

December 22, 1983

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

DOCKET  
USNRC

Before the Atomic Safety and Licensing Board

64 JAN -5 AIO:51

In the Matter of )

CLEVELAND ELECTRIC ILLUMINATING )  
COMPANY, Et Al. )

(Perry Nuclear Power Plant, )  
Units 1 and 2) )

Docket Nos. 50-4401 )  
50-4411 )  
(Operating License)

OCRE RESPONSE TO APPLICANTS' ANSWER TO NRC STAFF  
SUPPLEMENTAL RESPONSE RE PROPOSED DIESEL GENERATOR  
RELIABILITY CONTENTION

Applicants, pursuant to Cleveland Electric Illuminating Co.  
(Perry Nuclear Power Plant, Units 1 and 2), LBP-82-89, 16 NRC 1355,  
1357 (1982), filed a response to the "NRC Staff Supplemental Response  
(Based Upon New Information in Board Notification BN-83-160) to OCRE  
Motion for Admission to Resubmit Its Proposed Contention 2" dated  
October 27, 1983. This filing consisted of an attack on the Staff  
for favoring the admission of the contention and an affidavit pur-  
porting to demonstrate that none of the deficiencies described in  
BN-83-160 are applicable to the Transamerica Delaval diesel generators  
at Perry.

As for the former, OCRE believes that it is improper for Applicants  
to complain when the Staff fulfills its responsibilities of keeping the  
Board and parties informed and representing the public interest.<sup>1/</sup>

As for the latter, the averments therein, although sworn, are  
of the most cursory nature and are unverified and unaccompanied by any

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<sup>1/</sup> Applicants, of course, do not complain when the Staff assists them  
in this proceeding- e.g., by filing motions for summary disposition and  
siding with Applicants in procedural matters. It is this more typical  
behavior which has led the Commission to re-examine the Staff's role in  
adjudicatory proceedings. See Advanced Notice of Proposed Rulemaking,  
Role of the Staff in adjudicatory Licensing Hearings, 48 FR 50550, Nov. 2, 1983.

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factual basis.

Furthermore, the affidavit incompletely addresses all the known problems with Transamerica Delaval diesel generators, e.g, those described in BN-83-160A, even though the affiants refer to that Board Notification. Specifically, BN-83-160A also discussed connecting rod bearing failures in the Shoreham diesel generators. Of the 24 bearings in the 3 Shoreham diesels, 4 were found to be cracked. Failure Analysis Associates (enclosure 3 to the Board Notification) determined that:

The factors which contributed to or caused the bearing cracking have been identified. They are unsupported, overhung bearing ends, excessive crankpin journal yawing, and the presence of voids or pores in the size range of 0.5 mm to 0.7 mm in the aluminum alloy bearings. Scanning electron microscopy of the fracture surface of one of the cracked bearings identified these voids as the apparent crack initiation sites.

Mechanical testing of ten specimens from the cracked bearings demonstrated that this bearing material did not meet the TDI material specifications apparently in effect at the time Shoreham's DG's were designed and fabricated. TDI allegedly lowered these specification requirements subsequent to the delivery of the SNPS DG's and the test results meet this reduced specification. The specification requirements did not (not do they now) include a porosity requirement.

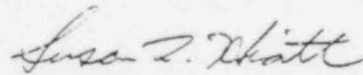
The replacement connecting rod bearings being installed with the new 12 inch journal crankshafts are represented to be qualified to the lower specifications, and are therefore equivalent in material to the earlier bearings. Id., p. 1.

Although the new Shoreham crankshaft design will eliminate the first 2 factors contributing to bearing cracking, the third factor is still present. It is not known whether the Perry crankshaft design will eliminate the first 2 factors, and this cannot be determined without discovery. The generic quality implications of adopting a lower material specification for the bearings needs further examination also.

Similarly, the assertions of the affiants should not be accepted without verification by an adversary party through discovery

or cross-examination. Of course, OCRE does not possess these rights with regard to diesel generator reliability and will not unless the contention is admitted. OCRE feels that the principle of LBP-82-89 (supra) has been abused. What has ensued is a mini-litigation, without OCRE's effective participation. Applicants' filing is in effect an attempt at summary disposition<sup>2/</sup> of an unadmitted contention, and OCRE, having no discovery rights, has no opportunity to refute their unverified assertions. Applicants' filing distorts the reply brief principle far beyond the original purpose of allowing intervenors to reply to Staff and Applicant responses to proposed new contentions, in accordance with Houston Lighting and Power (Allens Creek Nuclear Generating Station), ALAB-565, 10 NRC 521 (1979). OCRE respectfully requests that Applicants' December 16 filing not be considered by the Licensing Board in deciding whether to admit the contention,

Respectfully submitted,



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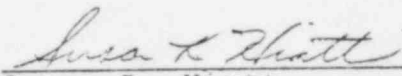
<sup>2/</sup> Such a standard is obviously far beyond that for the admission of late-filed contentions. All that need be shown is that the contention has specificity and basis and that the 5 factors of 10 CFR 2.714(a)(1) have been met affirmatively. OCRE believes that these requirements have been met, and that the contention should be admitted.

CERTIFICATE OF SERVICE

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This is to certify that copies of the foregoing were served by deposit in the U.S. Mail, first class, postage prepaid, this 32nd day of December, 1983 to those on the service list below.

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