

50-440



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

January 27, 1997

Mr. Lew W. Myers
Vice President Nuclear - Perry
Centerior Service Company
P. O. Box 97, A200
Perry, OH 44081

SUBJECT: PROPOSED EMERGENCY ACTION LEVEL CHANGES, PERRY NUCLEAR POWER PLANT,
UNIT NO. 1 (TAC NO. M94800)

Dear Mr. Myers:

By letter dated February 16, 1996, as supplemented by letters dated September 27, 1996 and December 23, 1996, Cleveland Electric Illuminating Company (the licensee) submitted proposed changes to the Perry Nuclear Power Plant emergency action levels (EALs). The proposed EALs incorporate the guidance in NUMARC/NESP-007, Revision 2, "Methodology for Development of Emergency Action Levels." NUMARC/NESP-007 was endorsed by the staff in Regulatory Guide 1.101, Revision 3, "Emergency Planning and Preparedness for Nuclear Power Reactors," as an acceptable method for meeting the requirements of 10 CFR 50.47(b)(4) and Appendix E to 10 CFR Part 50.

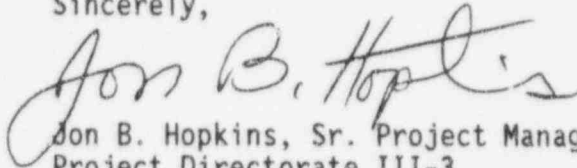
The NRC staff has completed its review of the proposed changes and supporting documentation. As a result of that review, we conclude that with one exception all the EALs as written, meet the requirements of 10 CFR 50.47(b)(4) and Appendix E to 10 CFR Part 50. The exception is the EAL for the loss of the containment barrier as indicated by failure of a containment penetration to isolate with existence of a pathway to the environment. This EAL includes a footnote (number 2) which indicates that the containment is not considered lost if the pathway is to the environment and is through the normal process stream or with normal filtration intact. The staff considers this footnote to be an inappropriate deviation from the NUMARC/NESP-007 guidance. Removal of this footnote will make the EAL acceptable. Alternatively, the licensee may provide additional justification for this deviation or submit a revised EAL for NRC approval. Our conclusions are summarized in the attached safety evaluation.

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In accordance with Appendix E to 10 CFR Part 50, these EALs must be discussed and agreed on by the licensee and the State and local government authorities prior to implementation.

Sincerely,

A handwritten signature in cursive script, reading "Jon B. Hopkins". The signature is written in dark ink and is positioned above the typed name and title.

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

Docket No. 50-440

Enclosure: Safety Evaluation

cc w/encl: See next page

In accordance with Appendix E to 10 CFR Part 50, these EALs must be discussed and agreed on by the licensee and the State and local government authorities prior to implementation.

Sincerely,

Original signed by:

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

Docket No. 50-440

Enclosure: Safety Evaluation

cc w/encl: See next page

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In accordance with Appendix E to 10 CFR Part 50, these EALs must be discussed and agreed on by the licensee and the State and local government authorities prior to implementation.

Sincerely,

Original signed by:

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

Docket No. 50-440

Enclosure: Safety Evaluation

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L. Myers
Centerior Service Company

cc:

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

Ms. Mary E. O'Reilly
Centerior Energy Corporation
300 Madison Avenue
Toledo, Ohio 43652

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

Regional Administrator, Region III
U. S. Nuclear Regulatory Commission
801 Warrenville Road
Lisle, Illinois 60532-4531

Lake County Prosecutor
Lake County Administration Bldg.
105 Main Street
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

Ashtabula County Prosecutor
25 West Jefferson Street
Jefferson, Ohio 44047

Mr. James D. Kloosterman
Regulatory Affairs Manager
Cleveland Electric Illuminating Co.
Perry Nuclear Power Plant
P. O. Box 97, A210
Perry, Ohio 44081

Mr. James R. Williams
Chief of Staff
Ohio Emergency Management Agency
2855 West Dublin Granville Road
Columbus, Ohio 43235-2206

Perry Nuclear Power Plant
Unit Nos. 1 and 2

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

Mayor, Village of Perry
4203 Harper Street
Perry, Ohio 44081

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
P.O. Box 118
Columbus, Ohio 43266-0118

Ohio Environmental Protection
Agency
DERR--Compliance Unit
ATTN: Mr. Zack A. Clayton
P.O. Box 1049
Columbus, Ohio 43266-0149

Chairman
Perry Township Board of Trustees
3750 Center Rd., Box 65
Perry, Ohio 44081

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

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