

8/12/83

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

DOCKETED  
USNRC

Before the Atomic Safety and Licensing Board

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OFFICE OF SECRETARY  
DOCKETING & SERVICE  
BRANCH

In the Matter of )

LONG ISLAND LIGHTING COMPANY )

(Shoreham Nuclear Power Station,  
Unit 1) )

Docket No. 50-322 O.L.

SUFFOLK COUNTY RENEWAL OF  
MOTION TO COMPEL DISCOVERY

On July 19, 1983, Suffolk County filed its "Motion to Compel Discovery." By Order of July 20, 1983, the Board deferred ruling on that Motion until after resolution of LILCO's Motion for Partial Summary Disposition, dated July 7, 1983, and until the parties made additional efforts to resolve their discovery disputes. During a conference call on July 25, 1983, the Board denied LILCO's Motion for Partial Summary Disposition, confirming that denial by the Board's Memorandum and Order, dated July 28, 1983.

Suffolk County and LILCO took depositions during the period from July 27 through August 9, 1983. During this time numerous discussions were held regarding the County's document discovery requests, and the County narrowed and, to the extent possible, made its document requests more specific. Most of the County's document requests have been

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complied with by LILCO. However, LILCO has refused to comply with a number of the County's requests, on the grounds that such requests are overly broad or, as to documents relating to the quality assurance/quality control program at Delaval applicable to the production of cylinder heads, are outside the scope of the contention regarding the cracking of cylinder heads at Shoreham.

The documents requested by the County and refused by LILCO are listed on Attachment A to this renewed motion. An examination of this list will confirm that the documents are specific to the extent reasonably possible. For example, items 1, 2, and 3 specifically identify constituent documents in the class of which the County is aware, and item 5 is a specific procedure. The County has no means to specify the documents requested by items 4 and 6.

The real thrust of LILCO's objection to the production of the quality assurance-related documents (items 1, 2, and 3 of Attachment A) is the allegation that they are outside the scope of the County's contention on the cracking of cylinder heads. This objection is without merit. The County's contention states that

LILCO has failed to ensure rapid starting  
and reliable operation of the Shoreham  
emergency diesel generators . . .  
[because] the diesels have suffered from  
cracking of [cylinder heads].

The County and its consultants have taken the position that one of the causes for the cracking problems with the cylinder

heads, both old and new, is the inadequate and weakly implemented quality assurance program at Delaval applicable to the manufacture and testing of the cylinder heads. See Affidavit of Marc W. Goldsmith, attached to the County's Answer and Opposition to LILCO's Motion for Partial Summary Disposition, dated July 22, 1983, at ¶¶ 12-14.

The nexus between the reliability required of the new-style heads to assure that they will not crack, and the Delaval QA program applicable to the production of those heads, is illustrated in Mr. Goldsmith's deposition of August 8, 1983 (pp. 148-49):

- Q. [By counsel for LILCO.] Mr. Goldsmith, you are aware, aren't you, that LILCO has committed to install the new type cylinder heads prior to fuel load, aren't you?
- A. Yes, I am aware of that.
- Q. Given that commitment, do you have any opinion or have you reached any conclusion with respect to what needs to be done or what should be done to demonstrate that there is reasonable assurance that cylinder heads will be reliable?
- A. I have not formed a total opinion yet. I have a very strong opinion, at least on one report, which is that an Appendix B QA program needs to be strongly implemented as oppsed to, as the staff consultant report says, as a weakly implemented QA program, there needs to be a strongly implemented QA program that provides documented and traceable, according to procedures, cylinder heads [so] that one can know that when Delaval says they did X or Y or Z, that that is documented according to those specific sets of standards and that one can trace both the head and the standards by which they

were manufactured. If there was -- there is at least one item that I have come to a conclusion about and that is that there needs to be an Appendix B program for the manufacture of cylinder heads and I don't believe that currently there is. The heads should meet those 18 criteria set out in Appendix B. That would be one area in the new heads that I would need to see the reliability about. Obviously, the further data that gives more specific details and information about the QA program and enough to make some judgments as to what specifically needs to be done to reach an Appendix B program would be helpful and appropriate. We have asked for some of that data.

There is no question that the issue of the quality assurance program at Delaval, applicable to the production of the cylinder heads, has been an implicit part of the County's contention fully recognized by LILCO and the Board. For example, this Board noted in its "Memorandum and Order Ruling on Suffolk County's Motion to Admit New Contention," LBP-83-30, 17 NRC \_\_\_, slip op. 36 (June 22, 1983):

LILCO stresses that the big advantage of the new heads is the improved casting technique and other changes in manufacturing, testing, and quality control of the processes by the vendor.

Tr. 21,297-305 (Youngling, Kammayer); Youngling Affidavit, at 16-19.

Clearly, the quality control of Delaval is at issue in this contention, and as noted by the Board's observation quoted above, is one of the important factors put forth by LILCO. Suffolk County is not attempting to expand its

contention into a general quality assurance contention as to Delaval; rather, the County seeks production of documents that go to the contested issue as to whether, under the quality assurance program at Delaval applicable to the production of the new cylinder heads, the casting techniques and manufacturing and testing processes are being performed in a manner to ensure that the heads will be reliable in that they will not experience cracking problems.

