

LILCO, August 14, 1984

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

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)	)	

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USNRC

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OFFICE OF SECRETARY  
DOCKETING & SERVICE  
BRANCH

LILCO'S MOTION FOR LEAVE TO MAKE RESTRICTED  
SERVICE OF CERTAIN DOCUMENTS, FOR A PROTECTIVE ORDER  
AND FOR IN CAMERA CROSS-EXAMINATION CONCERNING THE DOCUMENTS

The Long Island Lighting Company ("LILCO") moves the Board for an Order (1) permitting LILCO to serve certain Transamerica Delaval, Inc. ("TDI") drawings upon a restricted group of the parties to this proceeding; (2) directing the parties receiving copies of the TDI drawings to take steps to protect them from public disclosure; and (3) providing for in camera cross-examination concerning the information contained in the drawings. Issuance of the requested Order would safeguard from public dissemination certain proprietary information as to which LILCO has signed a confidentiality agreement.

As part of its direct case concerning the emergency diesel generator components at issue in this proceeding, LILCO plans to introduce a number of TDI drawings which

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contain proprietary information.<sup>1/</sup> By "Protective Agreement" dated December 21, 1983 (Attachment A), LILCO has undertaken to maintain the confidentiality of this proprietary information.<sup>2/</sup> In keeping with that Protective Agreement, LILCO seeks the leave of this Board to limit the distribution of the TDI drawings and further requests the Board to direct recipients of the drawings to safeguard them against disclosure.

LILCO proposes to file with the Board each of the TDI drawings for which it seeks confidential treatment. LILCO would serve those drawings upon Suffolk County, the State of New York and the NRC Staff. LILCO would also serve copies of the drawings upon the Secretary, with the request that the exhibits be kept under seal and protected from public disclosure. LILCO proposes not to serve the drawings upon any other party to this proceeding. The exhibits served on these parties would indicate that the proprietary drawings had been deleted as confidential. Pending a decision on this Motion, LILCO has prepared its exhibits in this manner.

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<sup>1/</sup> The TDI drawings LILCO plans to introduce include drawing Nos. 03-315-03-AC and 02-315-03-AE (block); 03-315-02-OE and 02-315-02-OG (liner); 03-315-01-OA (stud); 03-360-03-OF (head); and 03-310-05-AC (crankshaft).

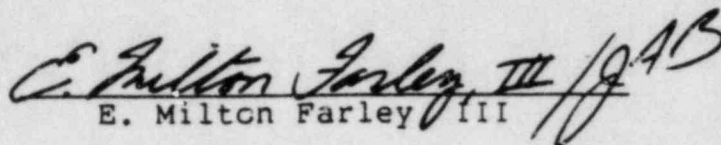
<sup>2/</sup> LILCO understands that Suffolk County has entered into a similar Protective Agreement.

LILCO also moves the Board for a Protective Order barring any recipient of the TDI drawings from making those drawings available to anyone other than the parties' representatives or consultants having a need to review the drawings for the diesel generator litigation. That Order should further direct the parties to segregate the drawings from other, non-confidential documents, to store them in a secure location and to destroy them upon conclusion of this litigation.

Finally, LILCO requests the Board to limit discussion of the proprietary information contained in the TDI drawings to an in camera hearing session. Because these drawings will be introduced solely for the purpose of establishing a foundation for testimony concerning the components they depict, LILCO believes that discussion and cross-examination concerning the TDI drawings will not consume substantial time. This special in camera treatment will, therefore, not disrupt the orderly conduct of the hearing.

Accordingly, LILCO moves the Board for an Order permitting it to restrict service of certain proprietary emergency diesel generator drawings prepared by TDI, directing recipients of the drawings to maintain their confidentiality and providing that discussion and cross-examination concerning the drawings be conducted in camera.

Respectfully Submitted,  
LONG ISLAND LIGHTING COMPANY

  
E. Milton Farley III

Hunton & Williams  
2000 Pennsylvania Ave., N.W.  
P.O. Box 19230  
Washington, D.C. 20036  
(202) 955-1500

W. Taylor Reveley, III  
Robert M. Rolfe  
Anthony F. Earley, Jr.  
Darla Tarletz  
Hunton & Williams  
707 East Main Street  
P.O. Box 1535  
Richmond, Virginia 23212

Odes L. Stroupe, Jr.  
David Dreifus  
Hunton & Williams  
333 Fayetteville Street  
P.O. Box 109  
Raleigh, North Carolina 27602

DATED: August 14, 1984

December 21, 1983

Long Island Lighting Company  
P.O. Box 604  
North Country Road  
Wading River, New York 11792

Attention: Mr. W. J. Museler  
Director - Office of Nuclear

Subject: Shoreham Nuclear Power Station  
Diesel Generators  
S.O. 74010/12

Reference: LILCO's Letter of December 15, 1983  
SNPS-11209

Dear Bill:

This letter finalizes the agreements reached in the December 20, 1983 telecon and is a modification of the referenced letter.

The following contains the entire agreement concerning release of our manufacturing drawings:

1. Transamerica Delaval agrees to do the following:

- a. After the protective agreement (sent to LILCO earlier) is signed by LILCO, we will send LILCO a copy of all the drawings needed to satisfy the list submitted by Mr. C. X. Seaman on December 7, 1983. The protective agreement must be applied to any agent, consultant, etc. that LILCO provides these drawings to.
- b. We agree to help LILCO answer certain technical questions or to give advice on how to complete the design review, e.g. flow rates, temperatures, etc.

2. LILCO agrees to do the following:

- a. Sign the protective agreement (submitted to LILCO earlier) and apply the agreement to its agents, consultants, etc.

