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UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

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BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

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

Docket No. 50-322-1  
(OL)

NRC STAFF RESPONSE TO "SUFFOLK COUNTY AND  
NEW YORK STATE JOINT MOTION TO STRIKE STAFF TESTIMONY"  
AND "SUFFOLK COUNTY AND NEW YORK STATE JOINT MOTION  
TO STRIKE ADDITIONAL STAFF TESTIMONY"

On February 8, 1985, and February 11, 1985, Intervenors Suffolk County and New York State filed joint motions to strike portions of NRC Staff testimony filed by witnesses Bush, Sarsten, and Henrikson. For the reasons set forth below, Staff opposes the Motions to Strike.

The February 8th Motion

Intervenors' first Motion to Strike is posited upon the facts that 1) the data upon which the referenced testimony was allegedly available at the time of the prior hearing sessions on the qualification of the ED0s for infinite life a rated power level and 10% overload and 2) the testimony sought to be struck is allegedly outside of the scope of the admitted contentions.

Initially, it is the Staff's position that the present testimony is not used to support operation of the Shoreham EDGs for infinite operating life at any load above 3300 kW. Rather, the cited testimony is provided to address the adequacy of the diesels to operate for brief periods of

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time at loads above 3300 kW which are squarely within the scope of the admitted contention insofar as it places loading in issue. For example, the material presented in those portions of the Staff's testimony that Suffolk County and the State of New York propose to strike is pertinent to the following parts of the load contention: (a)(i) asserting that intermittent and cyclic loads are excluded, (a)(ii) and (c)(iv) asserting that load meter instrument accuracy was not considered, and (a)(iv) asserting that operators may erroneously start additional equipment. Inherent in these parts of the contention is the possibility that the EDGs may be operated for short periods of time at loads in excess of the "qualified" load of 3300 kW, either through instrument error or through operator error. Loads at which EDG 103 was operated above 3300 kW are part of the confirmatory test to  $1 \times 10^7$  cycles which, together with the results of the post-test examination, provided a basis for the Staff's witness to draw conclusions that are vitally important for a full and complete record on the contention.

Contrary to the assertion of the County and the State in their motion to strike, the portion of the testing conducted at indicated loads of 3500 kW and above does not, by itself, provide an adequate basis for testimony of the Staff's witnesses concerning crankshaft behavior at loads above the "qualified" load of 3300 kW. This is evident from the testimony. On page 17, for example, Dr. Bush observes that ". . . subsequent operation at the latter load (3300 kW) to bring the total cycles to  $10^7$  would have been sufficient to cause propagation of cracks formed at the higher load (3500 kW)." Dr. Bush relies heavily on the testing at the lower load and the results of the post-test inspection for

his conclusions about crankshaft behavior at loads to 3430 kW. In the interest of being fully responsive to those parts of the contention noted above, he relies on other considerations for his opinions on crankshaft behavior at loads to 3900 kW.

In the context of the total testing and subsequent inspection, the higher-load testing also provides a basis for the Staff's witnesses to comment on uncertainties concerning whether or not the crankshafts are qualified at 3300 kW. These uncertainties stem from parts (a)(ii) and (c)(iv) of the contention, which assert that load meter instrument error was not considered. The reliance the witnesses place on the higher-load testing is evident in Dr. Bush's response to question 8 (at 13). The portion of his response that the County and the State wish to strike is a key consideration in his conclusion concerning the relevance of testing that may have been conducted at loads below 3300 kW.

#### The February 11th Motion

##### Three Dimensional Finite Element Analysis of Cylinder Block Crack

Intervenors move to strike one sentence of Dr. Bush's testimony which references a December, 1984 three-dimensional finite element analysis of crack initiation and growth on the basis that it constitutes "more new testimony on the adequacy of the diesels under the FSAR Load requirements of 3500/3900 kW and not LILCO's new proposed "qualified load" of 3300 kW. Motion of February 11, 1985 at 1. The referenced analysis is correctly described by Intervenors as being contained in FaAA's most recent cylinder block report, which was itself directed towards performance at earlier FSAR load levels. However, Dr. Bush, in his testimony, relies upon this analysis to support his conclusions in

regard to the "qualified load" level of 3300 kW; to the extent that the earlier load levels bound the qualified load level at issue here, the analysis should be admitted in evidence on the present issues involving the "qualified load."

Accordingly, the NRC Staff opposes Intervenors' Motions to Strike.

