

May 21, 1992

et No. 50-440

Mr. Michael D. Lyster, Vice President
Nuclear - Perry
The Cleveland Electric Illuminating
Company
10 Center Road
Perry, Ohio 44081

Dear Mr. Lyster:

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SUBJECT: PERRY NUCLEAR POWER PLANT, UNIT 1 - CEI RESPONSE TO NRC SAFETY EVALUATION RELATED TO GENERIC LETTER 88-01, "NRR POSITION ON IGSCC IN BWR AUSTENITIC STAINLESS STEEL PIPING"

I am responding to your letter of April 14, 1992, in which you provided the Cleveland Electric Illuminating Company's (CEI's) initial responses and proposed schedules to address the three open items identified in the Nuclear Regulatory Commission (NRC) staff's safety evaluation (SE) related to Generic Letter (GL) 88-01. You further requested NRC management to take note of the issues raised, based on CEI's contention that the staff's positions (1) are inconsistent with the Commission's Interim Policy Statement on Technical Specification Improvement, (2) may involve backfits, or (3) provide further examples of NRC imposition of "requirements" through the use of generic letters, as identified by industry responses to the Regulatory Impact Survey.

GL 88-01 was issued to provide revised NRC staff positions regarding intergranular stress corrosion cracking (IGSCC) near weldments in boiling water reactor (BWR) piping. These revised staff positions resulted from extensive research and considerable industry experience with IGSCC in austenitic stainless steel piping. The regulatory basis for GL 88-01 was the Commission's determination that BWRs may not be in conformance with their existing design and licensing bases, including the requirements of 10 CFR Part 50, Appendix A, General Design Criteria 4, 14, and 31. BWR licensees were requested to respond to the generic letter by indicating their intention to follow the staff positions or by proposing alternative measures. This information was reviewed by the staff in evaluating the adequacy of actions taken by licensees to ensure compliance with the regulations and conformance with the design and licensing bases for each plant.

As discussed in Supplement 1 to GL 88-01, issued on February 4, 1992, the staff has determined that the statement committing to performance of an Inservice Inspection Program in accordance with the staff positions in the generic letter should be included in individual plant Technical Specifications (TS) and will be incorporated in the Improved BWR Standard Technical Specifications. This commitment is considered to be appropriate and consistent with

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the Commission's Interim Policy Statement on Technical Specification Improvement, in light of the importance of ensuring the integrity and leak tightness of the pressure boundary for the reactor coolant system. This item was considered by the NRC Committee to Review Generic Requirements (CRGR) in its initial review of GL 88-01 and again in its review of Supplement 1.

In July 1990, the NRC published NUREG-1409, "Backfitting Guidelines." This report includes a description of the backfitting process used by the staff when issuing new or revised requirements or staff positions. It further describes the role of the CRGR, which was formed in 1981, and has reviewed all generic requirements or staff positions imposed since that date. In the case of GL 88-01, the CRGR determined that the revised staff positions imposed a backfit that was needed to ensure that facilities were in compliance with their operating licenses.

We agree with your assertion that the staff's position on alternative leakage monitoring methods may involve a backfit as defined in 10 CFR 50.109(a)(1). GL 88-01 and its supplement are generic backfits that were justified to ensure compliance with existing requirements. The staff's SE did not preclude alternative methods, but instead indicated that any method demonstrated to be capable of sufficiently quantifying reactor coolant system leakage would be acceptable for justifying a 30-day limiting condition for operation for inoperable primary leakage detection instruments. As stated in your letter, we will continue our discussions with your staff to resolve this issue in an acceptable manner.

Staff positions identified in NRC generic letters do not constitute regulatory requirements; rather, they describe acceptable methods for complying with applicable regulatory requirements. As such, the technical evaluation report attached to the staff's SE inappropriately referred to some staff positions as "requirements" of GL 88-01.

The resolution of the three open issues identified in the staff's SE will be the subject of separate correspondence and discussions with your staff. Please coordinate further discussions through the Project Manager, Mr. James R. Hall, who can be reached at (301) 504-3063.

Sincerely,

Original signed by
Thomas E. Murley

Thomas E. Murley, Director
Office of Nuclear Reactor Regulation

*See Previous Concurrence

PD3-3:LA*	PD3-3:PM	PD3-3:PD*	*TECH ED	*(A)BC:EMCB	*PD1-1:PD
PKreutzer	JHall/bj	JHannon	RSanders	JWiggins	RCapra
05/15/92	5/18/92	05/15/92	5/12/92	5/12/92	5/13/92
*AD:DRPW	D:DRPW	*ADP		D:NRR	
JZwolinski	BBoger	JPart		TMurley	
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DUE: *extended to*
5/20/92

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DOC DT: 04/14/92
FINAL REPLY:

Michael D. Lyster
Center for Energy

TO:

NRC

FOR SIGNATURE OF:

** GRN **

CRC NO: 92-0320

Murley

DESC:

ROUTING:

PERRY NUCLEAR POWER PLANT -- SCHEDULE FOR RESPONSE
TO NRC SER ON GENERIC LETTER 88-01 "NRC POSITION
ON IGSCC IN BWR AUSTENITIC STAINLESS STEEL
PIFING"

Taylor
Sniezek
Thompson
Blaha
Davis, RIII
Jordan, AEOD

DATE: 04/23/92

ASSIGNED TO:

CONTACT:

NRR

Murley

SPECIAL INSTRUCTIONS OR REMARKS:



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ACTION

FROM:

DUE: 5/9/92

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FINAL REPLY:

Michael D. Oyster
Centor Energy

extended to 5/20/92

TO:

NRC

FOR SIGNATURE OF:

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CRC NO: 92-0320

Murley

DESC:

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PEPPY NUCLEAR POWER PLANT -- SCHEDULE FOR RESPONSE
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PIPING"

Taylor
Sniezek
Thompson
Blaha
Davis, RII.
Jordan, AEOD

DATE: 04/23/92

ASSIGNED TO:

CONTACT:

NRR

Murley

SPECIAL INSTRUCTIONS OR REMARKS:

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ACTION
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OFFICE OF THE SECRETARY
CORRESPONDENCE CONTROL TICKET

PAPER NUMBER: CRC-92-0320 LOGGING DATE: Apr 22 92
ACTION OFFICE: EDO
AUTHOR: MICHAEL LYSTER
AFFILIATION: OH (OHIO)
ADDRESSEE: NRC
LETTER DATE: Apr 14 92 FILE CODE: ID&R-5 PERRY
SUBJECT: PERRY NUCLEAR POWER PLANT--SCHEDULE FOR RESPONSE TO
NRC SER ON GENERIC LTR 88-01 "NRC POSITION ON IGSCC
IN BWR AUSTENITIC STAINLESS STEEL PIPING
ACTION: Direct Reply
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NOTES:
DATE DUE: May 6 92
SIGNATURE: . DATE SIGNED:
AFFILIATION:

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Time 1:45 AM
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