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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

OF SECRETARY
TRAINING & SERVICE
BRANCH

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 VIEWS ON THE
AFFIDAVIT OF JAMES H. CONRAN, SR.

A. INTRODUCTION

By Order dated February 11, 1983 confirming a previous conference call, the Board directed the parties to file by February 22, 1983 a statement of their views on the effects, if any, on this proceeding of the affidavit of James H. Conran, Sr. dated February 8, 1983. This pleading is responsive to that Order.

More specifically, the Board requested the parties to address three specific matters in submitting their views:

1. whether the record on 7B must or should be reopened to allow the admission into evidence of all or portions of the affidavit as an amendment to Mr. Conran's testimony;

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2. if the record is reopened, whether cross-examination of Mr. Conran is required; and

3. if the record is reopened, whether submission of additional testimony by the NRC Staff or parties should be permitted.

As this pleading will demonstrate, the affidavit of Mr. Conran fails to meet the standard for reopening as articulated by the Commission and Appeal Board in their decisions. It is untimely and states few, if any, new facts or circumstances, none of which would be likely to affect the outcome of SC/SOC 7B. Accordingly, an effort to reopen the record based on Mr. Conran's affidavit does not and cannot meet the heavy burden that must be borne in these circumstances. Such a heavy burden is reasonable for there would otherwise be little obstacle to interminable litigation of an issue or contention.

B. THE REOPENING STANDARD

A recent Commission decision characterized the reopening standard succinctly in the following terms:

The record should not be reopened on TMI-1 related issues relating to either low or full power absent a showing, by the moving party, of "significant new evidence not included in the record, that materially affects the decision."

Pacific Gas and Electric Company (Diablo Canyon Nuclear Plant, Units 1 and 2), CLI-81-5, 13 NRC 361, 362 (1981).

While this decision specifically involved the standard for reopening under the Commission's TMI policy statement, that opinion made unmistakably clear the Commission's view that this standard was only consistent with long-standing Commission practice. Id., 361-62. More specifically, the reopening standard has been characterized in the following terms:

1. The proponent of a motion to reopen has a heavy burden, Kansas Gas and Electric Co. (Wolf Creek Generating Station, Unit 1), ALAB-462, 7 NRC 320, 338 (1978);

2. The motion must be timely; Id.

3. There must be newly discovered evidence having a material bearing upon the result in the proceeding, Duke Power Co. (William B. McGuire Nuclear Station, Units 1 and 2), ALAB-669, 15 NRC 453, 465 (1982);^{1/}

4. There must be a showing that the outcome might affect the result of the proceeding, Southern California Edison Co. (San Onofre Nuclear Generating Station, Units 2 and 3), LBP-82-46, 15 NRC 1531, 1535 (1982); and

5. The issue must be one of major significance. Id.^{2/}

^{1/} As the Appeal Board implied in another case, there must be some new circumstances, trend or fact discovered. Duke Power Co. (Catawba Nuclear Station, Units 1 and 2), ALAB-359, 4 NRC 619, 620 (1976).

^{2/} While various of the cases cited above were based on motions to reopen following the issuance of a partial initial

(footnote continued)

While some of these elements may be similar to one another, it is clear from all the cases that they are regarded as additive, not alternative: all, not just one, of them must be satisfied to justify a party in reopening a record.^{3/}

As the following sections demonstrate, few if any portions of the Conran affidavit meet any of these requirements; none meets them all.

C. THE RECORD SHOULD NOT BE
REOPENED TO ADMIT ALL OR PORTIONS
OF THE CONRAN AFFIDAVIT

1. The Affidavit is Untimely

(footnote continued)

decision, those cases and their rationalia are also apposite here. The significant event is the closing of the record on an issue, particularly where, as here, the record closed long after testimony was given on the issue. Moreover, those decisions are all the more applicable where, as here, proposed findings of fact and conclusions of law have already been submitted.

