

982

RECEIVED

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

Before the Atomic Safety and Licensing Board

In the Matter of)	
)	
LONG ISLAND LIGHTING COMPANY)	Docket No. 50-322(OL)
)	
(Shoreham Nuclear Power Station,)	
Unit 1))	

LILCO'S MOTION TO ADMIT SUPPLEMENTAL TESTIMONY ON
SUFFOLK COUNTY CONTENTION REGARDING CYLINDER BLOCKS

Long Island Lighting Company (LILCO), for good cause, moves the Board for leave to file the attached Supplemental Testimony and in support of such Motion states:

(1) LILCO's Supplemental Testimony on cylinder blocks is limited to a discussion of new information recently obtained on cam gallery cracks, stud-to-stud cracks and circumferential cracks in the original EDG 103. This Supplemental Testimony is necessary to apprise the Board and parties of relevant and material evidence recently obtained concerning the original EDG 103 block, and to insure that the record on this contention is accurate and complete.

(2) In summary, the Supplemental Testimony revises the depth of the cracks previously reported in the cam gallery area, and revises the statement in the original testimony that the cracks would propagate slowly. Destructive examination of the cracks performed after August 14 reveals they have not propagated at all. The testimony also revises the depth

8409240232 840920
PDR ADOCK 05000322
T PDR

D503

previously reported for the stud-to-stud crack on EDG 103. This crack was recently sectioned and measured to be a maximum of 3 inches deep rather than the 5 1/2 inches previously reported. Finally, the testimony reports on the nature and significance of shallow circumferential cracks recently identified in the original EDG 103 block top.

(3) The Supplemental Testimony addresses matters that are directly relevant and material to the central issues of Suffolk County's Contention on the cylinder blocks. Authorities clearly establish that applicants have a duty to keep the Board advised of significant changes and developments relevant to the proceeding. See Georgia Power Co. (Alvin W. Vogtle Nuclear Plant, Units 1 & 2), ALAB-291, 2 NRC 404, 408 (1975).

In Duke Power Co. (William B. McGuire Nuclear Station, Units 1 & 2), ALAB-143, 6 AEC 623 (1973), the Board described the duty to reveal changes and new information as follows:

In all future proceedings, parties must inform the presiding board and other parties of new information which is relevant and material to the matters being adjudicated.

* * *

If the presiding board and other parties are not informed in a timely manner of such changes, the inescapable result will be that reasoned decision-making would suffer. Indeed, the adjudication could become meaningless, for adjudicatory boards would be passing upon

evidence which would not accurately reflect existing facts.

Id. at 625-26.

(4) The Supplemental Testimony is necessary to make the record fully and accurately reflect existing facts which have recently been obtained. Unless these facts are included in the record, there cannot be a meaningful adjudication of the cylinder block contention.

WHEREFORE, LILCO respectfully requests that the Board admit LILCO's Supplemental Testimony on cylinder blocks.

Respectfully submitted,
LONG ISLAND LIGHTING COMPANY

By E. Milton Farley, III /*mg*
Counsel

E. Milton Farley, III
HUNTON & WILLIAMS
Post Office Box 19230
Washington, D.C. 20036

T. S. Ellis, III
Darla B. Tarletz
HUNTON & WILLIAMS
Post Office Box 1535
Richmond, Virginia 23212

Odes L. Stroupe, Jr.
David Dreifus
HUNTON & WILLIAMS
Post Office Box 109
Raleigh, North Carolina 27602

DATED: September 20, 1984