

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

DOCKETED
USNRC

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BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

OFFICE OF SECRETARY
DOCKETING & SERVICE
BRANCH

In the Matter of)
LONG ISLAND LIGHTING COMPANY)
(Shoreham Nuclear Power Station,))
Unit 1))

Docket No. 50-322 (OL)

Suffolk County Opposition To LILCO'S
Motion To Strike The Testimony of
Gregory C. Minor On Suffolk County
Contention 16---ATWS

On June 27, 1982, LILCO moved to strike portions of the Testimony of Gregory C. Minor on Suffolk County ("SC") Contention 16 dealing with the issue of anticipated transients without scram ("ATWS"). For reasons stated below, the LILCO motion should be denied.

First, even if the LILCO characterization of the focus of SC 16 is accurate--and, as specified hereafter, we do not believe it is--the motion is far too broad. Thus, there are many portions of the testimony which clearly are relevant. For example, paragraphs 1-3 constituting the "Introduction" and "Purpose" sections, paragraph 13, which provides the author's interpretation of GDC 20, and paragraphs 4-6, which describe the Shoreham Standby Liquid Central System ("SLCS"), certainly cannot be the proper object of a strike motion. In fact, LILCO in its own testimony (p. 22) also describes the SLCS at Shoreham. Indeed, since SC 16 concerns inter alia operator procedures and operator training to ensure timely actuation of the SLCS in an ATWS situation, a description

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of the system as to which such procedures and training apply is clearly appropriate.

In the same vein as paragraphs 4-6, paragraphs 7-9 address specific conditions and circumstances which an operator would face in an ATWS situation. It is axiomatic that the adequacy of procedures and training for an ATWS situation (or for any other event) cannot be judged in a vacuum. Rather, circumstances such as heat levels (paragraph 7), the need to diagnose conditions and manual actuation of the system (paragraph 8), and the difficulty of an operator's decision to actuate the SLCS (paragraph 9) all relate directly to steps and conditions which are relevant in considering whether the interim measures at Shoreham "compensate for its lack of an automatically initiated and totally redundant Standby Liquid Control System (SLCS) which meets the single failure criterion."

Similarly, paragraphs 10-12 address the time required for the SLCS to accomplish its function. The adequacy of procedures and training to timely initiate the Shoreham SLCS cannot be divorced from the capabilities and potential shortcomings of the system to which the procedures and training relate.

The County perceives that LILCO's main objection to the SC 16 testimony really begins with paragraph 14 on page 6 of the

testimony^{1/}. This testimony covers the following points:

Paragraphs 14-15 Comparison of risks using an automated higher flow rate SLCS versus risks using the Shoreham system.

Paragraphs 16-19 - Benefits of upgrading Shoreham SLCS now.

LILCO objects to all the foregoing testimony, arguing that the focus of SC 16 is on:

(a) whether LILCO adequately complies with the interim measures relied on by the Commission in its ATWS rulemaking notice, and

(b) whether the Shoreham design is essentially the same as those of other BWR's, such that the generic interim ATWS finding made by the Commission is applicable to Shoreham. Motion, p. 3

The County respectfully submits that LILCO's characterization of SC 16 is not correct. The focus of SC 16, in the view of the County, includes the plant-specific issue whether the interim measures "compensate" for the lack of an automatic and redundant SLCS which meets the single failure criterion. Indeed, by its terms, the contention states that the basis for the allegation of noncompliance with GDC 20 "is because the interim measures to be taken at Shoreham, including operational procedures and operator training, will not compensate for the lack of an automatically initiated and totally redundant Standby Liquid Control System

1. LILCO does object (Motion, p. 5) to Mr. Minor's discussion (in paragraphs 11-12) of the size of the Shoreham SLCS, found at pages 5-6 of his testimony. As noted earlier, however, the size and flow rate of the Shoreham SLCS must be considered when the adequacy of training procedures and other interim measures are considered.

(SLCS) which meets the single failure criterion." (emphasis supplied). See also March 15, 1982 ASLB Memorandum and Order, p. 18, which states that "the question [on SC 16] will be whether the plant design and operating actions in place pending the completion of the rulemaking will compensate for the lack of automatic initiation of SLCS in terms of providing the level of protection required by GDC 20." (emphasis supplied). The portions of the SC testimony in paragraphs 1⁴8-19 are directly relevant to the question of whether the interim measures and the plant design do in fact compensate.

