. Thus, since this assumed leakage rate is not being revised, the proposed change does not involve a significant reduction in the margin of safety.

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 NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff 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 15 days after the date of publication of this notice will be considered in making any final determination.

Normally, the Commission will not issue the amendment until the expiration of the 15-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 15-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 in the FEDERAL REGISTER a notice of issuance. The Commission expects that the need to take this action will occur very infrequently.

Written comments may be submitted by mail to the Rules Review and Directives Branch, Division of Freedom of Information and Publications Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and should cite the publication date and page number of this FEDERAL REGISTER notice. Written comments may also be delivered to Room 6D22, Two White Flint North, 11545 Rockville Pike, Rockville, Maryland, from 7:30 a.m. to 4:15 p.m. Federal workdays. Copies of written comments received may be examined at the NRC Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC.

The filing of requests for hearing and petitions for leave to intervene is discussed below.

By April 1, 1996, 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 a hearing and a petition for leave to intervene. Requests for a hearing and a petition 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, NW., Washington,

DC, and at the local public document room located at the Perry Public Library, 3753 Main Street, Perry, Ohio. 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 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 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. 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.

If the amendment is issued before the expiration of the 30-day hearing period, the Commission will make a final determination on the issue of no

significant hazards consideration. If a hearing is requested, 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 immediately 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 request involves a significant hazards consideration, any hearing held would take place before the issuance of any amendment.

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, DC 20555, Attention: Docketing and Services Branch, or may be delivered to the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, by the above date. Where petitions are filed during the last 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) 248-5100 (in Missouri 1-(800) 342-6700). The Western Union operator should be given Datagram Identification Number N1023 and the following message addressed to Gail H. Marcus: 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, DC 20555, and to Jay E. Silberg, Shaw, Pittman, Potts &

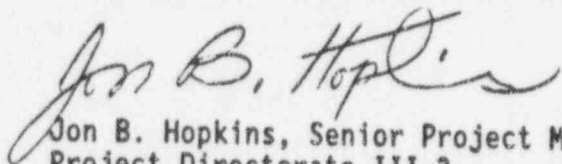
Trowbridge, 2300 N Street, NW, Washington, DC 20037, attorney for the licensee.

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).

For further details with respect to this action, see the application for amendment dated February 17, 1996, which is available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, and at the local public document room, located at the Perry Public Library, 3753 Main Street, Perry, Ohio.

Dated at Rockville, Maryland, this 23rd day of February 1996.

FOR THE NUCLEAR REGULATORY COMMISSION



Jon B. Hopkins, Senior Project Manager  
Project Directorate III-3  
Division of Reactor Projects - III/IV  
Office of Nuclear Reactor Regulation



Mr. Donald C. Shelton  
Centerior Service 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 Dept. of Industrial Relations  
P.O. Box 825  
Columbus, Ohio 43216

Ms. 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  
801 Warrenville Road  
Lisle, Illinois 60532-4531

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

Lake County Prosecutor  
Lake County Administration Bldg.  
105 Main Street  
Painesville, Ohio 44077

Radiological Health Program  
Ohio Department of Health  
P.O. 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: Mr. 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. Thomas Haas, Chairman  
Perry Township Board of Trustees  
3750 Center Rd., Box 65  
Perry, Ohio 44081

Ashtabula County Prosecutor  
25 West Jefferson Street  
Jefferson, Ohio 44047

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

Mr. James D. Klocsterman  
Regulatory Affairs Manager  
Cleveland Electric Illuminating  
Company  
Perry Nuclear Power Plant  
P. O. Box 97, E-210  
Perry, Ohio 44081

Mr. Richard D. Brandt, Plant Manager  
Cleveland Electric Illuminating  
Company  
Perry Nuclear Power Plant  
P.O. Box 97, SB306  
Perry, Ohio 44081

Mr. James R. Williams, Chief of  
Staff  
Ohio Emergency Management Agency  
2825 West Granville Road  
Worthington, Ohio 43085