^{3/} A Licensing Board, in determining whether to reopen a record on its own motion, is not restrained to quite the same degree as a party seeking to reopen the record, because of the Board's broader public-interest responsibilities. Even their degree of sua sponte flexibility granted to Licensing Boards does not, however, commend reopening the record here, especially since, as is pointed out in Part C.2. below, the Conran affidavit presents no significant new material but consists rather of an individual's reinterpretation of material already before this Board.

Carolina Power & Light Company (Shearon Harris Nuclear Power Plant, Units 1, 2, 3 and 4), LBP-78-2, 7 NRC 83,85 (1978).

The contents of the Conran Affidavit make manifest its untimeliness. It is replete with references to events and circumstances that occurred long before Mr. Conran's oral and prefiled testimony in Contention 7B. Thus, on pages 2-9 of the Affidavit, Mr. Conran describes what he terms "background and baseline" events relating to Unresolved Safety Issue (USI) A-17. These seven pages are essentially descriptions of alleged facts, circumstances and opinions that long antedated Mr. Conran's prefiled and oral testimony in this contention. For instance, Mr. Conran places substantial reliance on the fact that in March 1981 the Systems Interaction Branch was abolished and all but two of the nine professionals working on systems interaction were assigned to other licensing-related activities within NRR. Affidavit at 16. This development, Mr. Conran notes in the Affidavit, "indicated a significant decrease in the preceived [sic] importance of systems interaction issue[s]" Affidavit at 16-17. Mr. Conran goes on to note that in the same time frame, March 1981, concerns were expressed by him and other Systems Interaction staff and that while reassured, "beginning at that point (gradually at first, but more noticeably as months passed), there began to develop in the management of the systems interaction program at all levels within NRR a noticeable lack of emphasis on the completion of the . . . systems interaction program (and resolution of A-17)

on the basis of schedules established at the outset of that program." Affidavit at 17. Quite plainly, Mr. Conran here is recounting facts and events, and his perception of them, all of which occurred long before his prefiled and oral testimony in this case.

While Mr. Conran argues that the vast shift in emphasis in favor of PRA's and the changes in attitudes on the part of management occurred gradually over time, the Affidavit itself reflects that facts and circumstances on which Mr. Conran relies in this connection occurred long before his testimony. Indeed, Mr. Conran concedes on page 9 of the Affidavit that "some of the changes identified occurred before my Shoreham testimony" By no stretch of the imagination can it be said that the reopening timeliness requirement is met by all those portions of the Affidavit that recount these "changes" and other facts and circumstances known to Mr. Conran long before his submission of prefiled testimony or his appearance before the Board to testify. In fact, a significant consideration in determining the timeliness of a motion to reopen is whether the asserted new information could have been raised prior to the close of the record. Vermont Yankee Nuclear Power Corp. (Vermont Yankee Nuclear Power Station), ALAB-138, 6 NPC 520, 523 (1973). Clearly, the bulk of the information relied

upon by Mr. Conran was known to him prior to the close of hearings on SC/SOC 7B, and certainly long before the closing of the record and the filing of proposed findings of fact. For example, on page 2 of the Affidavit, Mr. Conran refers to so-called "unfavorable developments" relating to A-17 that occurred in the months preceding the Staff's testimony. Given that these so-called "unfavorable developments" existed prior to the prefiled and oral testimony, they were, or should have been, the basis for his testimony. It is untimely to attempt to reargue them or their significance at this late date.

Yet another example confirming untimeliness is that essentially the entire section of the Affidavit entitled "De-emphasis (sic) on Systems Interaction Program Objective" (pp. 16-24) recites and relies upon events and circumstances that predated his prefiled and oral testimony. Indeed, some of the events occurred a year or more prior to his testimony. See Affidavit at 16.

