

**SUMMARY:** This document corrects a notice appearing in the Federal Register on February 29, 1996 (61 FR 7823), that states that the Commission is considering issuance of an amendment to Facility Operating License No. NPF-58, issued to the Cleveland Electric Illuminating Company, et al. This action is necessary to change the 30-day filing date to a 15-day filing date.

**FOR FURTHER INFORMATION CONTACT:** Michael T. Lesar, Chief, Rules Review Section, Rules Review and Directives Branch, Division of Freedom of Information and Publications Services, Office of Administration, telephone (301) 415-7163.

**SUPPLEMENTARY INFORMATION:** On page 7823, in the third complete paragraph in the third column, the date "April 1, 1996," should read "March 15, 1996."

Dated at Rockville, Maryland, this 28th day of February 1996.

For the Nuclear Regulatory Commission.  
Michael T. Lesar,  
*Chief Rules Review Section, Rules Review and Directives Branch, Division of Freedom of Information and Publications Services, Office of Administration.*

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[Docket No. 50-440]

**The Cleveland Electric Illuminating Company, et al.; 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 licensing basis as described in the Updated Safety Analysis Report to allow the drywell personnel airlock shield doors to be opened during plant startup and shutdown (Operational Conditions 1, 2, and 3) until the end of Operating Cycle 6.

The licensee has requested that the review be handled as an exigent amendment to support restart following the end of the current fifth refueling outage. On February 9, 1996, the licensee determined that opening the shield doors at power was a condition outside the original design basis of the facility.

The licensee met with the staff on February 15, 1996, completed engineering analyses, and prepared the request for license amendment in a timely fashion and submitted the request on February 27, 1996. Review of this amendment request will ensure that processing of the amendment will not be the sole item restraining plan restart from the current refueling outage, which is currently scheduled for March 25, 1996. Such a restraint would result in a costly extension to the outage with no corresponding benefit to 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.

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.

An assessment was made of functionality given occurrence of the loads imposed on the shield doors. This assessment involves the 620'-6" steel platform, the monorail suspension structure and the shield doors themselves. Although certain structural members of the 620'-6" platform exceed the design basis acceptance criteria, these members were found to be acceptable when reviewed for functionality using alternate acceptance criteria. This demonstrates that the various supported systems and components that are important to safety will remain OPERABLE (for Technical Specification systems) or functional (for non-Technical Specification systems, structures and components). Even if the 3/4 inch tie rod (which provides lateral stability) and the left support bracket (a vertical load bearing member) were assumed to be failed, the shield doors would remain in an upright position and not fall. The monorail suspension structure and shield doors do not provide support to other systems. There are no interferences, and opening the shield doors has no effect on other systems.

Therefore, there will be no increase in the probability of an accident due to the monorail suspension structure or shield doors, with the doors placed in the open position during Operational Conditions 1, 2, and 3.

The primary purpose of the shield doors is to mitigate radiation streaming from the Drywell through the Personnel Airlock into the adjacent areas of the Containment, to maintain doses to personnel working inside containment ALARA (as low as reasonably achievable). Opening the doors during power operation will have no effect on the postulated accident source term, and the shield doors do not provide a barrier against fission products. Therefore, allowing the shield doors to be opened during plant startup and shutdown while in Operational Conditions 1, 2, or 3 will also not increase the consequences of an accident previously evaluated in the USAR.

Based on the above, the proposed changes do not significantly increase the probability or the consequences of any accident previously evaluated.

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

The proposed changes do not involve physical modifications to the plant. There are no interferences with piping or other system components when the doors are placed in the open position during Operational Conditions 1, 2, or 3. Given the initiating events postulated for the various load combinations, non result in a new type of accident. The increase in radiation levels in the immediate vicinity of the open shield doors with the plant at power was verified to have no effect on the qualification and operation of systems, structures, or components important to safety. Since the platform and the monorail suspension structure will continue to provide support for the shield doors, i.e., the doors will not fall from the support structure, no new initiators of accidents are introduced.

The 620'-6" platform will continue to function with the shield doors open. The equipment supported by the platform will continue to perform their safety related design functions. Although components of the platform and the monorail suspension structure exceed design basis acceptance criteria, analyses have shown that, based on a functional assessment, the monorail suspension structure will continue to function and the doors will remain upright. With no additional loads imposed on other equipment and the continued functioning of the monorail suspension structure, there will be no "different" accidents, since there will be no change, degradation, or prevention of actions described or assumed in any analyzed accident. The radiological consequences and the fission product barriers are not affected.

Therefore, the proposed changes do not create the possibility of a new or different kind of accident from any previously evaluated.

