

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

DOCKETED
USNRC

Before the Atomic Safety and Licensing Board

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In the Matter of)
)
LONG ISLAND LIGHTING COMPANY)
)
(Shoreham Nuclear Power Plant,)
Unit 1))

DOCKETING & SERVICE
BRANCH
Docket No. 50-322-OL

RESPONSE OF GOVERNOR MARIO CUOMO,
REPRESENTING THE STATE OF NEW YORK,
TO SUFFOLK COUNTY'S MOTION TO ADMIT
SUPPLEMENTAL DIESEL GENERATOR CONTENTIONS

The State of New York supports Suffolk County's Motion to Admit Supplemental Diesel Generator Contentions, dated January 27, 1984.

For the reasons stated in that Motion, all of the five factors of 10 C.F.R. Section 2.714(a)(1) weigh in favor of granting the Motion. Moreover, the matters set forth in Suffolk County's supplemental EDG contentions are of substantial safety significance which might materially affect the outcome of these proceedings, and have been raised in a timely manner, as shown by the Motion.

The bases for each of Suffolk County's supplemental EDG contentions are set forth with reasonable specificity. The State of New York has a substantial interest in the important safety issues raised by the many problems associated with the emergency diesel generators at Shoreham, and urges that Suffolk County's Motion be granted.

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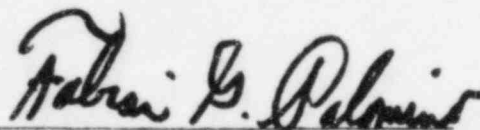
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The increased horsepower of the diesel engines concerned without basic redesign, coupled with the initial design defects and manufacturing defects make it manifest that they are inadequate for the purposes intended. These fundamental deficiencies cannot be overcome by repair and replacement. This has been demonstrated beyond peradventure by the substantial nature of engine parts which have failed in the past -- crankshafts, pistons, cylinder heads, connecting rod bearings -- and undoubtedly will fail in the future.

For these reasons as well as those stated in the Motion, the State of New York agrees with Suffolk County's position that litigation of the supplemental EDG contentions should not be fragmented and should not commence until the evaluations by the NRC Staff of the diesels and of Transamerica Delaval's quality assurance program have been completed and reviewed by the parties. There is no legitimate reason to require that testimony be filed and litigation commence before all of the relevant facts and analyses have become known.

Respectfully submitted,

MARIO CUOMO,
Governor of the State
of New York



Fabian G. Palomino
Special Counsel to the Governor
of the State of New York

DATED: February 8, 1984

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

ATOMIC SAFETY AND LICENSING BOARD
Before Administrative Judges
Lawrence J. Brenner, Esq.
Dr. George A. Ferguson
Dr. Peter A. Morris

In the Matter of)
)

LONG ISLAND LIGHTING COMPANY)
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(Shoreham Nuclear Power Station,)
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Docket No. 50-322-OL

February 8, 1984

CERTIFICATE OF SERVICE

I hereby certify that one copy of the RESPONSE OF GOVERNOR MARIO CUOMO, REPRESENTING THE STATE OF NEW YORK, TO SUFFOLK COUNTY'S MOTION TO ADMIT SUPPLEMENTAL DIESEL GENERATOR CONTENTIONS has been served to each of the following this 8th day of February 1984 by U.S. Mail, first class, except as otherwise noted:

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*By Hand
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Albany, New York
February 8, 1984