

July 22, 1983

UNITED STATES OF AMERICA  
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  
(OL)

NRC STAFF RESPONSE TO APPLICANT'S MOTION FOR PARTIAL  
SUMMARY DISPOSITION OF SC'S DIESEL GENERATOR CONTENTION

I. INTRODUCTION

On July 7, 1983, Applicant filed a motion for partial summary disposition of Suffolk County's diesel generator contention. The subject matter of Applicant's motion involves cracking of the diesel generator cylinder heads.<sup>1/</sup> By Order, also dated July 7, 1983,<sup>2/</sup> the Board set 12:00 noon on July 22, 1983 as the time within which Staff's response to the motion must be received. For the reasons indicated in Applicant's

---

<sup>1/</sup> See page 43 of the Licensing Board's "Memorandum and Order Ruling on Suffolk County's Motion to Admit New Contention" issued on June 22, 1983.

<sup>2/</sup> "Memorandum and Order Regarding Schedule".

motion and in the Staff's response below, the NRC staff supports the grant of the remedy sought in Applicant's motion.

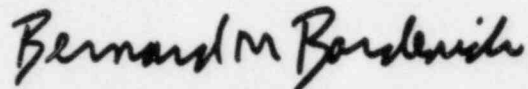
## II. DISCUSSION

The factual background leading to Applicant's motion is accurately set out at pages 1-2 of the motion. Applicant has in the Staff's view also adequately set out the "Standard for Summary Disposition" at pages 3-6 of its motion. The Staff also concurs with the "Statement of Material Facts" at pages 15-20 of the Applicant's motion except as to items 4 and 9 on pages 16 and 19 of the motion. As shown in Applicant's motion, the Affidavits of Edward J. Youngling and Richard A. Pratt, attached to Applicant's motion, and the Affidavit of Edward G. Greenman attached to this Staff Response, the Applicant's motion establishes that there is adequate assurance that cylinder head cracks will not adversely affect diesel generator reliability at Shoreham in the interim period between fuel load and cylinder head replacement. The basis for this finding as indicated in the supporting affidavits, is that cracks are unlikely and, even if they occur, reliability of the diesels would not be affected because (a) the amount of water leakage would be small and (b) NRC staff will assure that the Applicant's surveillance procedures will require both barring over and rolling over with air to detect leakage. See attached Affidavit of Greenman.

III. CONCLUSION

Applicant's motion for partial summary disposition as to cracking of the cylinder heads should be granted for the reasons set out herein and the Staff Affidavit attached to this response. In summary, there is no issue of material fact to be heard with regard to the issue of cracking of the diesel generator cylinder heads and summary disposition should be granted pursuant to 10 C.F.R. § 2.749.

Respectfully submitted,

A handwritten signature in dark ink, reading "Bernard M. Bordenick". The signature is written in a cursive style with a large, prominent "B" and "M".

Bernard M. Bordenick  
Counsel for NRC Staff

Dated at Bethesda, Maryland  
this 22nd day of July, 1983

Before the Atomic Safety and Licensing Board

Docket No. 50-322 (OL)

EDWARD G. GREENMAN, being first duly sworn duly sworn, deposes and says:

1. I am employed as Chief, Projects Branch 1, Division of Projects and Resident Programs, Region I, Nuclear Regulatory Commission. A copy of my Professional Qualifications is already part of the record of this proceeding.
2. I have read and am familiar with the "Motion for Partial Summary Disposition of SC's Diesel Generator Contention" (Motion) filed by Applicant on July 7, 1983, and the Affidavits of Edward J. Youngling and Richard A. Pratt attached thereto.
3. I have coordinated the NRC staff's review of the motion and supporting papers and can state that the staff supports summary disposition of the low power testing aspects of the cylinder head cracking issue based on the following considerations:

- a. Recent operation of the Shoreham diesel generators does indicate, both by licensee statement and NRC regional staff inspection and evaluation, acceptable diesel engine reliability.
- b. The observed LILCo practice of barring over the diesel engines and rolling them over with air has been evaluated by the regional staff and its consultant. Based upon the professional judgement and experience of the staff and its consultant, this approach is adequate to detect cylinder head water leaks.

The staff notes that the LILCo procedure for this approach does not currently require rolling the engines over with air. The staff will assure that the applicant will modify the procedure to reflect the observed LILCo practice.

- c. The projected imposition of Technical Specification requirements for operability of all three diesel engines during startup and low power testing evolutions is an adequate safeguard against the consequences of loss of offsite power during such evolutions.

