



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

October 29, 1982

Susan L. Hiatt  
OCRE Representative  
8275 Munson Road  
Mentor, Ohio 44060

In the Matter of  
CLEVELAND ELECTRIC ILLUMINATING COMPANY, ET AL.  
(Perry Nuclear Power Plant, Units 1 and 2)  
Docket Nos. 50-440 OL, 50-441 OL

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Dear Ms Hiatt:

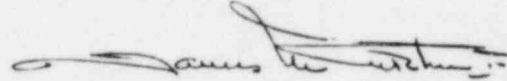
Your sixth set of interrogatories to the NRC Staff was filed on September 13th. It sets forth thirty-seven discovery requests purportedly related to Issue #8. The Staff will not voluntarily answer any of these discovery requests. All of the interrogatories with the exception of No. 6-1 appear to be directed to matters that are beyond the scope of the only hydrogen control contention that, according to the Appeal Board, may be litigated in this proceeding, i.e., a contention that is predicated on the assumption of a TMI-2 type accident at Perry. ALAB-675, 15 NRC 1105, 1115 (1982). Only Interrogatory No. 6-1 appears to be directed toward obtaining information reasonably calculated to lead to the discovery of admissible evidence on such a contention. However, even the answer to that interrogatory would be useless to OCRE because the NRC Staff has not identified an accident scenario for BWR's that is equivalent to the TMI-2 accident. Thus, unless OCRE can specify a credible TMI-2 type loss-of-coolant-accident scenario for Perry entailing hydrogen generation, hydrogen combustion, containment breach or leaking and offsite radiation doses in excess of 10 CFR 100 guideline values, the need for hydrogen control measures beyond those required by 10 CFR 50.44 cannot meaningfully be litigated. See ALAB-675 at 1115. Moreover, until OCRE carries its burden of demonstrating the existence of such a TMI-2 type scenario, hydrogen control measures beyond the recombiners necessary to comply with 10 CFR 50.44 may not be required by the Licensing Board under existing regulations. See Metropolitan Edison Company (Three Mile Island Nuclear Station, Unit No. 1), CLI-80-16, 11 NRC 674, 675 (1980). The Staff has concluded that the design of the combustible gas control system for Perry (the recombiners) complies with all presently applicable regulatory requirements. See Perry SER, NUREG-0887, Section 6.2.5 at pp. 6-13 to 6-15. Will OCRE voluntarily withdraw Issue #8, or does OCRE intend to attempt to demonstrate the existence of a credible TMI-2 type scenario for Perry that

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results in offsite doses in excess of 10 CFR 100 guideline values and proceed to hearing to attempt to require hydrogen control measures beyond the recombiners required by 10 CFR 50.44?

Sincerely,

A handwritten signature in black ink, appearing to read "James M. Cutchin, IV". The signature is fluid and cursive, with a long horizontal stroke at the end.

James M. Cutchin, IV  
Counsel for NRC Staff

cc: Service List