

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

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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 SUPPLEMENT TO  
SC CONTENTION 11 OPINION AND FINDINGS

In accordance with the Board's April 28, 1983 "Memorandum and Order Providing for Further Filings on Suffolk County's Motion to Reopen the Record on Contention 11," Suffolk County submits the following reply to the recent SC Contention 11 filings of LILCO<sup>1/</sup> and the Staff.<sup>2/</sup> The County notes that the Board on May 26 posed questions to LILCO and the Staff concerning the SC Contention 11 Supplemental Filings. See Memorandum and Order Directing Clarification of Certain Matters Related to Contention SC 11. In accordance with that May 26 Memorandum and Order, the County, as appropriate, will submit on or before June 20 views on the answers received.

1/ LILCO's Supplemental Paragraphs for Inclusion in Its Proposed Opinion and Supplemental Proposed Findings on SC Contention 11 - Valve Failures, May 16, 1983.

2/ NRC Staff's Supplement to Its Proposed Opinion and Proposed Findings on SC Contention 11 - Passive Mechanical Valve Failures, May 25, 1983.

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I. REPLY TO LILCO FILING

A. LILCO Opinion

LILCO states at page 2 of its filing that "[t]he comprehensiveness of Shoreham's in-service test plan is shown by the fact that certain check valves were included in the plan and both forward and reverse flow testing were specified for the valves." (emphasis supplied). This statement suggests that a review of all check valves has been performed, with "certain" valves being selected for special treatment. In fact, however, there is no evidence to indicate that a comprehensive review of check valves has been accomplished to ascertain which valves need enhanced in-service testing to ensure detection of potential valve failures. Rather, the evidence cited by LILCO (LILCO Finding D-30c) indicates only that LILCO has done nothing more than the minimum required by IE Bulletin 83-03 and that the "certain check valves" are the six diesel generator cooling system valves.

In the County's May 5, 1983 SC 11 filing, the County noted that swing check valves may be used in many other systems beyond the diesel cooling systems and that IE Bulletin 83-03 recognized that the concern was broader than just valves in the diesel cooling system. (See County Findings 11:24(a) and 25(a)). The County then argued that the LILCO actions were inadequate because they focused only on the diesel cooling system. (See County Supplemental Opinion, p. 2). LILCO disputes this need for additional actions, stating that the County has failed to identify any valves which should be but

are not included in the Shoreham in-service testing program "or that either the use of position indicators or the surveillance testing at Shoreham is deficient or inadequate in any regard." (LILCO filing, p. 3). However, IE Bulletin 83-03 itself documents that valves beyond those in the diesel cooling system may be subject to difficult-to-detect failures. (County Finding 11:25(a)). Thus, the need for enhanced detection is documented on the record.

In short, LILCO has failed to address specifically the need to consider check valves in other safety-related systems. LILCO states on page 3 that "certain check valves may need special testing" and implies that the Shoreham testing plan has recognized this need. However, LILCO stops short of fully asserting this claim and states only that there is nothing in the record to suggest otherwise. However, the burden of proof is on LILCO, and LILCO has failed to provide evidence that necessary reliability and safety analyses have been performed. Similarly, LILCO claims at page 3 that there is no indication of deficiencies in "any regard," including the use of position indicators. However, LILCO fails to discuss the fact that check valves generally are provided with essentially no position indication (County Finding 11:40(a)), and that many such valves continue to be listed with Relief Requests from quarterly testing, even in the Revision 3 version of the IST which is referenced on page 4 of LILCO's May 16 filing. LILCO also fails to mention the recent failure of position indication devices on two valves as reported in

the May 6, 1983 letter to James M. Allan.<sup>3/</sup> This reported deficiency could extend to a total of 14 valves of this design used at Shoreham. LILCO's reluctance to address the reliability of all such valves used at Shoreham is further indication of LILCO's failure to take appropriate action in response to the latest and most significant operating experience.

