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UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

'83 JAN 26 11:00

Before the Atomic Safety and Licensing Board

OF SECRETARY  
OF ENERGY  
REGULATORY & SERVICE  
BRANCH

In the Matter of )

LONG ISLAND LIGHTING COMPANY )

(Shoreham Nuclear Power Station,  
Unit 1) )

Docket No. 50-322 O.L.

SUFFOLK COUNTY OPPOSITION TO LILCO MOTION  
FOR PARTIAL SUMMARY DISPOSITION OF SUFFOLK COUNTY  
CONTENTION 8/SOC CONTENTION 19(h) --  
ENVIRONMENTAL QUALIFICATION

On January 20, 1983, LILCO moved for summary disposition of subpart (d) of Suffolk County Contention 8 and corresponding subpart (4) of SOC Contention 19(h). That portion of each contention as to which the summary disposition motion is addressed is as follows:

There has been an inadequate demonstration that all safety-related equipment has been properly qualified to meet aging and other life requirements.

Suffolk County opposes LILCO's summary disposition motion for the following reason.

It is impossible to separate the issues of "aging" and "qualified life," from the broader issue of the adequacy of LILCO's Environmental Qualification ("EQ") program. The broader issue is succinctly expressed in subpart (e) of SC Contention 8.

In pursuing its concerns relating to the overall adequacy of LILCO's EQ program and the adequacy of its documentation relating to equipment qualification, the County intends to pursue the adequacy of LILCO's methodology and documentation relating to the aging and determination of qualified life for equipment in the EQ program. For instance, the County believes that the LILCO justifications for interim operation prior to qualification, are in many cases, insufficient and/or incomplete because they fail to demonstrate that equipment is capable of surviving for the necessary amount of time in an environment to which it may be exposed. These concerns are encompassed in both subparts (d) and (e) of the contention, and the County intends to pursue them. In addition, the concerns relating to aging and qualified life also come into play in evaluating LILCO's EQ program as applied to replacement and spare parts.

As LILCO notes in its motion, there is no requirement for an intervenor to file direct testimony as a prerequisite to litigating an issue. Moreover, in this instance, Suffolk County has filed direct testimony that directly takes issue with the adequacy of LILCO's EQ program and its documentation of that program. As noted above, the demonstration of proper aging and satisfaction of other life requirements is an integral part of the EQ program. Thus, there are material facts in dispute and there is no basis for the LILCO motion.

Finally, some of the statements in LILCO's motion require additional response. First, Suffolk County finds it unacceptable that private discussions in the context of negotiations for possible settlement between LILCO and the County on this (or any) issue have suddenly become information that LILCO chooses to set forth in a summary disposition motion.<sup>1/</sup> In settlement discussions, as LILCO should know, parties take many positions in order to attempt to narrow issues and to find a means to resolution. Those are not necessarily indicative of parties' final positions and are intended to remain private. However, LILCO has totally ignored these facts in parading a litany of "alleged" facts concerning the Suffolk County concerns. If LILCO believed that there was no material dispute on this issue, LILCO simply should have moved for summary disposition in the manner provided for under the rules -- namely, by setting forth a clear, concise statement of material facts as to which there is allegedly no dispute. LILCO failed to

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<sup>1/</sup> The County does not object to providing status summaries of discussions to the Board to inform it of the status of issues. This has been done on many occasions. The County does object strongly to statements made about positions the County allegedly took or did not take regarding the details of these discussions. See e.g., LILCO motion, pp. 4-5.

do that in this instance, which alone constitutes grounds to disregard LILCO's motion.<sup>2/</sup>

In view of the fact, however, that LILCO has chosen on this occasion to set forth its "understanding" of the facts,<sup>3/</sup> Suffolk County will respond in one respect. The basic thrust of LILCO's motion is that the County has never informed LILCO of any concerns relating to subpart (d) of SC 8. That is not correct. On several occasions, the Suffolk County consultants have in fact expressed concerns about the aging and qualified life problem and have detailed those concerns to LILCO. For instance, on October 21, 1982, the County's consultant, Mr. Minor, explained in some detail to technical personnel from LILCO, General Electric, Stone & Webster, and the Staff his concerns about the importance of aging in determining qualified life

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<sup>2/</sup> Section 2.749 makes it mandatory for LILCO to have included a statement of material facts as to which there allegedly is no dispute as part of its motion.

There shall be annexed to the motion a separate, short and concise statement of the material facts as to which the moving party contends that there is no genuine issue to be heard.

10 C.F.R. § 2.749 (emphasis supplied).

<sup>3/</sup> In the future, the County will have to consider carefully what to discuss with LILCO unless LILCO confirms the private nature of these discussions.



and the methods employed and/or approved to demonstrate equipment qualification after aging. It was clear during that and subsequent discussions, that the parties disagreed on the matter on a technical basis. In addition, at every technical meeting on this issue, the parties discussed at length the County's belief that improper or inadequate assumptions were included in LILCO's justifications for incomplete qualification. Accordingly, LILCO's claim of ignorance of the County's concerns is simply untrue.

Respectfully submitted,

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January 24, 1983

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UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of )  
)

LONG ISLAND LIGHTING COMPANY )  
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(Shoreham Nuclear Power Station, )  
Unit 1) )  
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Docket No. 50-322 (O.L.)

CERTIFICATE OF SERVICE

I hereby certify that copies of SUFFOLK COUNTY OPPOSITION TO LILCO MOTION FOR PARTIAL SUMMARY DISPOSITION OF SUFFOLK COUNTY CONTENTION 8/SOC CONTENTION 19(L) -- ENVIRONMENTAL QUALIFICATION have been served to the following by U.S. Mail, first class, except as otherwise noted.

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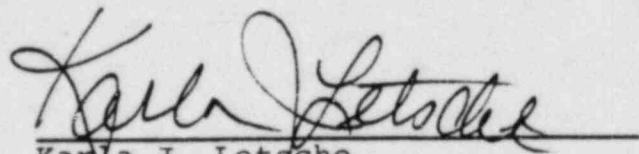
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