Untimeliness is manifest even with respect to the only arguably new fact or circumstance relied on in the Affidavit as the reason for Mr. Conran's change of mind. On page 21 of the Affidavit, Mr. Conran notes that he first learned in an "official" way in August, 1982 that the proposed NTOL pilot

plant alternative had been discarded. Yet even if Mr. Conran had not actually become aware of this fact before August 1982 (a matter his affidavit does not address), the fact is that he was silent in August 1982 and remained silent for approximately six months thereafter on the subject. Significantly, Mr. Conran cites no event subsequent to this one in August, 1982 as a basis for changing his testimony on the issue of A-17. The untimeliness of the Affidavit on this issue is confirmed by this Board's previous ruling with respect to LILCO's motion to admit a portion of the deposition of Dr. Budnitz. In that instance, this Board stated that the motion was untimely where the deposition was taken in August 1982 and the motion to admit portions of that deposition was not filed until January, 1983. See Tr. 19,357-8. The same result should obtain here where the event relied on by Mr. Conran as a basis for his change in testimony occurred in August 1982, yet his Affidavit was not filed until February, 1983.

The only other circumstance in the Affidavit allegedly postdating Mr. Conran's testimony concerns recent proposals by LILCO concerning the resolution of the GDC 1 issue for the operation of Shoreham. See Affidavit at 29. He is apparently referring to a December 16, 1982, letter from Mr. Pollock of LILCO to Mr. Novak of the NRC Staff.^{4/} Yet Mr. Conran waited

^{4/} SNRC-795. Although copies of this letter have already been served on the Board and parties, a copy is appended hereto for convenience.

well over a month thereafter to file his Affidavit. In any event, the letter does not provide any new facts or circumstances that would justify reopening the record. In essence, LILCO, in the letter, simply gave the NRC Staff a commitment to apply quality measures to all structures, systems and components commensurate with their role in the safe and reliable operation of the plant. The letter is simply resonant of LILCO's prior testimony on the subject.

In summary, the untimeliness of the Affidavit is unmistakable. That untimeliness provides the Board with ample basis to decline to reopen the record and admit the Affidavit. At the least, the untimeliness of the Affidavit substantially increases the burden on other factors which must be met by parties seeking reopening.

2. No New Facts or Circumstances Have Been Adduced

a. USI A-17

The great majority of the Affidavit (27 of 32 pages) is devoted to Mr. Conran's change of mind with respect to USI A-17. In the Staff's prefiled testimony on this issue, affirmed under oath and bound into the record on July 9, 1982, Mr. Conran, the principal author, reviewed at length and in detail the Staff efforts in connection with USI A-17 and noted that

A program [responsive to A-17] has been initiated to address these questions and has progressed significantly over the past few years. However, the NRC Staff has reaffirmed repeatedly on numerous occasions (such as the one noted above [Dircks to Shewman letter dated February 12, 1982]) its view that until the generic program is completed and provides the basis for making an orderly decision regarding the possible need for additional systems interaction requirements, reasonable assurance of public health and safety is provided by compliance with current requirements and procedures.

Speis, et al., ff. Tr. 6357, at 36-37 (emphasis added). Also in his prefiled testimony, Mr. Conran explicitly reaffirmed the Staff's SER conclusion relating to A-17.

Therefore, as stated in the SER for Shoreham ". . . studies to date indicate that current review procedures and criteria supplemented by the application of post TMI findings and risk studies provide reasonable assurance that the effects of potential systems interaction on plant safety will be within the effects on plant safety previously evaluated." . . . And as reaffirmed in the Dircks letter dated February 12, 1982 . . . the staff "continues in the confidence that current regulatory requirements and procedures provide an adequate degree of public safety."

Speis, et al., ff. Tr. 6357, at 44-42 (emphasis in the original).

In his cross-examination testimony, Mr. Conran noted some slippage in schedules, but certainly supported his prefiled testimony. Now, approximately seven months later, Mr. Conran seeks to change his mind and the only new fact or circumstance (i.e., post-July, 1982) cited or discernible in 27 pages of the Affidavit appears on page 21, where he states that he first learned that it was "official" that the Staff was discarding the initially proposed NTOL pilot plant alternative in August 1982. Mr. Conran had described this proposal in his prefiled testimony (page 40), noted that it had not yet been approved or initiated, but significantly, did not condition the conclusions or opinions stated in the testimony on approval of this proposal.

b. QA/QC for Non-Safety Related Structures,
Systems and Components for Operation

As noted in the previous section, the Affidavit wholly fails to allege any new facts or circumstances warranting reopening on this issue, even assuming its relevance or materiality to Contention 7B. Significantly, in the Affidavit Mr. Conran places substantial reliance on LILCO panel testimony in 7B as a basis for the Affidavit. Affidavit at 30. This testimony is anything but new; it was given prior to Mr.

