

DOCKETED
USNRC

RELATED CORRESPONDENCE

'82 DEC 10 10:31
December 3, 1982

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

Before the Atomic Safety and Licensing Board

In the Matter of)	
)	
THE CLEVELAND ELECTRIC)	Docket Nos. 50-440
ILLUMINATING COMPANY, <u>et al.</u>)	50-441
)	
(Perry Nuclear Power Plant,)	
Units 1 and 2))	

APPLICANTS' ANSWER IN SUPPORT OF
NRC STAFF'S MOTION FOR SUMMARY DISPOSITION OF ISSUE NO. 5

On November 9, 1982, the NRC Staff filed a motion for summary disposition of Issue No. 5. Included with the motion was a Statement of Material Facts As To Which There Is No Genuine Issue To Be Heard. The motion was supported by the Affidavit of Nicholas E. Fioravante.

Issue No. 5 alleges that:

Applicant has not demonstrated the safety of its reactor from an unrecoverable loss of coolant accident, which could occur from a pipe break in the scram discharge volume. See NUREG-0785.

As set forth in the Staff's Statement of Material Facts and in the Fioravante Affidavit, a pipe break in the scram discharge volume at Perry would not lead to an unrecoverable loss of coolant accident.

The facts set forth by the Staff are fully supported by the attached Affidavit of Monty A. Ross, a manager in the Plant Systems

8212130241 821203
PDR ADOCK 05000440
G PDR

DS03

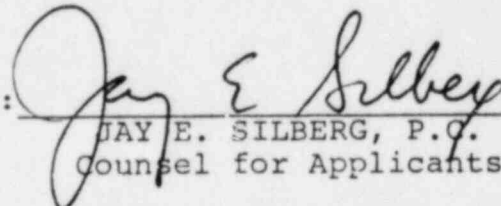
Design organization of the General Electric Company. Mr. Ross was General Electric Company's lead technical contributor to the evaluation of the NUREG-0785 concerns regarding scram discharge volume pipe break. As with Mr. Fioravante's affidavit, Mr. Ross' statement demonstrates that the scenario described in NUREG-0785 is not applicable to the design of the Perry reactors and that a break in the piping of the scram discharge volume, even if it did occur, would not cause an unrecoverable loss of coolant accident.

For these reasons, Applicants respectfully request that the NRC Staff's Motion for Summary Disposition of Issue No. 5 be granted.

Respectfully submitted,

SHAW, PITTMAN, POTTS & TROWBRIDGE

BY:


JAY E. SILBERG, P.C.
Counsel for Applicants

1800 M Street, N.W., Ste. 900-S
Washington, D.C. 20036

(202) 822-1063

DATED: December 3, 1982