The documents requested in Attachment A are particularly relevant to the County's contention on cylinder head cracking, recognizing that before fuel load LILCO will replace the "old-style" heads with "new-style" ones. Item 1, QA documents applicable to the new-style heads, are relevant to the County's position that the Delaval QA program does not ensure that the new-style heads will not continue to experience cracking problems. Item 2, QA documents applicable to the old-style heads, will permit a comparison of the old and new Delaval QA programs applicable to the production of cylinder heads, to determine if, in fact, Delaval has improved its quality control in a manner to reduce the likelihood of cracking defects. Item 3, LILCO's audits of the old QA programs, show defects in the Delaval QA program applicable to cylinder head production, and will permit an analysis to determine to what extent Delaval has corrected deficiencies.

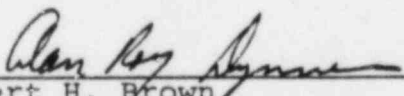
Item 4 will assist the County to ascertain the details of the changes in casting techniques which LILCO asserts are

improvements; in this way the changes can be better evaluated. Item 5 is clearly relevant and has been relied upon by LILCO as one of the tests which will detect cylinder head defects. Item 6, documents showing casting defects in new-style heads and disclosing the number of such heads manufactured, is relevant to confirm or contradict data alleged by Delaval and LILCO as to the operating history of the new-style heads.

Suffolk County respectfully requests that the Board compel LILCO to produce copies of the documents listed in Attachment A as soon as possible. If they are not supplied in time for analysis and possible inclusion in the County's testimony scheduled to be filed by August 17, the County may seek to file supplementary testimony if warranted by the documents.

Respectfully submitted,

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Attorneys for Suffolk County

August 12, 1983



ATTACHMENT A TO  
SUFFOLK COUNTY RENEWAL OF MOTION TO COMPEL DISCOVERY

Suffolk County requests the Board to compel LILCO to supply copies of the following documents at the earliest possible time:

1. Documents comprising the Delaval Quality Assurance program in effect at the time the "new-style" cylinder heads for LILCO were manufactured and which were applicable to the production of such cylinder heads, including QA Manual (Division); QA Manual (Department); I.P. 100; I.P. 200; I.P. 400; I.P. 500; and I.P. 600.<sup>1/</sup>

2. Documents comprising the Delaval QA program in effect at the time the original "old-style" cylinder heads for Shoreham were manufactured and which were applicable to the production of such cylinder heads, including QA Manual (Division); QA Manual (Department); and I.P. 100 through 600.<sup>2/</sup>

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<sup>1/</sup> Requested by item 26 of Appendix A to the County's Request for Production of Documents dated July 8, 1983 (the "July Request," attached as Attachment 1 to Suffolk County's Motion to Compel Discovery, dated July 19, 1983 ("SC Motion to Compel")), and agreed by LILCO (see Attachment 2 to SC Motion to Compel, at 7); requested again during the deposition of Mr. Kropf of Delaval. During the visit by County representatives to Delaval on July 13-14, one current QA Manual and I.P. 500 were shown to the County, and a copy of I.P. 300 was supplied to the County.

<sup>2/</sup> Requested at July 13-14 visit. See Attachment 3 to SC Motion to Compel, at 5.

3. Any and all documentation regarding LILCO's inspection and audit of the Delaval manufacturing process for the diesel cylinder heads, including LILCO's audits and reaudits of Delaval's QA program conducted in October 1975, February 1976, and June 1976.<sup>3/</sup>

4. Documents showing the gating, risers and chills for the "old-style" cylinder head molds and for the "new-style" head molds.<sup>4/</sup>

5. Written procedure for liquid penetrant testing.<sup>5/</sup>

6. Warranty orders or other documentation which would disclose all casting defects in Delaval cylinder heads manufactured since late 1978, and documents which disclose the number of cylinder heads manufactured by Delaval between late 1978 and September 1980.<sup>6/</sup>

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<sup>3/</sup> Requested by item 13 of Appendix A to the July Request, and agreed by LILCO (see Attachment 2 to SC Motion to Compel, at 5; see also Attachment 3 to SC Motion to Compel, at 3).

<sup>4/</sup> Requested by item 20 of Appendix A to the July Request, and during deposition of Mr. Pratt.

<sup>5/</sup> Requested during deposition of Mr. Pratt.

<sup>6/</sup> Requested by paragraph 12 of the July Request and during deposition of Mr. Pratt. Some documents disclosing defects have been supplied.



UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

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(Shoreham Nuclear Power Station, )  
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Docket No. 50-322 (O.L.)

CERTIFICATE OF SERVICE

I hereby certify that copies of SUFFOLK COUNTY RENEWAL OF MOTION TO COMPEL DISCOVERY, dated August 12, 1983, have been served to the following this 12th day of August, 1983, by U.S. mail, first class, except as otherwise noted.

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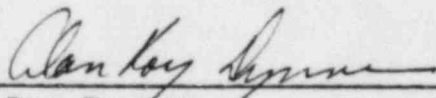
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