Conran's testimony, he was present for it, he had at least 2 weeks to consider it and he even chose to submit supplemental written testimony based on LILCO's testimony on this subject.

Nor, as noted in the previous section, is Mr. Pollock's letter new material; it merely reiterates LILCO's position that it planned during operations to apply quality measures to structures, systems and components to an extent commensurate with function in the overall safe and reliable operation of the plant. Indeed Mr. Conran concedes on page 29 of the Affidavit that the Pollock letter is not a new fact or circumstance. There, he states that, "I was struck by how little movement could be seen in LILCO's six month old differences with the Staff on these matters."

Like untimeliness, the absence of any new facts or circumstances is manifest from the Affidavit itself. All Mr. Conran seeks to accomplish in his Affidavit is to reargue his position in light of his dissatisfaction with the Staff's proposed findings. This is not an appropriate basis for reopening the record.

3. It is Unlikely That All or Portions of the Affidavit Will Have Any Bearing on the Outcome

It is unlikely that Mr. Conran's affidavit would have any bearing on the outcome of SC/SOC 7B.

a. USI A-17

The discussion in Mr. Conran's affidavit concerning A-17 is directed solely at the adequacy of the Staff's generic program for developing systems interactions methodologies. As such, it should have little or no bearing on the outcome of the systems interaction portion of this contention. First, neither the NRC Staff nor LILCO rely upon the progress of the A-17 program in reaching their conclusions on the systems interaction issue for Shoreham. The Staff urges the Board to find that:

extensive evaluation has been conducted of potential adverse systems interactions at Shoreham. This evaluation has included both deterministic and probabilistic methodologies.

Staff Proposed Opinion at 37. And further, quoting William J. Dircks, Executive Director for Operations, the Staff states that with respect to systems interactions:

NRR continues in the confidence that current regulatory requirements and procedures provide an adequate degree of public health and safety.

Id. at 42 (emphasis added). Indeed, the Staff specifically disclaims any reliance on the generic systems interaction program or on the pace at which that program is progressing:

The [A-17] program is confirmatory in nature, however, and the Shoreham SER concludes that reasonable assurance of public health and safety is provided by compliance with current requirements and procedures.

Id.

Similarly, LILCO does not rely on the progress of the A-17 program for any of its conclusions on systems interactions. See LILCO Proposed Opinion at 60-65, 69-74; LILCO Reply at 65.

Suffolk County's reliance on the progress of A-17 is limited to one of three factors allegedly supporting its conclusion that the North Anna^{5/} test has not been met.^{6/} The County argues that:

- a. The Staff's SER discussion of USI A-17 fails to relate to Shoreham;
- b. The progress toward resolution of A-17 is very slow; and
- c. There is strong evidence that current review procedures are not adequate to identify adverse systems interactions.

^{5/} Virginia Electric and Power Co. (North Anna Nuclear Power Station, Units 1 and 2), ALAB-491, 8 NRC 245, 248 (1978).

^{6/} The County also argues that the mere existence of A-17 has implications for the consideration of systems interactions. For reasons unaffected by Mr. Conran's affidavit, the argument lacks merit. See LILCO Reply at 41-42.

SC Proposed Opinion at 80 (emphasis added).

