

January 22, 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: EXEMPTION FROM 10 CFR PART 50, APPENDIX J (TAC NO. 66285)

Re: Perry Nuclear Power Plant, Unit No. 1

On September 11, 1987, you requested an exemption from 10 CFR Part 50, Appendix J, Section III.D.3 for certain containment isolation valves at the Perry Nuclear Power Plant, Unit No. 1. Specifically, you requested a schedular exemption from the requirement to perform Type C tests at each reactor shutdown for refueling but in no case at intervals greater than two years in order to allow for these tests to be conducted during the first refueling outage for Unit 1. You also submitted a related Technical Specification change request to the Perry Unit 1 license by application dated September 11, as amended September 18, 1987. In response to staff requests you provided additional information supporting your exemption and license amendment requests by letter dated January 8, 1988.

We have completed our review of your exemption request. Our review of your amendment request is being forwarded by separate letter. We have determined that the requested exemption may be granted. We note that you have committed to performing Type C local leak rate tests (LLRTs) for the valves under consideration (with the exception of three valves requiring drywell head removal) during any outage of sufficient duration occurring prior to the first refueling outage for Unit 1 (currently scheduled for January 1989).

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P PDR

Mr. Alvin Kaplan

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January 22, 1988

The Commission has issued the enclosed one-time schedular Exemption from 10 CFR Part 50, Appendix J, Section III.D.3, for certain containment isolation valves at the Perry Nuclear Power Plant, Unit No. 1, to the extent that it requires Type C LLRTs to be performed at intervals not to exceed two years. On January 19, 1988, we sent you our Environmental Assessment and Finding of No Significant Impact which was published in the Federal Register on January 22, 1988 (53 FR 1871).

Sincerely,

Original signed by

Timothy G. Colburn, Project Manager
Project Directorate III-1
Division of Reactor Projects - III, IV, V
& Special Projects

Enclosure:
Exemption

cc: See next page

See Previous Concurrence*

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Mr. Alvin Kaplan
The Cleveland Electric
Illuminating Company

Perry Nuclear Power Plant
Unit 1

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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the matter of)
)
THE CLEVELAND ELECTRIC)
ILLUMINATING COMPANY, ET AL)
)
(Perry Nuclear Power Plant,)
Unit No. 1))

Docket No. 50-440

EXEMPTION

I.

The Cleveland Electric Illuminating Company (CEI), Duquesne Light Company, Ohio Edison Company, Pennsylvania Power Company, and Toledo Edison Company (the licensees) are the holders of Facility Operating License No. NPF-58 which authorizes operation of Perry Nuclear Power Plant, Unit No. 1 (the facility) at steady-state reactor power levels not in excess of 3579 megawatts thermal. The license provides, among other things, that it is subject to all rules, regulations, and Orders of the Nuclear Regulatory Commission (the Commission) now or hereafter in effect.

The facility is a boiling water reactor (BWR) located at the licensees' site in Lake County, Ohio.

II.

10 CFR Part 50, Appendix J, Section III.D.3, states:

Type C tests. Type C tests shall be performed during each reactor shutdown for refueling but in no case at intervals greater than 2 years.

These tests would become due at the Perry Nuclear Power Plant, Unit No. 1, for certain containment isolation valves which are the subject of this Exemption, between February 18, 1988, and June 15, 1988. The tests necessary to meet this section of Appendix J to 10 CFR Part 50 are required by Technical Specification 4.6.1.2 of the Perry Nuclear Power Plant, Unit No. 1, Technical Specifications.

III.

On September 11, 1987, the licensees submitted a request for exemption from Section III.D.3 of Appendix J to 10 CFR Part 50 for the Perry Nuclear Power Plant, Unit No. 1, for 14 containment isolation valves. The licensees proposed to perform Type C local leak rate tests (LLRTs) of these valves prior to startup from the first refueling outage for Unit No. 1 (currently scheduled for January 1989) in lieu of the 2-year interval required by Section III.D.3. The licensees also submitted by separate correspondence dated September 11, 1987, as amended September 18, 1987, a related Technical Specification change request to the Perry Unit No. 1 license which would revise Technical Specification 4.6.1.2 to be consistent with the requested exemption. The licensees also responded to the Commission's staff requests for additional information related to the exemption and amendment request by letter dated January 8, 1988.

The Commission's staff has determined that the licensees' request for extension of the requested containment isolation valve Type C LLRTs until the first refueling outage will not present a significant safety concern and is therefore acceptable based on the following considerations:

1. The integrated temperature/pressure profiles experienced by the valves considered in this one-time exemption request will not be significantly greater than expected for subsequent refueling cycle test intervals.

