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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. 50-322-1
(OL)

NRC STAFF RESPONSE TO
"SUFFOLK COUNTY'S FILING CONCERNING LITIGATION
OF EMERGENCY DIESEL GENERATOR CONTENTIONS"

I. INTRODUCTION

By Oral Order of February 22, 1984, the Atomic Safety and Licensing Board (Board) in the captioned proceeding admitted into controversy three contentions of Suffolk County on the subject of emergency diesel generators (EDGs) manufactured by Transamerica Delaval Inc. (TDI), and ordered the County to submit further specification thereof. Tr. 21,611 et seq., and Board Orders dated April 20, 1984 and May 4, 1984. On June 11, 1984, Intervenor Suffolk County filed a pleading in accordance with the above Orders. In order to facilitate discussion of these matters at the Conference of Counsel scheduled for July 5, 1984, the Staff will respond seriatim to each of the issues raised in Intervenor's responsive pleading in response to the Board Orders.

II. RESTATEMENT OF CONTENTIONS AND BASIS
PROVIDED TO SUPPORT CONTENTIONS

Suffolk County here proposes to consolidate and restate the admitted portions of former EDG Contentions 1, 2 and 3. The NRC staff does not oppose the restatement of the contentions as set forth in Intervenor's filing, however, as to the bases provided to support each and every element of such contention, the NRC staff (Staff) would observe that many of these purported bases may be determined to be irrelevant to the issue of whether or not the existing EDGs can perform their intended function. Of course, such question of relevance is more properly a matter to be considered during evidentiary hearing of the issues.

III. TDI DIESEL GENERATOR OWNERS' GROUP PROGRAM PLAN

In this section of its filing, Intervenor Suffolk County attempts to introduce a separate issue into litigation in the captioned proceeding; namely, whether or not the Owners' Group program is deficient in scope, implementation, and in lack of independence from the interest of the affected owners. It is the position of the Staff that any potential defects which may be found in the program plan of the TDI Owners' Group are not subject to independent or separate litigation in this proceeding. Rather, any such deficiencies in the scope, implementation or organization of this program could only be considered as relevant to the weight or admissibility of information or reports developed by this group at such time as they are sought to be introduced into evidence by any party. Again, this is a matter for determination in the ultimate evidentiary hearing of these issues. Separate issues related to the conduct and independence of the Owners' Group are not relevant to this proceeding.

IV. ADDITIONAL INFORMATION

In this section of its filing, Intervenor raises several separate issues upon which the Staff will briefly comment.

A. Intervenor Request for Additional Discovery

The Staff opines that no showing has been made by Intervenor that any evidence resulting from further depositions on the three identified EDG components (Suffolk County filing at 31-32) would be other than cumulative. Until such showing or averment is made, Staff opposes any further discovery.

B. TDI Documents Obtained by Intervenor Through Discovery

Subsequent to June 11, 1984, the NRC staff has requested that Intervenor Suffolk County notify Staff counsel at a convenient time for Staff personnel to review the TDI documents referenced by Mr. Dynner in his filing. This review should not be interpreted as an inference by the NRC staff that such material is necessary or useful in the Staff's review of the issues in this proceeding.

C. Relevance of Non-Nuclear EDG Operating History

While Staff's consultants have testified in a deposition that certain specified marine diesel experience might be of some assistance in its determination of the present adequacy of the TDI diesels, it is the position of the Staff, and those same consultants, that such data is not required in order for them to reach an acceptable result in their review. Accordingly, the Staff and its consultants at this time are directing their efforts towards evaluation of available information, without

seeking to obtain information on TDI diesel problems which may have occurred in marine and stationary non-nuclear applications. (See Affidavits attached hereto).

D. Status of Technical Reviews

At the present time, the tentative schedule for completion of technical reviews is as follows:

- 6/22/84 TDI Owners' Group provides report on cylinder blocks and liners to NRC Staff and PNL
- 6/30/84 TDI Owners' Group DRQR Report
- 7/22/84 PNL input on 16 Phase I items is furnished to NRC staff (assuming no major defects in reports received) in a DRAFT Report
- 8/7/84 FINAL PNL Report to NRC staff
- 8/17/84 SER issues on key 16 items, and identifying further review and testing requirements
- 8/30/80 Staff DRQR Evaluation
- 9/15/84 Preparation of testimony for evidentiary hearing.

V. CONCLUSION

Accordingly, the Staff supports Suffolk County's request that this Board (1) accept the consolidation and restatement of the EDG contentions as set forth in Part II of their filing and (2) accept at this time the particularization of matters as set forth in Part II thereof. The Staff would oppose so much of Suffolk County's filing as would add to the EDG litigation a separate matter concerning the TDI Owners' Group program as detailed in Part III of Intervenor's filing and (4) would oppose, at this time, the County's request for additional

discovery. The Staff would join with the County in requesting that the filing of testimony and commencement of EDG litigation be deferred until such time as the Staff is ready to take a position on the reliability of the Shoreham diesels, after evaluation of available information by its consultants.

Respectfully submitted,

Richard J. Goddard
RJR

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Dated at Bethesda, Maryland
this 21st day of July, 1984