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April 18, 1988

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Gustave H. Linenberger, Jr.
Atomic Safety and Licensing Board
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Washington, D.C. 20555

Re: Cleveland Electric Illuminating Company
(Perry Nuclear Power Plant, Unit 1)
Docket No. 50-440-OLA
(ASLBP No. 88-562-02-LA)

Gentlemen:

By Order dated March 16, 1988, the Atomic Safety and Licensing Board requested that the participants in the above-captioned proceeding notify the Board of the consequences of Board Notification BN 88-02 on their intentions to go forward in the proceeding. The Cleveland Electric Illuminating Company, Duquesne Light Company, Ohio Edison Company, Pennsylvania Power Company, and The Toledo Edison Company ("Licensees") hereby submit their response to the March 16, 1988 Order and request that the proceeding be terminated.

The Technical Specification Change Request which is the subject of this proceeding involved two distinct aspects. The first involved the deletion from Technical Specifications of those provisions relating to the Main Steam Isolation Valve

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April 18, 1988
Page 2

("MSIV") Leakage Control System ("LCS"). The second aspect involved changing the leakage criteria for primary containment allowable leakage through the main steam lines from less than or equal to 25 scf per hour for any one main steam line to less than or equal to 100 scf per hour for all main steam lines. See 52 Fed. Reg. 47064 (December 11, 1987).

The Ohio Citizens for Responsible Energy, Inc. ("OCRE") petitioned to intervene and requested a hearing on the Technical Specification Change Request, but limited its request for a hearing to the MSIV LCS aspect of the Change Request. Petition for Leave to Intervene and Request for a Formal Adjudicatory Hearing, dated January 7, 1988 at 4. OCRE's limitation as to the scope of its hearing request was noted by the Board. See Memorandum and Order (Scheduling of a Prehearing Conference), dated March 1, 1988, at 3.

By letter dated March 11, 1988 (summarized in Board Notification BN 88-02), the NRC Staff informed Licensees that the Technical Specification Change Request "is not acceptable to the staff." The Staff's explanation focused solely on the MSIV LCS aspect of the Change Request; none of the reasons expressed by the Staff for its rejection of the Change Request involved the second aspect of the Change Request -- the change in leakage criteria for main steam lines.

Licensees, by letter from The Cleveland Electric Illuminating Company to the NRC Staff dated April 18, 1988, have withdrawn the MSIV LCS portion of the Change Request. (A copy of that letter is attached hereto). Licensees' letter also states that they are not withdrawing the second aspect of the Change Request.

This proceeding is limited by the scope of OCRE's Petition for Leave to Intervene. OCRE has sought to oppose "only the part of the amendment request which would delete the Technical Specifications pertaining to the MSIV LCS." Petition at 4 (emphasis added). Since Licensees have now withdrawn the only part of the amendment request which OCRE opposed and on which OCRE requested a hearing, there remain no issues for this proceeding to pursue. The Board must therefore terminate this proceeding.

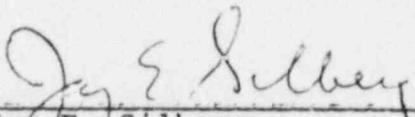
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April 18, 1988
Page 3

OCRE's representative and counsel for the NRC Staff have authorized me to represent to the Board that they agree that this proceeding should be terminated.

Respectfully submitted,



Jay E. Silberg
Counsel for Licensees

JES/dj

cc: Colleen Woodhead, Esquire
Susan Hiatt
Docketing and Service Section
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Board Panel



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Perry Nuclear Power Plant
Docket No. 50-440
Technical Specification Change Request
Concerning MSIV Leakage

Gentlemen:

The NRC, by letter dated March 11, 1988, rejected the subject request for Main Steam Isolation Valve Leakage Control System (LCS) elimination from the Perry Technical Specifications. The letter suggested that any resubmittal of the request should be deferred until the Staff has completed its resolution of Generic Issue C-8. The Cleveland Electric Illuminating Company hereby withdraws the portion of the September 18, 1987 Technical Specification change request that deals with deletion of the MSIV Leakage Control System from the Technical Specifications.