EDWARD G. GREENMAN

Subscribed and sworn to before  
me this \_\_\_\_\_ day of July, 1983

Notary Public

My Commission expires: \_\_\_\_\_

UNITED STATES OF AMERICA  
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  
(OL)

CERTIFICATE OF SERVICE

I hereby certify that copies of "NRC STAFF RESPONSE TO APPLICANT'S MOTION FOR PARTIAL SUMMARY DISPOSITION OF SC'S DIESEL GENERATOR CONTENTION 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, through deposit in the Nuclear Regulatory Commission's internal mail system, or as indicated by two asterisks by hand delivery, this 22nd day of July, 1983:

Lawrence Brenner, Esq.\*\*  
Administrative Judge  
Atomic Safety and Licensing Board  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

Ralph Shapiro, Esq.  
Cammer and Shapiro  
9 East 40th Street  
New York, NY 10016

Dr. George A. Ferguson\*\*  
Administrative Judge  
School of Engineering  
Howard University  
2300 - 5th Street, N.W.  
Washington, D.C. 20059

Howard L. Blau, Esq.  
217 Newbridge Road  
Hicksville, NY 11801

Dr. Peter A. Morris\*\*  
Administrative Judge  
Atomic Safety and Licensing Board  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555

W. Taylor Reveley III, Esq.  
Hunton & Williams  
P.O. Box 1535  
Richmond, VA 23212

Jonathan D. Feinberg, Esq.  
New York State Department of  
Public Service  
Three Empire State Plaza  
Albany, NY 12223

Cherif Sedkey, Esq.  
Kirkpatrick, Lockhart, Johnson  
& Hutchison  
1500 Oliver Building  
Pittsburgh, PA 15222



Stephen B. Latham, Esq.  
John F. Shea, III, Esq.  
Twomey, Latham & Shea  
Attorneys at Law  
P.O. Box 398  
33 West Second Street  
Riverhead, NY 11901

Atomic Safety and Licensing  
Board Panel\*  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

Atomic Safety and Licensing  
Appeal Board Panel\*  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555

Docketing and Service Section\*  
Office of the Secretary  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

Spence Perry, Esq.  
Associate General Counsel  
Federal Emergency Management Agency  
Room 840  
500 C Street, S.W.  
Washington, D.C. 20472

Alan Roy Dynner\*\*  
Kirkpatrick, Lockhart, Hill,  
Christopher & Phillips  
1900 M Street, N.W.  
Washington, D.C. 20036

Herbert H. Brown, Esq.  
Lawrence Coe Lanpher, Esq.  
Karla J. Letsche, Esq.  
Kirkpatrick, Lockhart, Hill,  
Christopher & Phillips  
1900 M Street, N.W.  
8th Floor  
Washington, D.C. 20036

Daniel F. Brown, Esq.\*\*  
Attorney  
Atomic Safety and Licensing Board  
Panel  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

James B. Dougherty, Esq.  
3045 Porter Street, N.W.  
Washington, D.C. 20008

Stewart M. Glass, Esq.  
Regional Counsel  
Federal Emergency Management  
Agency  
26 Federal Plaza  
Room 1349  
New York, NY 10278

T. E. Ellis, Esq.\*\*  
A. F. Earley, Esq.  
Hunton & Williams  
1919 Pennsylvania Ave., N.W.  
Washington, D.C. 20036

*Bernard M. Brodenick*  
Bernard M. Brodenick  
Counsel for NRC Staff

COURTESY COPY LIST

Edward M. Barrett, Esq.  
General Counsel  
Long Island Lighting Company  
250 Old County Road  
Mineola, NY 11501

Mr. Brian McCaffrey  
Long Island Lighting Company  
175 East Old Country Road  
Hicksville, New York 11801

Marc W. Goldsmith  
Energy Research Group, Inc.  
400-1 Totten Pond Road  
Waltham, MA 02154

David H. Gilmartin, Esq.  
Suffolk County Attorney  
County Executive/Legislative Bldg.  
Veteran's Memorial Highway  
Hauppauge, NY 11788

Ken Robinson, Esq.  
N.Y. State Dept. of Law  
2 World Trade Center  
Room 4615  
New York, NY 10047

Mr. Jeff Smith  
Shoreham Nuclear Power Station  
P.O. Box 618  
North Country Road  
Wading River, NY 11792

MHB Technical Associates  
1723 Hamilton Avenue  
Suite K  
San Jose, CA 95125

Hon. Peter Cohalan  
Suffolk County Executive  
County Executive/Legislative Bldg.  
Veteran's Memorial Highway  
Hauppauge, NY 11788

Mr. Jay Dunkleberger  
New York State Energy Office  
Agency Building 2  
Empire State Plaza  
Albany, New York 12223

Ms. Nora Bredes  
Shoreham Opponents Coalition  
195 East Main Street  
Smithtown, NY 11787