B. LILCO Findings

LILCO Finding D-30a. LILCO references in this finding the recent undertaking by the NRC Staff of a "generic effort to improve valve in-service test programs" and that LILCO will be required to comply with the requirements developed as a result of this effort. Examination of the citations given indicates something much less specific. Bulletin 83-03, page 2, states only that this Bulletin is expected to be part of a generic response and no specific program is identified. The April 1 Starostecki letter to Pollock states only that LILCO is to provide a written response to items 1 through 6 of the Bulletin and makes no mention of a requirement for a new generic program. Accordingly, this Board should not rely on a possible Staff program to address these problems but, rather, should ensure in this proceeding that the LILCO testing program in fact has addressed all valves subject to potential undetectable failure.

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<sup>3/</sup> SNRC-880, May 6, 1983, J. L. Smith, LILCO letter to James M. Allan on a potential deficiency required to be reported under 10 C.F.R. 50.55(e).

LILCO Findings D-30b, D-35a. LILCO states that the NRC reviewed Shoreham's valve test plan in November and December, 1982 and cites in support the April 1, 1983 Starostecki letter. However, this letter only required written response to the Bulletin and gives as one reason the fact that the "licensing review" of the test program has already been performed. It is not clear to the County how that review could in fact now be complete since LILCO reports that Revision 3 of the LILCO valve test plan was not submitted until April 15, 1983. Further, the Staff in Staff Finding 11:9C states that the Shoreham plan "is currently undergoing Staff review."

LILCO Finding D-30d. LILCO states that it "includes check valves in its testing program." As noted by the Board, however, in its May 26, 1983 Memorandum and Order, page 4, this reference is highly ambiguous. The County agrees with the need for clarification requested by the Board. The County believes that a further question should be added to questions a-c (as part of question a) set forth at page 4 of the Board's Memorandum and Order: "What criteria, including failure and/or reliability analyses, if any, are used to determine the categories of safety-related check valves included in the in-service testing program?"

## II. REPLY TO STAFF FILING

### A. Staff Opinion

The Staff has failed to give proper attention to the relevance of the Bulletin 83-03 failure data and to other

recent valve failures.<sup>4/</sup> The County believes that the requirements of Bulletin 83-03 have properly been applied to Shoreham, but that additional action is required to preclude similar failures of check valves in other systems. The Staff states as a reason that no Board action is needed:

[T]he Staff and LILCO are continuing to work to improve the general reliability and in-service testing of check valves used in other systems. The Staff over the last several years has issued a series of notices and bulletins directed toward this end. The County has not raised a significant concern which is being ignored by the Staff or the Applicant. (p. 2).

However, this statement, even when read with Staff Finding 11:9C which the Staff cites in support thereof, provides no basis for a finding that undetected valve failures in systems other than the diesel cooling system have in fact been adequately addressed for Shoreham and nothing in the Staff submittal provides such assurance.

#### B. Staff Findings

Finding 11:9C. The Staff states that the Staff and LILCO are continuing to work to improve the general reliability and in-service testing of check valves used in other systems. The implication of this statement is that a specific program has

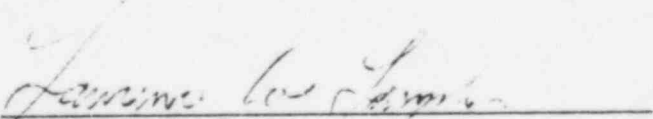
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<sup>4/</sup> See, for example, SNRC-880, a May 6, 1983 letter to Allan, NRC from Smith, LILCO reporting failures of valve position indicators as required by 10 C.F.R. 50.55(e). See also NRC Information Notice 83-26, dated May 3, 1983, reporting repeated failures of vacuum breaker valves (swing checks) at Brown's Ferry and Peach Bottom.

been initiated. In fact, the Bulletin only states an intent of generic response, and the Staff appears to be relying only on the issuance of notices and bulletins toward this end. This is nothing more than "business as usual."

Respectfully submitted,

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June 2, 1983

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NUCLEAR REGULATORY COMMISSION

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CERTIFICATE OF SERVICE

I hereby certify that copies of SUFFOLK COUNTY SUPPLEMENT TO SC CONTENTION 11 OPINION AND FINDINGS, dated June 2, 1983, have been served to the following this 2nd day of June, 1983 by U.S. mail, postage prepaid, unless otherwise noted.

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