

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

ATOMIC SAFETY AND LICENSING BOARD

Before Administrative Judges:  
James P. Gleason, Chairman  
Dr. Jerry R. Kline  
Mr. Glenn O. Bright

SERVED MAY 29 1985

DOCKETED  
USNRC

In the Matter of  
  
CLEVELAND ELECTRIC ILLUMINATING  
COMPANY, et al.  
  
(Perry Nuclear Power Plant,  
Units 1 & 2)

Docket Nos. 85-440-29 P12:06  
50-441-OL

OFFICE OF SECRETARY  
DOCKETING & SERVICE  
ASLBP No. 81-457-0404

May 28, 1985

MEMORANDUM AND ORDER  
(Motion to Reopen Record)

Intervenor, Ohio Citizens for Responsible Energy (OCRE), filed a motion on April 30, 1985, to reopen the hearing record on Issue 16, which is concerned with the reliability of the facility's diesel generators. The motion requests the admission of an NRC Staff Information Report, dated March 22, 1985 which disclosed a defect in a check valve in the air start system in one of Grand Gulf Nuclear Station's (GGNS) diesel generators. The defect, which resulted in an engine malfunction, occurred during an operational test. It is OCRE'S contention that the defect demonstrates a failure of the Owners' Group in its review program evaluating TDI's diesel engines. Admission of the NRC report is urged on the grounds that its (OCRE) motion was timely, addressed a significant issue and a different result could be reached if the material had been originally considered.

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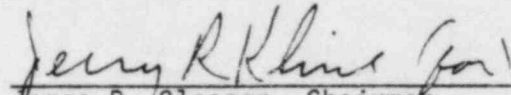
Both the Applicant and Staff argue the irrelevancy of OCRE's motion inasmuch as the Perry engines do not have the check valve component that malfunctioned at Grand Gulf. Further, it is contended that since the check valves had no prior history of adverse experience but nevertheless received an engineering application review by the Owners' Group to determine the adequacy of their design, the valves' defect that surfaced at Grand Gulf did not signify any failure in the Owners' Group review program.

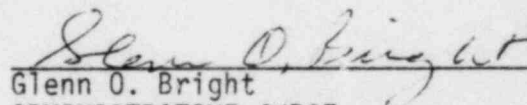
The Board agrees that the arguments of the Applicant and Staff have substantial merit. The test of timeliness and significance--since the quality of the Owners' Group program is an issue in this controversy--have been met by OCRE herein. Further, there is no conceivable circumstance by which this Board's decision on Issue 16--whatever its decision may ultimately be--could be affected by the proffered evidence. Therefore, the OCRE motion is denied. We note, however, that the Staff response brings to our attention the existence of check valves similar to those utilized at Grand Gulf being used in the lube oil system at Perry. The Board requests the Applicant to furnish a memorandum of record concerning the placement, operation, and safety parameters of those valves as well as any inspections and maintenance program that has been imposed in connection with their use. The Board also has had brought to its attention press reports of a fire that occurred in the reactor building subsequent to the conclusion of its hearing in this proceeding. The Board requests it and the parties be furnished

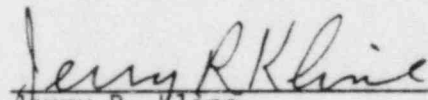
with a report on this matter and any action taken by the Applicant in connection with it.

ORDERED.

FOR THE ATOMIC SAFETY AND  
LICENSING BOARD

  
James P. Gleason, Chairman  
ADMINISTRATIVE JUDGE

  
Glenn O. Bright  
ADMINISTRATIVE JUDGE

  
Jerry R. Kline  
ADMINISTRATIVE JUDGE

Bethesda, Maryland