2. The favorable results of previous leakage tests performed at the Perry Nuclear Power Plant, Unit 1, on these valves, coupled with their small contribution to allowable leakage, confirmatory industry experience and expected gradual deterioration of valves of these types provide reasonable assurance and confidence that granting the requested schedular exemption will not result in a significant decrease in the integrity of the containment boundary.
3. The 2-year interval testing requirement for Type B and C penetrations is intended to be often enough to prevent significant deterioration from occurring and long enough to permit LLRTs to be performed during plant outages. Leak testing of the penetrations during plant shutdown is preferable because of the lower radiation exposures to plant personnel. Moreover, some penetrations, because of their intended functions, cannot be tested during power operations. For penetrations that cannot be tested during power operations or those that, if tested during power operation would cause a degradation in the plant's overall safety (e.g., the closing of a redundant line in a safety system), the increase in confidence of containment integrity following a successful test is not significant enough to justify a plant shutdown specifically to perform the LLRTs within the 2-year period, as long as the penetrations are in compliance with items 1 and 2 above.

For details with respect to the staff's evaluation see the Safety Evaluation Supporting Amendment to Facility Operating License No. NPF-58 dated January 19, 1988.

In support of the requirement of 10 CFR Part 50.12 for demonstration that special circumstances exist with respect to the requested exemption, the licensees have stated that pursuant to 10 CFR 50.12(a)(2), (iii) and (v), the following special circumstances exist:

50.12(a)(2)(iii) - A requirement for shutdown to comply with the two year testing requirement in Appendix J would impose a hardship and costs not contemplated by the rule when written since Appendix J clearly indicates an intent that required testing be performed during normal refueling outages except in unusual situations when the two year limit would apply. To require a plant shutdown to comply with the two year limit for testing even though the plant has not accumulated two full years of power operation would result in an unnecessary loss of power to the grid at a time when the distribution system's need for power is high as well as the extra costs attendant to having two successive outages.

50.12(a)(2)(v) - The requested exemption is temporary and became necessary as a result of the delays in attaining full power operation common to initial startup activities. If an outage of sufficient duration is encountered prior to the first refueling outage at Perry, CEI agrees to perform the testing which is the subject of this exemption request with the exception of valves 1E12-F023, 1E51-F013, 1E51-F066 which require removal of the drywell head for testing. Testing of these valves can only be performed during a refueling outage.

The Commission's staff has reviewed the licensees' description of the special circumstances relative to this exception request and has determined that special circumstances as required by 10 CFR 50.12 do exist.

The Commission's regulations in 10 CFR 50.12(a)(2)(v) state that special circumstances exist when the exemption would provide only temporary relief from the applicable regulation and that the applicant or licensee has made good faith efforts to comply with the regulation. The requested exemption is a one-time schedular exemption to delay LLRTs for 14 containment isolation valves until the first refueling outage. The licensees have completed satisfactorily LLRTs of all other containment isolation valves involving several hundred valves. However, due to plant constraints it was not possible to complete testing on these remaining 14 valves during previously scheduled maintenance

outages without significantly extending these outages for the sole purpose of conducting these LLRTs. The staff has determined that the licensees have demonstrated a good faith effort to comply with the Appendix J requirement to conduct LLRTs on containment isolation valves.

IV.

Accordingly, the Commission has determined that, pursuant to 10 CFR 50.12(a), the requested exemption is authorized by law, will not present an undue risk to the public health and safety, and is consistent with the common defense and security. Further, the Commission finds that special circumstances are present in that the requested exemption is temporary in nature and the licensees have made a good faith effort to comply with the regulation. Therefore, the Commission hereby grants the following Exemption from the requirements of Section III.D.3 of Appendix J to 10 CFR Part 50:

The 2-year limit on the Type C testing interval for the 14 valves identified in the licensees' September 11, 1987, request for exemption is extended on a one-time basis until prior to startup from the first refueling outage for Perry Nuclear Power Plant, Unit No. 1, provided the licensees conduct LLRTs of the 11 valves not requiring drywell head removal should an outage of sufficient duration occur before the first refueling outage.


Pursuant to 10 CFR 51.32, the Commission has determined that the granting of this exemption will have no significant impact on the environment (53 FR 1871).

A copy of the Commission's Safety Evaluation referred to in this Exemption is available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. 20555, and at the local public document room located at the Perry Public Library, 3753 Main Street, Perry, Ohio 44081.

A copy may be obtained upon written request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Reactor Projects - III, IV, V and Special Projects.

This Exemption is effective upon issuance.

FOR THE NUCLEAR REGULATORY COMMISSION


Dennis M. Crutchfield, Director
Division of Reactor Projects - III, IV, V
and Special Projects

Dated at Bethesda, Maryland
this 22nd day of January, 1988.