In determining whether the interim measures and plant design compensate for what the County views as deficiencies with the Shoreham SLCS, it is relevant to compare the Shoreham SLCS with a SLCS design which has some of the features which are referenced in the contention. Indeed, in determining whether there is compensation, a comparison is essential. Mr. Minor's testimony presents one portion of that comparison--namely, that, the differences between an automated and nonautomated SLCS are sufficient to be of concern. Thus, this testimony addresses the need for compensation and presents the author's view (Prefiled Testimony, p. 8, lines 6-10) that such compensation has not been demonstrated. In the County's view, it is LILCO's responsibility to demonstrate quantitatively or qualitatively that the "interim measures" compensate for the differences in ATWS risk described by Mr. Minor.

The County acknowledges that Mr. Minor's testimony does not address the details of the Shoreham procedures and training.

The County submits, however, that it is permitted to present testimony on one aspect of the Contention --the need for compensating measures and the apparent inadequacy thereof--and that such testimony is not objectionable solely because it does not address in detail other aspects of the Contention.

Further, LILCO at page 21 of its prefiled testimony asserts that its SLCS is "capable of shutting down the reactor from rated power operation to cold shutdown condition in the extremely unlikely event that not enough control rods could be inserted." The County's testimony, particularly paragraphs 10-15, serves to rebut this testimony by showing that for many ATWS sequences, the Shoreham SLCS is not an adequate mitigator. It is clearly inappropriate for LILCO to move to strike as irrelevant portions of the County's testimony which address the same issue as LILCO's witnesses have addressed.

Finally, LILCO appears to assert that because "Mr. Minor's testimony deals with issues squarely within the rulemaking", it is therefore outside the scope of SC 16. The County disagrees. The mere fact that ATWS is before the NRC in rulemaking does not make the issue per se off limits. Mr. Minor does testify regarding his belief that an automated SLCS is needed. However, this testimony is in the context of his belief that procedures and training do

not compensate for the lack of such a system. Thus, Mr. Minor states:

The major contributor to Class IV vulnerabilities at both Limerick and Shoreham is stated in the PRAs to be ATWS. (For Limerick, ATWS is also listed as a significant contributor to the lesser release category, Class III.) Limerick shows a substantially lower frequency (indeed, a factor of 30 less) of Class IV releases compared to Shoreham. The impact of Shoreham operating procedures and training apparently was not sufficient to overcome the greater calculated frequency of ATWS events resulting in core vulnerability due to the differences in the mitigating systems. Prefiled testimony, p. 8 (first emphasis in original; second emphasis supplied).

Such testimony regarding the adequacy of the design and the *interim* measures at Shoreham to compensate for the lack of an automatic SLCS is relevant to the contention.

In Part IV of its Motion (pp. 6-8), LILCO also moves to strike Section V of the prefiled testimony as being without probative value. In support of this position, LILCO relies on selected statements by Dr. Burns and Dr. Joksimovich. First, ^wwe believe that there are statements by Dr. Burns which state that such comparisons are possible. Time has not permitted their inclusion in this response but we shall attempt to have them available by Friday, July 30. Second, even assuming that the LILCO witnesses stated that all comparisons between Limerick and Shoreham are not possible, Mr. Minor disagrees. This is a matter, then, for cross-examination. Certainly, a witness should not be prohibited by a motion to strike from giving his interpretation of data which are in controversy. Finally, Mr. Minor's use of Limerick and Shoreham

data was for the purpose of a relative risk comparison. See Prefiled Testimony, p. 6, last line, p. 8, line 16. Mr. Minor believes such relative risk comparisons are valid and that they assist in quantifying the degree of compensation required by the interim measures in the absence of an automatic SLCS. If LILCO disagrees, its proper course is to pursue cross-examination.

For all the foregoing reasons, the LILCO motion to strike must be denied.

Respectfully submitted.

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NUCLEAR REGULATORY COMMISSION

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CERTIFICATE OF SERVICE

I hereby certify that copies of "SUFFOLK COUNTY OPPOSITION TO LILCO'S MOTION TO STRIKE THE TESTIMONY OF GREGORY C. MINOR ON SUFFOLK COUNTY CONTENTION 16 -- ATWS" have been served to the following by U.S. Mail, first class, (except as otherwise noted) this 2nd day of August, 1982.

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