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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
OF LICENSING & SERVICE
BRANCH

11/14/84

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

Docket No. 50-322-0L

NRC STAFF REPLY TO
"LILCO'S MOTION (A) FOR LIMITED
SUPPLEMENTATION OF THE DIESEL GENERATOR
ENGINE BLOCK RECORD AND (B) FOR LIMITED
REOPENING OF THE DIESEL GENERATOR CRANKSHAFT RECORD"

On November 7, 1984, LILCO caused the above motion (Motion) to be served upon the Staff. By oral order of the same date the Licensing Board ordered the Staff to file a written reply to this motion by November 14, 1984 at the hearings on Long Island. The Staff here replies to the motion.

LILCO has made their motion to supplant and reopen the record in a limited manner "to give the Board the option of finding the TDI diesels, which are the subject of this litigation to be acceptable at 3300 KW, at 3500 KW or at 3900 Kw" by putting in evidence of certain confirmatory

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tests performed on one of the engines at 3300 KW. ^{1/} (Motion at 6). LILCO seeks further to have this supplementation highly focused and limited as follows:

1. Reopening of Crankshaft Record. LILCO proposes that the reopening of the crankshaft record be limited to evidence concerning:

(a) the results of the 10 cycle endurance tests and their significance to the record already developed; and

(b) the results of DEMA forced torsional vibratory stress calculations at 3300 kw and the effect of the new qualified load on the various safety factors already calculated by the parties. (Motion 7).

2. Supplementation of Block Testimony. LILCO proposes that the Board permit supplementation of the engine block record to include evidence of the results and significance of the confirmatory strain gauge tests with respect to the cam gallery area.

The NRC Staff concurs in the view that the record should be reopened and supplemented to reflect the confirmatory tests. The applicant here proposes a new basis of licensing the Shoreham facility that has not been proposed before: i.e. , with TDI emergency on-site diesels qualified to 3300 KW instead of 3500 or 3900 KW which was the former bases for proposed licensing. As indicated in Commonwealth Edison Co. (Byron Nuclear Power Station, Units 1 & 2), ALAB-770, 19NRC 1163, 1169 (1984), a Licensing Board would not err in providing for further proceedings to

^{1/} This confirmatory test involved operating Trans Delaval Industries (TDI) engine 103 for 10⁷ cycles (740 hours) and then inspecting the components of the engine including the crankshaft and the engine block to see if any cracks or other flaws had developed in the engine. As the Board is aware, Staff testimony herein indicates that these tests are necessary at the loads at which LILCO seeks to qualify the engine.

allow the introduction of additional evidence where it appears additional evidence, not originally introduced, might show the facility meets the regulations of the Commission. The Byron proceeding dealt with a Licensing Board finding an applicant unqualified in regard to quality assurance matters on the basis of evidence then in the record, rather than awaiting the results of on-going inspections which might have clarified the effectiveness of the applicant's quality assurance program. Here we deal with the need to put additional tests in evidence to clarify the qualification of the diesel generators. As in the Byron case, it is appropriate to receive full evidence on whether the Commission's regulation can be met to allow the issuance of a license.

Further, the traditional tests for reopening a record are met. These tests are: (1) that the motion be timely; (2) that the new evidence relate to a significant safety or environmental question; and (3) that the new evidence be such which that it might materially affect the outcome of the proceeding. Luke Power Co. (McGuire Nuclear Station, Units 1 & 2), ALAB-669, 15 NRC 453, 465 (1982); Kansas Gas and Electric Co. (Wolf Creek Generating Station, Unit 1), ALAB-462, 7 NRC 320, 338 (1978). The evidence here is new as the tests have just been completed. The new evidence is material as LILCO now seeks to qualify the diesels at 3300 KW if they cannot be qualified to 3500 or 3900 KW, and the evidence could materially affect the outcome of the proceeding if the TDI diesels cannot be licensed at 3500 or 3900 KW. 2/

2/ It is noted that staff evidence indicated that the engines could not be considered qualified unless they were subject to the confirmatory tests at the loads at which they were intended to be used.