Indeed, in reaching this conclusion the County discounted a number of the positive statements made by Mr. Conran. See, e.g., SC Proposed Finding 7B:437. Thus, although Mr. Conran's Affidavit might lend some support to point (b) above,^{7/} it would not be determinative of the SC/SOC 7B outcome. As noted in LILCO's Reply, the North Anna case requires adequate justification for operation of a plant notwithstanding the unresolved safety issue. Neither the North Anna, nor the more recent Diablo Canyon^{8/} decisions cited in LILCO's reply rely on progress on a generic USI program as a potential justification for operation. LILCO Reply at 64. While, in some circumstances, such a program might be such an appropriate reason, neither LILCO nor the Staff depends on this conclusion. Thus, even if the Board agrees with the County on point (b) above, it would not impact the Board's determination on the

^{7/} It is not clear what additional weight Mr. Conran's testimony would lend to the County's position. While it is Mr. Conran's personal view that the program is not progressing satisfactorily, his affidavit concedes that NRC management is actively engaging the merits of systems interaction proposals. See, e.g., Affidavit at 18 ("increased visible emphasis was placed by Staff management, and even the Commission on PRA-related programs and activities"); 19-20 (CRGR consideration of systems interaction proposals).

^{8/} Pacific Gas and Electric Co. (Diablo Canyon Nuclear Plant, Units 1 and 2), LBP-81-21, 14 NRC 107, 118 (1981).

separate, independent and sufficient grounds asserted by LILCO and the NRC Staff. As a result, Mr. Conran's affidavit does not contain any facts or circumstances that are likely to affect the outcome on this issue.

b. QA/QC for Non-Safety Related
Structures, Systems and Components

As already noted, Mr. Conran's affidavit states two reasons for modifying his testimony on GDC 1. With respect to his reconsideration of LILCO's testimony on SC/SOC 7B, he does not rely on any new facts or circumstances. Rather he seems to place substantial reliance on the LILCO's previous testimony, particularly the testimony at Tr. 5425-49.

Affidavit at 30. What Mr. Conran now seeks to do is inject into the record his views on the appropriate interpretation of this and other LILCO testimony. Thus he seeks to participate, as an individual, in the regulatory process that calls for parties to file proposed findings of fact and conclusions based on the record. This is impermissible. If Mr. Conran believes the record does not support LILCO's position, that is matter to be dealt with by Staff counsel in findings. Moreover, if Mr. Conran disagrees with the findings urged on the Board by Staff counsel with, presumably, the approval of NRC Staff management, Mr. Conran has the option to file a Differing Professional Opinion.

Moreover, even if Mr. Conran's affidavit were admitted, his perceptions of the testimony (stated on page 30 of the Affidavit) bear little resemblance to what was actually said. His newly stated concern is that LILCO witnesses were narrowly confining their answers to the safety related set of structures, systems and components. This reading of the testimony is unwarranted. For example, after asking the LILCO witness to assume a broad definition of important to safety, Staff counsel asked a series of questions:

Q Are those quality standards described on those pages commensurate with the safety function of the RCIC as I have asked you to assume the definition for that term?

. . . .

A (WITNESS ROBARE) Yes, the answer is yes, not only as you have asked us to assume it, but the way that we apply it ourselves.

Tr. 5439 (Robare) (emphasis added).

Q Would you agree with Mr. Dawe, that the effluent treatment system or the rad waste system as you have described it has a significance in protecting the public health and safety?

A (WITNESS DAWE) Yes.

Tr. 5447 (Dawe)

Thus, Mr. Conran's views, unsupported by the record, are

unlikely to have any significant influence on the outcome of the contention.

Similarly, LILCO's commitment to the NRC Staff in Mr. Pollock's letter regarding non-safety related quality measures is not a change in facts or circumstances that can justify re-opening the record. The letter merely restates LILCO's position that all non-safety related structures, systems and components receive quality measures commensurate with their role in the safe and reliable operation of the plant. The letter cites examples consistent with LILCO's prior testimony in the SC/SOC 7B and QA hearings. At the time Mr. Conran testified concerning the adequacy of LILCO's QA program for non-safety related structures, systems and components during construction, he had available essentially all of this allegedly new information. In fact, at the time he testified, Mr. Conran expressly voiced his concern over the lack of commitment for the future. Thus, essentially all of the facts included in the Affidavit, including Mr. Conran's concerns, were available when Mr. Conran testified initially. Consequently, it is difficult to see how the affidavit could have a material impact on the outcome of the contention.

