

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

RELATED CORRESPONDENCE

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 O.L.

SUFFOLK COUNTY MOTION TO STRIKE PORTIONS  
OF LONG ISLAND LIGHTING COMPANY TESTIMONY  
ON SOC CONTENTION 19(e)

On May 4, 1982, Long Island Lighting Company ("LILCO") prefiled testimony of Albert Yao Chee Wong on SOC Contention 19(e), seismic design. Pursuant to this Licensing Board's instructions regarding motions to strike, Suffolk County now moves to strike questions 11-16 of that testimony and the answers thereto (portions of pages 4 and 5 of the prefiled testimony)<sup>\*/</sup> because these portions of the testimony are irrelevant to the contention as stated.

In Q&A 11-16, the LILCO witness, while purporting to address the seismic design response spectra issue, addresses the following matters:

1. The basis for using the Modified Mercalli Scale Intensity VII for the safe shutdown earthquake ("SSE") at Shoreham;

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<sup>\*/</sup> The second line of the Answer to Question 24 on page 8 of the testimony should also be struck.

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2. The seismic history of Long Island and surrounding areas;
3. The alleged degree of conservatism used by LILCO in designing Shoreham for an Intensity VII SSE;
4. The degree to which peak ground acceleration of an Intensity VII earthquake exceeds an Intensity V earthquake, which allegedly is the largest earthquake previously recorded in the Long Island vicinity;
5. The corrolation of an Intensity VII earthquake to a maximum ground acceleration rate of 0.13g; and
6. Consideration of whether Shoreham is designed to meet much greater ground accelerations than would be expected in the SSE.

It is respectfully submitted that the foregoing portions of the testimony, as well as related portions of the conclusion on page 8 of the testimony, are irrelevant to SOC Contention 19(e). That Contention, in relevant part, states as follows:

The design response spectra for the seismic design of Shoreham are not based on the standards in Regulatory Guide 1.60. Thus, the spectra have not been demonstrated to be sufficiently conservative to comply with 10 CFR Part 50, Appendix A, Criterion 2, and 10 CFR Part 100, Appendix A. In addition, LILCO did not use the Regulatory Guide 1.61 value of damping (4%) for the operating basis earthquake analysis of Category I reinforced concrete structures, but rather utilized a higher value of damping (5%), thereby also violating the regulations just cited.

Suffolk County originally believed that testimony such as that offered by the LILCO witness was in fact relevant to SOC Contention 19(e) since the ground motion inputs to the response spectra, as well as regional geologic history, are integrally related to the adequacy of the seismic design. However, this Board's earlier ruling to the contrary rejected this view and now prompts this motion.

Suffolk County in Request 5 of its Second Request for Production of Documents by Long Island Lighting Company, dated March 6, 1982, requested LILCO to produce a number of documents relating to seismic activity during the past 24 months in the northeastern United States. See Exhibit A hereto. These documents related to earthquake magnitudes, ground accelerations, and other data relevant to the question of the appropriate accelerations associated with the SSE for the Shoreham facility. Suffolk County believed that the requested documents were relevant under the NRC's rules and that, in particular, they related to SOC Contention 19(e). LILCO objected to the discovery request and the Board, in a March 30, 1982 "Confirmatory Order Regarding Suffolk County and SOC Motions to Compel Discovery from LILCO" agreed with LILCO.<sup>\*/</sup> Thus, the Board ruled: "LILCO need not produce the seismic data described in production request No. 5 of the County Second Set of Document Production Requests because

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<sup>\*/</sup> A complete record of Suffolk County's position is unavailable since arguments were made in a Conference Call referenced in the March 30 Order.

it is not relevant to any contention or issue admitted in the proceeding." (March 30 Order, p. 3, emphasis supplied).

If the foregoing data in Suffolk County's document production request were not relevant to any issue in this proceeding, then the referenced portions of the LILCO testimony on SOC Contention 19(e) are also not relevant and should be struck from the proceeding.

The Board, in Suffolk County's view, does have an alternative. That alternative is to admit this testimony, but to defer consideration until after the submission of the reports requested by the Board at the last hearing concerning recent seismic activity in the northeastern United States. (See Tr. 1161, Morris, J.) Other parties would need to also have an opportunity to file rebuttal testimony on this aspect of the contention, since the LILCO testimony did go beyond the scope of earlier rulings. However, in the event the parties are not provided an opportunity to confront this evidence -- which evidence is a surprise in view of the earlier position of LILCO and the Board that such seismic information is not relevant -- this testimony must be struck.

Respectfully submitted,

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May 13, 1982

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

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

SUFFOLK COUNTY SECOND REQUEST FOR  
PRODUCTION OF DOCUMENTS BY  
LONG ISLAND LIGHTING COMPANY

Pursuant to 10 C.F.R. § 2.741, LILCO is requested by Suffolk County to produce for inspection and copying, at the Shoreham plant or at another mutually agreed-upon location, the documents specified below that are within LILCO's (as defined herein) possession, custody, or control. Such production shall be no later than 30 days from the date of service of this Request.

DEFINITIONS AND INSTRUCTIONS  
FOR DOCUMENT PRODUCTION

The definitions and instructions applicable to these Requests are the same as those set forth in Suffolk County Interrogatories to LILCO, dated March 5, 1982, and hereby incorporated by reference, except that subparts L through P, and W of such Definitions and Instructions are not applicable to these Requests.

82-03110092

DOCUMENTS TO BE PRODUCED

1. All documents identified in response to Suffolk County Second Set of Interrogatories to Long Island Lighting Company, dated March 6, 1982.

2. With regard to Section 17.2 of the FSAR where it states "Audits shall be conducted to predetermined schedules," please provide a copy of the current "predetermined" audit schedules.

3. A copy of the LILCO Inspection Plan for the Shoreham Nuclear Power Station construction and operations programs.

4. S&W Topical Report RP-8A "Radiation Shielding Design and Analysis Approach for Light Water Reactor Power Plants," May 1975.

5. All documents related to seismic activity during the past 24 months in the northeastern United States or southeastern Canada, including:

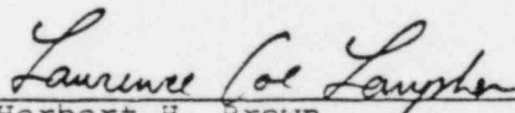
- (1) Documents which concern the earthquake magnitudes;
- (2) Documents which concern the ground accelerations;



- (3) Documents which concern the accelograms or other seismic instrument readings or data recorded at the Shoreham plant, on Long Island, or elsewhere;
- (4) Documents which concern the free-field response of such seismic activity;
- (5) Documents which concern the response spectra at the Shoreham plant, including any effects related to soil systems interaction or damping; and
- (6) Documents which concern the adequacy of Shoreham's seismic design in view of recent seismic activity in the northeastern United States or southeastern Canada.

Respectfully submitted,

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March 6, 1982

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 ) Docket No. 50-322 (OL)  
(Shoreham Nuclear Power Station, )  
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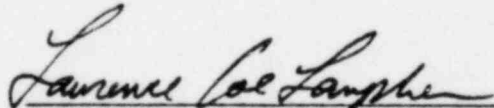
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May 13, 1982

(\*) By hand 5/13/82  
(#) By Federal Express 5/13/82