There remains an additional portion of the change request originally forwarded by our letter dated 9/18/87, to allow total MSIV leakage of 100 scfh through any combination of main steam lines, as opposed to the present limit of 25 scfh per line. This technical specification change to allow 100 scfh total leakage does not change the Perry licensing basis, which includes a LOCA analysis for 100 scfh irrespective of which main steam line(s) are leaking. As justified in the original letter, the criteria of 10 CFR 50.92 for no significant hazards are still satisfied; accident probability or consequences previously evaluated are not adversely affected, a different kind of accident is not created, and safety margins are not reduced. This change has the favorable precedent of other BWR licensees, and was not contested during the public notice period allowed for this change. The request for this change therefore stands, and NRC action on this technical specification amendment is again requested.

Notwithstanding withdrawal of a portion of the request, we would like to comment on the review process of this Technical Specification change request. The Cleveland Electric Illuminating Company has expended considerable effort to provide the NRC staff with the information necessary for their review of this request, through several letters and a meeting on the subject.

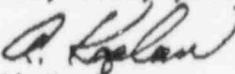
The NRC forwarded NUREG 1169 by Generic Letter 86-17 (October, 1986), to present technical findings related to MSIV leakage treatment methods. These findings clearly demonstrated the post-accident dose reduction potential of processing MSIV leakage through an isolated condenser, versus filtering in an engineered safeguard system. This information was provided because it "may be useful guidance for some licensees contemplating plant specific change requests related to this issue pending final generic resolution." Perry was contemplating such a change request, and requested a meeting with the NRC staff by letter dated July 31, 1987 (PY-CEI/NAR-0678L). Included with that letter was a Perry-specific dose assessment which showed orders of magnitude reduction in doses from the MSIV leakage path, with attendant simplifications in plant emergency instructions and improvement in net availability, using NUREG 1169 as a basis for the calculations.

The Perry-specific calculations adjusted NUREG 1169 results for stated plant and site differences. It was clearly stated in the July 31 letter, and during a September 2, 1987 meeting at the NRC Bethesda offices with the staff, that the NUREG 1169 analysis was otherwise used as-is. The dose calculation assumptions, with respect to source term characterization and attendant iodine transport/removal mechanisms, had previously been used by a different licensee and had been approved by the staff. CEI answered staff questions raised at the September 2 meeting; there was no indication at that time of problems with any of the underlying assumptions, nor was the detailed calculation requested. Based on the results of this meeting, CEI decided to request only the deletion of the MSIV LCS from the Technical Specifications, while maintaining the system available for use as a backup to the isolated condenser operation. This Technical Specification Change Request was forwarded to the NRC by letter dated September 18, 1987 (PY-CEI/NRR-0712L).

The March 11 NRC letter rejecting the change request stated that the Technical Specification Change Request failed to include detailed analyses to support the findings set forth in the submittal. The letter also identified that NUREG 1169 used a different source term than that used as the licensing basis for PNPP and that used in Regulatory Guide 1.3. There was no prior discussion of the concerns with source term assumptions used in the NUREG, and no specific request for additional information. Nor does the letter identify any technical reason for not proceeding with review of this request in accordance with the normal regulatory process, other than the desirability of first resolving Generic Issue C-8. CEI remains convinced that the concept presented in NUREG 1169 is technically justified. We again offer our assistance in the technical resolution of these matters specifically for Perry, and generically via the BWR Owners Groups' planned submittal on LCS elimination. We continue to be available for discussions on the subject with the NRC staff.

If there are any questions, please feel free to call.

Very truly yours,


Al Kaplan
Vice President
Nuclear Group

AK:cab
cc: J. Silberg
T. Colburn
K. Connaughton
USNRC Region III