As with the A-17 issue, Mr. Conran seeks, through his affidavit to reargue his position based upon facts already in

the record. As noted above, the NRC's Rules of Practice do provide the opportunity for parties to argue the meaning and significance of facts placed in the record. An individual witness' views should be argued through his authorized representative. Mr. Conran had the opportunity to make his views known to Staff counsel prior to filing of the Staff's findings. If, despite that opportunity, his disagreement remains, he may file a Differing Professional Opinion. Mr. Conran's individual views on the facts, however, are not of sufficient materiality to affect resolution of the issues by the Board.

Finally, the Affidavit is not material because it is directed at an issue not squarely contained in SC/SOC 7B. The thrust of the contention is the classification methodology used during the design and construction process for Shoreham. Pages 28-32 of the Affidavit, however, apparently address LILCO's non-safety related QA program for the future. Affidavit at 32. Thus, even if the affidavit does state new facts, it relates to matters peripheral to the resolution of SC/SOC 7B.

4. Mr. Conran's Dissent From The Staff's Position
Does Not Satisfy the Significance Requirement

LILCO does not contend that the issues addressed in the Affidavit, USI A-17 and non-safety related QA/QC, are insignificant. The contrary is plainly true. But the issue presented

is not the significance of the issues addressed in the Affidavit; the issue is whether Mr. Conran's views on the facts are significant enough to justify reopening the record. LILCO believes they are not. First, the views given by Mr. Conran during the SC/SOC 7B testimony were given in his capacity as a representative of the NRC Staff. He now offers opinions in an individual capacity on facts already contained in the record. These views are contrary to those stated by other NRC witnesses and LILCO's witnesses. Moreover, as an individual, Mr. Conran is not well qualified to reach some of the views made in his Affidavit. For example, he is not qualified to comment on the relative merit of PRAs and systems interaction studies (Affidavit at 22-24). See LILCO Findings B-379, B-380. With regard to Shoreham specific issues, Mr. Conran's involvement in the review of the Shoreham plant has been extremely limited. See, e.g., Tr. 6396 (Conran).

Consequently, although the matters raised in Mr. Conran's affidavit relate to a significant contention in the Shoreham case, these particular personal views of Mr. Conran, which are now contrary to those of the NRC Staff, on facts already in the record, do not satisfy the significance requirement for reopening the record.

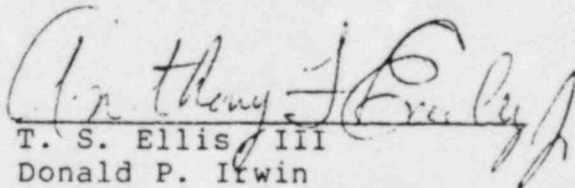
D. NECESSITY FOR ADDITIONAL TESTIMONY
AND CROSS-EXAMINATION OF MR. CONRAN

If this Board were to reopen the record to admit all or portions of the Affidavit, LILCO cannot accurately assess the necessity for additional testimony or cross-examination of Mr. Conran without knowing which portions are admitted and without knowing the nature of the evidence the Staff proposes by way of response. If the Board admits certain portions of the Affidavit relating to USI A-17, LILCO currently believes it may well be appropriate to accept a reply affidavit from the Staff, close the record and dispense with cross-examination. On the other hand, if large portions of the Affidavit are admitted over LILCO's objection, then it may, depending on the Staff's proposed evidence, be necessary to cross-examine Mr. Conran or offer additional testimony or both.

CONCLUSION

For the reasons stated above, the Board should not admit the affidavit of Mr. Conran into the record for any purpose. If the Board does determine that it wishes to have all or any part of the affidavit admitted for any purpose, LILCO believes that it should be afforded the opportunity to comment on what procedural avenues may be most effective and efficient for its consideration for such purpose.

