

COUNTY OF SUFFOLK



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SUFFOLK COUNTY EXECUTIVE

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FRANK R. JONES
DEPUTY COUNTY EXECUTIVE

April 10, 1984

Mr. William J. Dircks
Executive Director for Operations
U.S. Nuclear Regulatory Commission
Maryland National Bank Building
7735 Old Georgetown Road
Bethesda, Maryland 20814

Dear Mr. Dircks:

On January 26, 1984, at a meeting between the NRC Staff and the Transamerica Delaval, Inc. ("TDI") diesel generator "Owners' Group," the Staff presented substantial evidence of "serious problems" with TDI diesels, particularly those at the Shoreham nuclear plant. Harold Denton stated:

We view this as a very serious problem for the industry..... You wouldn't think that diesel generators would get on the critical path of the nuclear power reactors, but that's very likely what has happened. And just so there is no doubt about where the Staff stands on these issues, we are not prepared to go forth and recommend the issuance of new licenses on any plant that has Delaval diesels until the issues that are raised here today are adequately addressed.

At the same meeting, Darrell Eisenhut emphasized the Staff's position that the known defects in the TDI diesels must be solved and the diesels determined to be adequate for nuclear service "prior to licensing, even a low-power license"

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Six weeks later, on April 3, Mr. Denton again reiterated the Staff's position in a letter to the County's counsel and quoted his January 26th statement.

Despite the consistency of Staff's position from January 26th to April 3rd, on March 30 --- four days before Mr. Denton repeated the Staff's position that no license, including a low-power license, should be issued until the TDI diesel problems are resolved -- the Staff filed a pleading with the Licensing Board supporting LILCO's motion to obtain a low power license for Shoreham. The Staff did this with full knowledge that on February 22, the Licensing Board had admitted three of Suffolk County's contentions challenging the adequacy of the TDI diesels at Shoreham. The Licensing Board there stated:

(W)e don't have any confidence that any of these (TDI) diesels will operate at any power unless we have litigated (Suffolk County) Contentions 1, 2 and 3 on the merits.

Significantly, the Staff itself had supported admission of those three contentions in a lengthy pleading of its own.

At the April 4 "oral argument" before the Licensing Board, the Staff attorney -- in a shocking flip-flop -- argued that Shoreham could be granted a low power license without any diesel generators and without any onsite emergency power at all. In totally rejecting the relevance of the repeated statements of Messrs. Denton and Eisenhut to the contrary, the Staff attorney announced that his position "...was cleared by Mr. Denton, and Mr. Denton was sitting here earlier today listening to the Staff's position and certainly approved the Staff's position."

This crude reversal of the Staff's position on a low power license for Shoreham cannot be explained by anything in the public record. The Staff's reversal to support licensing of Shoreham without any onsite emergency power system came as a complete surprise to Suffolk County. I request an immediate explanation.

-- What happened between April 3 and April 4, or for that matter between January 26 and April 4, to cause the Staff to completely reverse its position?

-- What legal authority does the Staff have to ignore its own regulation -- GDC 17 -- which requires an onsite emergency power system?

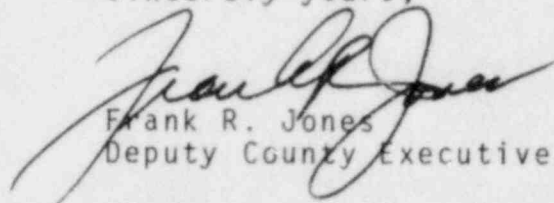
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-- What benefit does the Staff perceive for a quick low power license for Shoreham that justifies licensing the plant with no onsite emergency power system?

-- Never has the NRC licensed a nuclear plant with no onsite emergency power system. Why has the staff decided to do so at Shoreham?

I would appreciate your prompt response to these questions.

Sincerely yours,



Frank R. Jones
Deputy County Executive

FRJ/ec

cc: Governor Cuomo
Chairman Palladino
Commissioner Gilinsky
Commissioner Roberts
Commissioner Asselstine
Commissioner Bernthal
Harold Denton