While extensive hearings have been held in this proceeding and the Staff does not believe supplementing the record in regard to the confirmatory tests should open all issues anew, the Staff does believe the limitations the Applicant seeks to put on the supplemental or reopened proceedings are in some respects too stringent. LILCO seems to wish to limit parties to only questions of whether the diesels meet the DEMA standards upon which it relies (see Motion at 9), yet the standards of other certifying or testing societies were formerly accepted into evidence in other phases of this proceeding. Calculations and comparisons to other societies' standards might be relevant. Another relevant matter is the result of inspections of the cam gallery and the block type areas. Whether these areas had cracks or will develop cracks has been litigated herein, and no reason appears not to allow evidence stemming from the confirmatory test which may support or rebut that former testimony. As indicated in staff testimony, the staff views it as essential that reports on the examination of the blocks, and particularly the block top area and the cam gallery area, be considered in determining whether the engines are qualified.^{3/} Thus it appears that while evidence of the results of the confirmatory tests should be accepted into the record, the matters shown by the tests should not be unnaturally

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The Staff is in the process of preparing a Supplementary Safety Evaluation Report which will consider the use of diesels qualified to 3300 KW and the results of the reports of the applicant's confirmatory tests at 3300 KW. This SSER will be made part of the records of any supplemental or reopened proceeding involving diesels qualified to 3300 KW. See 10 CFR § 50.743(g).

circumscribed to keep out calculations on which some parties rely or to foreclose evidence on the results of inspections of the blocks after the confirmatory tests.

The schedule for litigation set out by LILCO does not appear adequate. See Motion at 12. LILCO completed its confirmatory tests on the engines at 3300 KW on November 2, 1984. In the Motion LILCO states it does not intend to supply documents reflecting its basis for concluding that 3300 KW might be a qualified load until November 12, 1984. ^{4/} LILCO proposes to complete its inspection of the crankshaft and the engine blocks some 13 to 18 days after it completes its tests. It sets out no time for the preparation of reports on these inspections, yet such reports are a predicate to any further proceeding on the confirmatory tests. ^{5/} LILCO suggests that it have about one month, until December 12, 1984, after it completes its inspections of the diesels to prepare its testimony, and that the County's testimony be

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Counsel for Suffolk County indicated in the hearing that the County may raise questions involving whether diesels qualified to 3300 KW may carry the full emergency loads. See Tr. 25,596-25,597; see also Tr. 25,589, 25,601. Any proper questions concerning the loads that will be sustained by the diesels in any emergency could be formulated and replied to in the same time period as LILCO prepares and submits its report on the confirmatory tests at 3300 KW.

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It is noted that LILCO has stated that it does not intend to allow the intervenor to be present at these inspections. Failure to allow the intervenor to be present certainly inhibits the ability of all parties to supply the best evidence on the results of the tests to the Board.

filed a week later on December 19, 1984. It is then suggested that the Staff be given the Christmas holiday period, or until January 4, 1985, to finalize and file its testimony.

Primarily, the times for the preparation of testimony must stem from the preparation of LILCO's reports on its inspections of the engines and not the inspections themselves. Without reports the testimony would be unfocussed and basis of LILCO's conclusions could not be squarely met. The Staff would therefore ask that LILCO's testimony be amended to provide:

Endurance Test completed.	November 2, 1984
Documents reflecting basis for concluding 3300 KW load is adequate	November 12, 1984
Post test inspection of crankshaft, cam gallery and the engine blocks	To be completed November 15-20, 1984
LILCO Reports analyzing the results of endurance test and the inspections	November 30, 1984 ^{6/}
Response to any new matters on the adequacy of the on 3300 KW loads	December 7, 1984
Discovery cuts-off	December 14, 1984
LILCO's additional testimony due	December 28, 1984
County's additional testimony due	January 11, 1985

^{6/} During the time these reports are prepared the County could demonstrate whether it has any basis to raise at this stage of the proceeding a question on the adequacy of the 3300 KW load.

Staff's additional testimony
due

January 30, 1985 ^{7/}

Hearings commence

February 5, 1985

For the reasons set out herein the Staff believes the record should be supplemented and reopened to accept evidence on the confirmatory tests at 3300 KW for purposes relevant to this proceeding, and that the Staff's schedule for the filing of testimony and the start of hearing be adopted.

Respectfully submitted,



Edwin J. Reis
Assistant Chief Hearing Counsel

Dated at Bethesda, Maryland
this ^{14th} day of November, 1984

^{7/} The Staff requests time to formulate testimony responsive to that of the applicant and the intervenors.

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NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

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

Docket No. 50-322-1
(OL)

CERTIFICATE OF SERVICE

I hereby certify that copies of "NRC STAFF REPLY TO 'LILCO'S MOTION (A) FOR LIMITED SUPPLEMENTATION OF THE DIESEL GENERATOR ENGINE BLOCK RECORD AND (B) FOR LIMITED REOPENING OF THE DIESEL GENERATOR CRANKSHAFT RECORD'" 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, by deposit in the Nuclear Regulatory Commission's internal mail system, this 14th day of November, 1984:

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