Respectfully submitted,



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DATED: February 22, 1983

APPENDIX

LILCO finds the use of Mr. Conran's Affidavit objectionable for an additional reason. Despite several LILCO requests to Staff counsel prior to the filing of the affidavit that a specification (preferably by page and line number) be provided of those portions of Mr. Conran's testimony which he would change, how he would change them, and the reasons therefor, no such information has even been provided. Staff counsel, through his own efforts, did provide parties with a draft listing of "Testimony Arguably Changed by Affidavit of James H. Conran, Sr., Dated February 9, 1983." LILCO does not find this tentative listing sufficient. The decision to reopen the record should not be based upon speculation about what the Affidavit could affect. Absent a specific listing of effected testimony, if the Affidavit is permitted any use at all, it should be narrowly construed. In that vein, After a review of the portions of the testimony listed by the Staff, LILCO believes the following testimony is changed by the Affidavit:

Speis, et al., ff. Tr. 6357, at 36, lines 21-22

Spies, et al., ff. Tr. 6357, at 40, lines 5-18

Tr. 7139 (Conran), lines 1-4

Tr. 7509 (Conran), lines 6-12

Conran, ff. Tr. 6363, at 2, lines 1-5

Tr. 6959, lines 15-18
Tr. 6978, lines 2-18
Tr. 6984, lines 18-25
Tr. 7003, lines 4 through Tr. 7004, line 12
Tr. 7122, lines 6-16
Tr. 7718, lines 18-22
Tr. 7720, line 22 through Tr. 7721, line 13
Tr. 7749, lines 18-24

There may be other portions of Mr. Conran's testimony concerning the progress of the A-17 program and LILCO's commitment for the future for non-safety related structures, systems and components that would be similarly affected. Given time limitations and the objection stated above, LILCO has not conducted a rigorous search of the record for this purpose.

LILCO believes that a careful review of the Affidavit shows that it would affect the following findings of fact proposed by the parties:

LILCO

- B-197 (concerns commitments for the future; statements made in this finding were supported by other NRC witnesses)
- B-202 (concerns close agreement between LILCO and NRC; unnecessary in light of B-204, B-208, B-249, B-258, B-259 and others)
- B-257 (concerns LILCO's understanding of safety; unnecessary in light of B-204, B-208, B-249, B-258, B-259 and others)

NRC Staff

7B:132 (Mr. Conran's views on close agreement; unnecessary in light of 7B:133, 7B:134, 7B:135 and others)

7B:141 (concerns commitment for the future; supported by another NRC witness)

7B:175 (concerns progress of A-17)

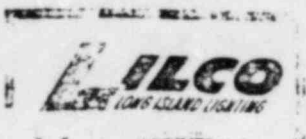
7B:182 (concerns progress of A-17)

Suffolk County

7B:73 (concerns LILCO's future commitment; supported by other NRC witnesses)

7B:437 (concerns progress of A-17)
to

7B:440



LONG ISLAND LIGHTING COMPANY

175 EAST OLD COUNTRY ROAD • HICKSVILLE, NEW YORK 11801

MILLARD S. POLLOCK
VICE PRESIDENT - NUCLEAR

SNRC-795

December 16, 1982

Mr. T. H. Novak
Deputy Director for Licensing
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Dear Mr. Novak:

The Long Island Lighting Company is firmly committed to the construction and operation of a safe and reliable Shoreham Nuclear Power Station. The management of LILCO throughout the construction phase has always supported good quality practices in all aspects of engineering, procurement, construction and equipment operation. This position will be maintained without exception for the life of the plant.

Our testimony before the Atomic Safety and Licensing Board demonstrated that the Shoreham design and construction program were exemplary. I can assure you, as a corporate officer, that throughout its operational phase, the quality of plant operations, maintenance, design changes and plant modifications, to name just a few, will be at least as good as has been built into the construction program. We understand from the NRC Staff's testimony before the ASLB that LILCO and the Staff have different views on the meaning of "important to safety" in GDC-1. Although the Staff has not yet established a list of equipment "important to safety", it is the Staff's view that the term is broader than the safety related category. GDC-1 requires that quality standards and programs commensurate with the safety function performed be applied to systems, structures and components important to safety. Since LILCO has applied quality standards and programs to all plant structures, systems and components commensurate with their importance to safety and reliable operation, LILCO has met GDC-1 as interpreted by the Staff witnesses. Moreover, LILCO's commitment, as set out below, should provide you with the assurance that LILCO will continue to meet this interpretation of GDC-1 in the future.