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

The NRC has accepted the Perry structural steel design (Safety Evaluation Report,

NUREG-0887) based on the Structural Acceptance Criteria in Standard Review Plan Section 3.8.3. Analyses were subsequently performed considering the shield doors to be in the open position during plant operation. Several members and connections of the 620'-6" platform and monorail suspension structure exceed the allowable stresses based on those acceptance criteria, and therefore a determination was made under the provisions of 10 CFR 50.59 that there was a slight reduction in the margin of safety. However, as described below, the proposed change has been reviewed and determined not to involve a significant reduction in a margin of safety, as discussed in 10 CFR 50.92.

Those members which had exceeded the design basis allowables were found to meet the Functional Evaluation acceptance criteria. This demonstrated functionality of the platform and the monorail structure; i.e., the platform would continue to support systems, structures, and components (SSCs) important to safety, the SSCs would remain functional, and the shield doors would not fall down. Analytical conservatism within the Functional Evaluations remain to provide adequate assurance of continued function of the affected SSCs.

Placing the shield doors in the open position during Operational Conditions 1, 2, or 3 is not inconsistent with the guidelines of the Technical Specifications for High Radiation Areas and the Radiation Protection Program. The open shield doors will not affect radiological limiting conditions or action limits for plant effluents as described in the Technical Specifications or Operating License. It does not affect the radiological bases as described in the Technical Specifications or Operating License. It does not affect the margin of radiological safety. The offsite radiation doses to members of the public are not increased.

Therefore, the proposed changes do not involve a significant reduction in a margin of safety.

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 March 18, 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 petitioners 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) 284-5100 (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 27, 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 29th day of February 1996.

For the Nuclear Regulatory Commission.

Linda L. Gundrum,

*Project Manager, Project Directorate III-3, Division of Reactor Projects—III/IV, Office of Nuclear Reactor Regulation.*

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**[Docket No. 50-271]**

**Vermont Yankee Nuclear Power Corporation, Vermont Yankee Nuclear Power Station; Environmental Assessment and Finding of No Significant Impact**

The U.S. Nuclear Regulatory Commission (the Commission) is considering approving disposal in place of slightly contaminated soil located beneath existing plant structures at the Vermont Yankee Nuclear Power Station (VYNPS), pursuant to 10 CFR 20.2002, as requested by the Vermont Yankee Nuclear Power Corporation (the licensee). VYNPS is located in Windham County, Vermont.

**Environmental Assessment**

*Identification of the Proposed Action*

The proposed action would approve disposal in place of slightly contaminated soil placed at its present location beneath existing plant structures during original plant construction.

The proposed action is in accordance with the licensee's application dated November 18, 1991, as supplemented by letter dated July 10, 1992.

*The Need for the Proposed Action*

During plant operation, a leak from a chemistry sample sink drain released small amounts of radioactive contamination to soil located beneath existing plant structures. The licensee proposes to dispose of the contaminated soil in its present location.

*Environmental Impacts of the Proposed Action*

The Commission has completed its evaluation of the proposed action and concludes that the proposed disposition of the soil in its current location will minimize the risk of unexpected exposure.

The change will not increase the probability or consequences of

accidents, no changes are being made in the types of any effluents that may be released offsite, and there is no significant increase in the allowable individual or cumulative occupational radiation exposure. Accordingly, the Commission concludes that there are no significant radiological environmental impacts associated with the proposed action.

With regard to potential nonradiological impacts, the proposed action does involve features located entirely within the restricted area as defined in 10 CFR Part 20. It does not affect nonradiological plant effluents and has no other environmental impact. Accordingly, the Commission concludes that there are no significant nonradiological environmental impacts associated with the proposed action.

*Alternatives to the Proposed Action*

Since the Commission has concluded there is no measurable environmental impact associated with the proposed action, any alternatives with equal or greater environmental impact need not be evaluated. As an alternative to the proposed action, the staff considered denial of the proposed action. Denial of the application would result in no change in current environmental impacts. The environmental impacts of the proposed action and the alternative action are similar.

*Alternative Use of Resources*

This action does not involve the use of any resources not previously considered in the Final Environmental Statement for the Vermont Yankee Nuclear Power Station.

*Agencies and Persons Consulted*

In accordance with its stated policy, on December 21, 1995, the staff consulted with the Vermont State official, Mr. William K. Sherman of the Vermont Department of Public Service, regarding the environmental impact of the proposed action. The State official questioned the impact of the proposed action on decommissioning of VYNPS. At the time of decommissioning, the licensee will be required to demonstrate that the activity levels on the site are sufficiently low to permit releasing the site for general use.

**Finding of No Significant Impact**

Based upon the environmental assessment, the Commission concludes that the proposed action will not have a significant effect on the quality of the human environment. Accordingly, the Commission has determined not to prepare an environmental impact statement for the proposed action.