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Defaval



Long Island Lighting Company  
December 21, 1983

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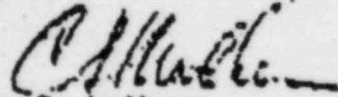
- b. Provide us a copy of all reports on the design review as they become available, including periodic verbal reports if not produced in writing. Further, provide us a copy of all detail design calculations used as they are completed.
- c. Write a release to FAA that permits them to give us advice on our modal superposition dynamics analysis.
- d. Provide copies of all engine (DG 101, 102 and 103) test logs.
- e. Request that Gulf States perform the static strain gage testing with our assistance.

We would like to point out the number of drawings requested will be considerable (estimate: 3000). To accommodate your design review schedule, we have initiated printing of the drawings for the cylinder head assembly, AE piston assembly, AF modified to AH piston assembly, and gear train assembly.

We wish to take exception to the statement made in the first several sentences of the referenced letter. We believe we have been very cooperative from the beginning. On numerous occasions we have made drawings, analyses and calculations available to LILCO, FAA and S&W. As an example, FAA has been here on several occasions to look at our drawings and discuss our design for numerous engine parts.

Please sign and date this letter and return it with a signed Protective Agreement, following which we will begin sending the drawings released to above.

Very truly yours,

  
C. S. Mathews  
Vice President and General Manager

CSM/pn

Accepted by: \_\_\_\_\_

Attachments  
1. Protective Agreement

Long Island Lighting Company

PROTECTIVE AGREEMENT

This Agreement is made on the 21st day of December, 1985 by and between Transamerica Delaval Inc. (Delaval), a Delaware corporation, and Long Island Lighting (LILCO), a \_\_\_\_\_ corporation. In consideration of the mutual undertakings stated herein, Delaval and LILCO agree as follows:

1. Delaval shall, within ten (10) days of this Agreement, furnish to LILCO certain engineering drawings (the Drawings) relating to Delaval's diesel engine product (specifically identified in Appendix A hereto) (collectively "Delaval's Work Product").
2. Delaval's Work Product is its valuable property and is furnished by Delaval and received by LILCO solely for the purpose of LILCO's use in connection with any analysis report or other documentation it will make in support of its effort to obtain licensing approval from the Nuclear Regulatory Commission (NRC), as such effort affects or is affected by the three emergency standby diesel generators installed at LILCO's Shoreham nuclear power plant.
3. LILCO shall not copy, wholly or partly, any of Delaval's Work Product and will not make available to any other person Delaval's Work Product, copies thereof or in any manner the substance of the content of Delaval's Work Product, except to NRC as may be required by the NRC as part of its licensing consideration referred to in paragraph 2, above.
4. Access to Delaval's Work Product shall be limited by LILCO to only such of its employees or consultants as may have a need to know, in the responsible judgment of LILCO, and who execute an undertaking in like terms to this Agreement.
5. Delaval's Work Product shall be returned to Delaval at the earliest of 1) the date on which NRC grants an operating license to LILCO for its Shoreham nuclear power plant, or 2) 90 days after the date thereof.

Transamerica Delaval Inc.

By: \_\_\_\_\_

Long Island Lighting Company.

By: \_\_\_\_\_

CERTIFICATE OF SERVICE

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

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USNRC

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I hereby certify that copies of LILCO'S MOTION FOR LEAVE TO MAKE RESTRICTED SERVICE OF CERTAIN DOCUMENTS, FOR A PROTECTIVE ORDER AND FOR IN CAMERA CROSS-EXAMINATION CONCERNING THE DOCUMENTS were served this date upon the following by first-class mail, postage prepaid, or by hand as indicated by an asterisk.

Judge Lawrence Brenner, Esq.\*  
Chairman  
Atomic Safety and Licensing  
Board, United States  
Nuclear Regulatory Commission  
Washington, DC 20555

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

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

Martin Bradley Ashare, Esq.  
Attn: Patricia A. Dempsey, Esq.  
County Attorney  
Suffolk County Department of Law  
Veterans Memorial Highway  
Hauppauge, New York 11787

Dr. George A. Ferguson\*  
Administrative Judge  
Atomic Safety and Licensing  
Board Panel  
School of Engineering  
Howard University  
2300 6th Street, N.W.  
Washington, D.C. 20059

Edwin J. Reis, Esq.\*  
Bernard M. Bordenick, Esq.  
Office of the Executive Legal  
Director  
U.S. Nuclear Regulatory  
Commission  
Washington, D.C. 20555

Secretary of the Commission  
U.S. Nuclear Regulatory  
Commission  
Washington, D.C. 20555

Herbert H. Brown, Esq.\*  
Kirkpatrick, Lockhart, Hill,  
Christopher & Phillips  
1900 M Street, N.W.  
8th Floor  
Washington, D.C. 20036

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

Mr. Marc W. Goldsmith  
Energy Research Group  
4001 Totten Pond Road  
Waltham, Massachusetts 02154



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

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

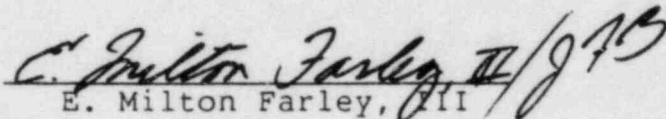
Stephen B. Latham, Esq.  
Twomey, Latham & Shea  
33 West Second Street  
P. O. Box 398  
Riverhead, New York 11901

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

Fabian G. Palomino, Esq.  
Special Counsel to the  
Governor  
Executive Chamber, Room 229  
State Capitol  
Albany, New York 12224

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

Robert E. Smith, Esq.  
Guggenheimer & Untermyer  
80 Pine Street  
New York, New York 10005  
(diesels only)

  
E. Milton Farley, III

Hunton & Williams  
2000 Pennsylvania Avenue, N.W.  
P.O. Box 19230  
Washington, D.C. 20036

DATED: August 14, 1984