Specific quality programs as herein defined have been and will continue to be applied to all plant components and systems as a function of their importance to safe and reliable operation. As explained in our ASLB testimony, appropriate quality standards

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Mr. T. H. Novak
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have been specified in the original design documents for all features of the plant. These quality standards shall be maintained throughout the life of the plant in all activities. For example, in the area of procurement, LILCO has procedurally mandated quality and technical requirements for the procurement of items and services so that they are purchased to requirements equal to or exceeding those of the original equipment. This is accomplished by requiring purchase to the original specification or to the codes and standards used for the original item or service. In the area of quality assurance, also as explained in our ASLB testimony, LILCO has required the implementation of appropriate quality assurance controls during the design and construction phase for all plant items consistent with their importance to safe and reliable operation. For the operational phase of Shoreham, LILCO will continue to require the implementation of quality assurance controls in accordance with the commensurate regulations, specifically Appendix B to 10 CFR50 for safety related plant items. For the remaining plant items the quality assurance controls will include, as appropriate to overall plant safety and reliability, assurance of proper design requirements, procurement controls, receipt inspection, inspections of various plant activities, records and audits. The quality standards and assurance controls commensurate with the function of the equipment will be maintained. Thus, quality standards commensurate with the function of the equipment will be maintained.

We have a well conceived and implemented corrective and preventive maintenance program which covers both safety related and non-safety related systems and components. Some of the systems currently in place are:

- (a) Preventive Maintenance (PM) Program - Consists of routine periodic maintenance activities performed on station mechanical, electrical and electronic equipment to ensure its continued operation. Routine preventive maintenance includes such items as: lubrication, greasing, filter changes, testing and general inspections. The PM program is computerized and provides weekly and monthly schedules for the planning of the work activities.
- (b) Corrective Maintenance Program - Consists of non-routine maintenance activities. This program is performed using the Maintenance Work Request (MWR). The Maintenance Work Request is an administrative maintenance control document used in conjunction with a computer record system to initiate, plan, track and report station maintenance

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with precise supervisory control on all station components, equipment and structures. The MWR specifies the appropriate quality controls to be applied to a particular maintenance activity.

- (c) Equipment History Program - Provides trending performance for Shoreham equipment to anticipate potential failure frequency and establish preventive maintenance criteria.
- (d) NOMIS - Run by NUS Corporation (a consultant) - This system provides an exchange service with all operating nuclear facilities for equipment performance information.
- (e) Stores Inventory - Tracks current stock and required environmental controls and other storage requirements.

Our maintenance personnel review and incorporate, as appropriate, information from INPO (O&MR, NOTEPAD, NPRDS), Service Information Letters, Technical Information Letter, I&E publications, and manufacturer's submittals. These personnel are well trained through seminars, vendor workshops and on-site training.

I trust this letter provides the assurances of LILCO's dedication to maintaining a safe and reliable facility that the NRC is seeking and that your conclusions will be conveyed to the Atomic Safety and Licensing Board.

Very truly yours,

M. S. Pollock

M. S. Pollock
Vice President - Nuclear

MSP/lac

cc: Mr. Jim Higgins
All Parties

'83 FEB 28 P2:14

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

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I hereby certify that copies of LILCO'S VIEWS ON
THE AFFIDAVIT OF JAMES H. CONRAN, SR., were served upon
the following by first class mail, postage prepaid, on
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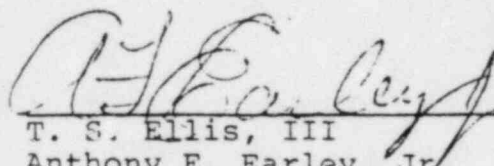
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