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USNRC

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

'84 NOV -5 P3:01

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)
CLEVELAND ELECTRIC ILLUMINATING)
COMPANY, ET AL.)
(Perry Nuclear Power Plant,)
Units 1 and 2))

Docket No. 50-440 OL
50-441 OL

NRC STAFF RESPONSE TO THE BOARD'S ORDER

I. INTRODUCTION

By motion dated September 18, 1984 Applicants asked that intervenor OCRE be directed to specify a hydrogen generation accident to support litigation of Issue #8 as required by the Commission's direction in CLI-80-16. ^{1/} OCRE opposed the motion by response dated October 3, 1984, stating that CLI-80-16 was no longer applicable, and proposed litigating the issue according to criteria in a draft hydrogen control rule. ^{2/} The Staff responded in support of Applicant's motion on October 9, 1984 also on the basis of CLI-80-16. Subsequently, by motion dated October 12,

^{1/} Metropolitan Edison Co. (Three Mile Island Nuclear Station, Unit 1), CLI-80-16, 11 NRC 674, 675-676 (1980).

^{2/} The proposed rule is embodied in SECY-83-357. Staff informed the Board in its October 9, 1984 response that this draft hydrogen control rule had not then been sent to the Commission.

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1984 Applicants asked leave to reply to OCRE's response ^{3/} and attached a reply. Shortly thereafter, on October 15, 1984 OCRE filed a response opposing the motion but also attached a response to Applicants' reply. By Order dated October 23, 1984, the Board granted Applicants' motion and directed Staff to provide a status report on SECY-83-357 and the proposed hydrogen control rule within 10 days. Staff hereby submits the status report as directed.

II. STATUS OF PROPOSED RULE

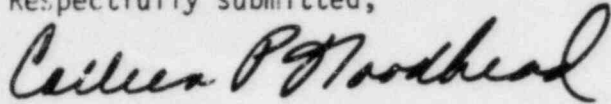
In response to the Board's direction, the Staff is providing the following information about the status of SECY-83-357 and the hydrogen control rulemaking. ^{4/} The proposed rule has not been sent to the Commission. The Staff was directed by the Commission to provide the results of tests conducted in Idaho concerning hydrogen control mechanisms, along with the revised proposed rule. The Staff is awaiting certain details about the tests necessary for completion of the report. When complete, SECY-83-357 and the report will be provided to the Office of Nuclear Reactor Regulation and the Executive Director for Operations for review and concurrence before submission to the Commission. The Staff hopes to provide the proposed rule to the Commission sometime

^{3/} The Commission's rules of practice prohibit responses by movants except as permitted by the presiding officer. 10 CFR § 2.730(c). Because the Commission's rules provide no opportunity for response to Applicants' and OCRE's responses, no Staff response is offered.

^{4/} This information was provided to Staff counsel by Mr. Morton Fleishman, RES, the Staff member assigned to development of the proposed rule.

during November, 1984. However, because of the contingencies described (completion of the hydrogen control mechanism test report and internal review of the test report and SECY-83-357), it is not possible to predict when the rule could be scheduled on the Commission's agenda.

Respectfully submitted,



Colleen P. Woodhead
Counsel for NRC Staff

Dated at Bethesda, Maryland
this 31st day of October, 1984

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

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BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

OFFICE OF SECRETARY
DOCKETING & SERVICE
BRANCH

In the Matter of)
CLEVELAND ELECTRIC ILLUMINATING)
COMPANY, ET AL.)
(Perry Nuclear Power Plant,)
Units 1 and 2))

Docket No. 50-440 OL
50-441 OL

CERTIFICATE OF SERVICE

I hereby certify that copies of "NRC STAFF RESPONSE TO THE BOARD'S ORDER" in the above-captioned proceeding have been served on the following by deposit in the United States mail, first class, or, as indicated by an asterisk, by deposit in the Nuclear Regulatory Commission's internal mail system, this 31st day of October, 1984:

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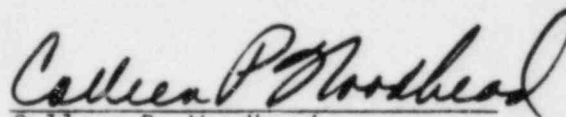
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