Respectfully submitted,

*Richard J. Goddard*  
Richard J. Goddard *By BMB*  
Counsel for NRC Staff

Dated at Bethesda, Maryland  
this 19th day of February, 1985

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

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CERTIFICATE OF SERVICE

I hereby certify that copies of "NRC STAFF RESPONSE TO "SUFFOLK COUNTY AND NEW YORK STATE JOINT MOTION TO STRIKE STAFF TESTIMONY" AND "SUFFOLK COUNTY AND NEW YORK STATE JOINT MOTION TO STRIKE ADDITIONAL STAFF TESTIMONY" in the above-captioned proceeding have been served on the following by deposit in the United States mail, first class or, as indicated by an asterisk, through deposit in the Nuclear Regulatory Commission's internal mail system, or as indicated by a double asterisk, by hand delivery, this 19th day of February, 1985.

Lawrence Brenner, Esq.\*\*  
Administrative Judge  
Atomic Safety and Licensing Board  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

Fabian G. Palomino, Esq.  
Special Counsel to the Governor  
Executive Chamber  
State Capitol  
Albany, NY 12224

Dr. George A. Ferguson \*\*  
Administrative Judge  
School of Engineering  
Howard University  
2300 - 6th Street, N.W.  
Washington, D.C. 20059

Howard L. Blau, Esq.  
217 Newbridge Road  
Hicksville, NY 11801

Dr. Peter A. Morris\*\*  
Administrative Judge  
Atomic Safety and Licensing Board  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555

W. Taylor Reveley III, Esq.\*\*  
Hunton & Williams  
707 East Main Street  
Richmond, VA 23212

Jonathan D. Feinberg, Esq.  
New York State Department of  
Public Service  
Three Empire State Plaza  
Albany, NY 12223

Cherif Sedkey, Esq.  
Kirkpatrick, Lockhart, Johnson  
& Hutchison  
1500 Oliver Building  
Pittsburgh, PA 15222

Stephen B. Latham, Esq.  
John F. Shea, III, Esq.  
Twomey, Latham & Shea  
Attorneys at Law  
P.O. Box 398  
33 West Second Street  
Riverhead, NY 11901

Atomic Safety and Licensing  
Board Panel\*  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555

Atomic Safety and Licensing  
Appeal Board Panel\*  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555

Gerald C. Crotty, Esq.  
Ben Wiles, Esq.  
Counsel to the Governor  
Executive Chamber  
State Capitol  
Albany, NY 12224

Herbert H. Brown, Esq.\*\*  
Lawrence Coe Lanpher, Esq.  
Karla J. Letsche, Esq.  
Kirkpatrick and Lockhart  
1900 M Street, N.W.  
8th Floor  
Washington, DC 20036

Docketing and Service Section\*  
Office of the Secretary  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555

James B. Dougherty, Esq.  
3045 Porter Street, NW  
Washington, DC 20008

Peter S. Everett, Esq.  
Hunton & Williams  
2000 Pennsylvania Avenue, NW  
Washington, DC 20036

Robert Abrams, Esq.  
Attorney General of the State  
of New York  
Attn: Peter Bienstock, Esq.  
Department of Law  
State of New York  
Two World Trade Center  
Room 46-14  
New York, NY 10047

*Bernard M. Bordenick*  
Bernard M. Bordenick  
Counsel for NRC Staff

COURTESY COPY LIST

Edward M. Barrett, Esq.  
General Counsel  
Long Island Lighting Company  
250 Old County Road  
Mineola, NY 11501

Mr. Brian McCaffrey  
Long Island Lighting Company  
Shoreham Nuclear Power Station  
P.O. Box 618  
North Country Road  
Wading River, NY 11792

Marc W. Goldsmith  
Energy Research Group, Inc.  
400-1 Totten Pond Road  
Waltham, MA 02154

Martin Bradley Ashare, Esq.  
Suffolk County Attorney  
H. Lee Dennison Building  
Veteran's Memorial Highway  
Hauppauge, NY 11788

Ms. Nora Bredes  
Shoreham Opponents Coalition  
195 East Main Street  
Smithtown, NY 11787

Chris Nolin  
New York State Assembly  
Energy Committee  
626 Legislative Office Building  
Albany, New York 12248

MHB Technical Associates  
1723 Hamilton Avenue  
Suite K  
San Jose, CA 95125

Hon. Peter Cohalan  
Suffolk County Executive  
County Executive/Legislative Bldg.  
Veteran's Memorial Highway  
Hauppauge, NY 11788

Mr. Jay Dunkleberger  
New York State Energy Office  
Agency Building 2  
Empire State Plaza  
Albany, New York 12223

Leon Friedman, Esq.  
Costigan, Hyman & Hyman  
120 Mineola Boulevard  
Mineola, NY 11501