

November 4, 1982

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

Before the Atomic Safety and Licensing Board

In the Matter of)
)
THE CLEVELAND ELECTRIC) Docket Nos. 50-440
ILLUMINATING COMPANY) 50-441
)
(Perry Nuclear Power Plant,)
Units 1 and 2))

APPLICANTS' ANSWER TO "REPLY BRIEF OF
SUNFLOWER ALLIANCE, INC.
IN SUPPORT OF MOTION TO SUBMIT AN ADDITIONAL CONTENTION"

Sunflower Alliance, Inc. et al. ("Sunflower") in its reply to Applicants' and Staff's answers to Sunflower's proposed shift rotation contention, puts forward only one argument concerning its untimeliness. That argument involved Sunflower's characterization of references which Applicants had cited to demonstrate that shift rotation was not a new issue.

In its September 24, 1982 Answer, Applicants identified several references, both in technical publications and in popular literature, which discussed shift rotation. The purpose of these citations was to show that the Science News article relied upon by Sunflower was not the first widely available publication to discuss the effects of shift rotation on worker performance. Since the subject had been covered in readily available literature, Sunflower could not take credit for the recent Science News article to support its untimeliness.

Sunflower's October 19, 1982 Reply Brief attempted to deflect Applicants' argument by alleging that the cited articles only dealt with "health dangers to shift workers" and not to "shift worker performance".

The articles cited by Applicant deal with health dangers to shift workers; although this undoubtedly occurs, Sunflower's contention did not address the health of Perry plant workers. Rather, it dealt with possible threats to public health and safety posed by errors made by plant operators who must work unnatural shifts. Unlike the references Applicant cites, the Science News article specifically address shift worker performance in industries involving public safety.

Reply Brief at 1.

Sunflower's characterization of the cited articles is simply incorrect. All four of the cited articles address the increased incidence of accidents for workers on shift rotation. The Slade article, "Shifting the Dangers of Shift Rhythms", Psychology Today, April 1979 at 107, cites the 1978 NIOSH report identified in footnote 4 of Applicants' Answer as stating that a greater choice of shift rotations and schedules "should improve job satisfaction and performance".^{1/} And in the Bennetts article, "Studying the Woes of Working Nights", New York Times, April 5, 1979 at C1, 5, discusses the effect of the stress of night rotations, pointing out

^{1/} The NIOSH study itself contains sections on performance efficiency and industrial accidents. Tasto and Colligan, "Health Consequences of Shift Work", DHEW (NIOSH) Pub. No. 78-154, at 10-11, 34-39, 75. The second NIOSH study cited in Applicants' Answer contains an entire chapter on "Shiftwork and Performance". Johnson, et al., "The Twenty-Four Hour Workday", DHHS (NIOSH) Pub. No. 81-127 at 347-373.

None of this helps one's professional performance. "The increased incidence of errors and changes in attentiveness and vigilance are clearly proven", Dr. Weitzman said.

The only apparent explanation for Sunflower's mischaracterization of the references cited by Applicants is that Sunflower only looked at the titles of the articles and did not read them. This is suggested by the acknowledgement of Sunflower's counsel to Applicants' counsel that he had not read the references cited. Whatever the explanation, Sunflower's single attempt to avoid its untimeliness finds no support.

Applicants believe, for these reasons and the other reasons set forth in Applicants' Answer, that the proposed shift rotation contention should not be admitted.

Respectfully submitted,

SHAW, PITTMAN, POTTS & TROWBRIDGE

BY: _____

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DATED: November 4, 1982

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CERTIFICATE OF SERVICE

This is to certify that copies of the foregoing "Applicants' Motion for Leave to File Answer to 'Reply Brief of Sunflower Alliance, Inc. In support of Motion to Submit an Additional Contention'" and "Applicants' Answer to 'Reply Brief of Sunflower Alliance, Inc. in Support of Motion to Submit an Additional Contention'", attached thereto, were served by deposit in the United States Mail, First Class, postage prepaid, this 4th day of November, 1982, to all those on the attached Service List.

JAY E. SILBERG

DATED: November 4, 1982

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