

January 6, 1984

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USNRC

UNITED STATES OF AMERICA

NUCLEAR REGULATORY COMMISSION

'84 JAN -9 A10:28

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 Nos. 50-440
50-441
(OL)

OCRE TENTH SET OF INTERROGATORIES TO NRC STAFF

Intervenor Ohio Citizens for Responsible Energy ("OCRE") hereby files its tenth set of interrogatories to the Staff, pursuant to 10 CFR 2.720(h) (2)(ii) and to the Licensing Board's December 23, 1983 Memorandum and Order (New Contention on Diesel Generators). In accordance with 10 CFR 2.720(h) (2)(ii), OCRE is submitting these interrogatories to the presiding officer and also moves the presiding officer to require the Staff to answer them. OCRE hopes that the Staff will voluntarily answer these interrogatories, thereby avoiding unnecessary delay and needless burdening of the Licensing Board.

In order to require the NRC Staff to answer interrogatories under 10 CFR 2.720(h) (2)(ii), a two-fold test must be met: first, that the answers to the interrogatories are necessary to a proper decision in the proceeding, and, second, that the answers to the interrogatories are not reasonably obtainable from any other source.

Since the Staff has done much work concerning the reliability of Transamerica Delaval diesel generators, and since the Staff's documents (e.g., Information Notice 83-58) served both as basis and good cause for the contention, it is entirely reasonable and proper to consider answers

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to interrogatories requesting clarification of or further information on the Staff's conclusions and investigations to be necessary to a proper decision in this proceeding. OCRE would also affirm the Board's remarks in its December 23, 1982 Memorandum and Order (Concerning Discovery from the Staff on Hydrogen Issue) concerning the meaning of "necessary" and would suggest that the answers to these interrogatories are just as necessary as are the Staff's answers to interrogatories on hydrogen control.

These interrogatories must be answered by specific persons on the NRC Staff. Although information from the Public Document Room may provide some background information relevant to Issue #16, this type of information cannot substitute for answers, made under oath or affirmation, to specific interrogatories concerning this issue in this proceeding.

OCRE therefore believes that a positive showing has been made on both factors of 10 CFR 2.720(h)(2)(ii); the Staff must respond to these interrogatories.

INTERROGATORIES: Issue #16

Statement of Purpose: The following interrogatories are designed to ascertain the basis for the Staff's concern over the reliability of Transamerica Delaval diesel generators ("TDI DGs") and to discover the NRC's plans for resolving this problem for PNPP.

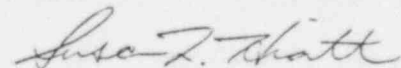
- 10-1. Identify all persons Staff intends to call as witnesses on Issue #16. Indicate which persons are Staff members, and which are consultant personnel. Provide the professional qualifications of all persons so named. Produce all testimony or drafts of testimony each such person will present, or, if not available, summarize the areas each person's testimony will cover. Provide the bases of all facts and opinions to be advanced in testimony.

- 10-2. Identify each person or organization whose expertise will be utilized by Staff in its response to Issue #16 or on the larger issue of TDI DG reliability. Provide the professional qualifications of each person or organization identified. Explain the services to be rendered by each consulting organization named.
- 10-3. List all documents known by Staff to exist pertaining to the reliability of TDI DGs. Indicate which documents are available in the Public Document Room, and produce those documents not available in the PDR.
- 10-4. Produce a concise list of all failures or deficiencies concerning TDI DGs used at commercial nuclear facilities (including foreign users), and indicate the causes of these failures or deficiencies, if known.
- 10-5. Has the Staff monitored TDI DGs used in applications other than commercial nuclear facilities? If so, produce a concise list of failures or deficiencies encountered (with causes, if known) in other applications.
- 10-6. Produce a concise list of violations or citations of TDI relating to quality assurance in its design or manufacture of DGs; include date of violation, criterion of Appendix B to 10 CFR 50 violated, cause of violation, severity level, whether civil penalties were imposed, and corrective action taken.
- 10-7. Provide the total number of violations at TDI and all other DG vendors monitored by the NRC.
- 10-8. Does the Staff consider the number and severity of TDI violations to be significant, in comparison to other DG vendors? Why or why not?
- 10-9. What standards does the Staff have for defining and assuring the "reliability" of DGs? To what extent is judgement involved in

defining and determining "reliability"?

- 10-10. What weight does the Staff give to the standards and recommendations of the Diesel Engine Manufacturers Association (e.g., "Standard Practices for Low and Medium Speed Stationary Diesel and Gas Engines" 6th edition, 1972) in determining whether DGs are reliable and designed and built to appropriate quality standards?
- 10-11. What is the Staff's action plan for TDI DGs, as mentioned in BN-83-160A?
- 10-12. Concerning Inspection Report 99900334/83-01, p. 14, where it is stated that TDI's management would take exception to all violations identified during that inspection:
- (a) Is this a common action or attitude among vendors monitored by the NRC?
 - (b) Does the NRC consider such an attitude indicative of management's commitment (or lack thereof) to product quality? Why or why not?
- 10-13. What is the nature of the investigation being conducted by the NRC Office of Investigations regarding TDI?
- 10-14. List all allegations received by the NRC concerning TDI; include date of the allegation, whether the allegation was investigated, and if investigated, whether it was substantiated.
- 10-15. Identify each and every person on or serving as a consultant to the the Staff who disagrees with any answer to the above interrogatories or with any Staff position regarding DG reliability in general and that of TDI DGs in particular.

Respectfully submitted,



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CERTIFICATE OF SERVICE

This is to certify that copies of the foregoing were served by deposit in the U.S. Mail, first class, postage prepaid, this 6th day of January, 1984 to those on the service list below.

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