

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  
 )  
(Shoreham Nuclear Power Station, )  
Unit 1) )

FIRST STIPULATION REGARDING CERTAIN  
CONTENTIONS OF THE SHOREHAM OPPONENTS  
COALITION AND IN PART REQUEST FOR  
ADDITIONAL TIME

I.

Technical and legal representatives of the Shoreham Opponents Coalition (SOC) and the Nuclear Regulatory Commission Staff ("Staff") met in San Jose, California, on April 16 and 17 to discuss certain SOC contentions which were identified by the Board in its March 5th Order as in need of further particularization.<sup>1</sup> As a result of this conference, SOC and Staff stipulate that:

- A. The following SOC contentions have now been adequately particularized so as to satisfy the requirements of 10 C.F.R. §2.714, and are submitted to the Board for admission in this proceeding: 2(vii); 7(a)(ii); 8; 10; 11; 12. These particularized contentions are attached to this stipulation as Appendix A.

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<sup>1</sup>At page 24 of the Board's March 5th Order, SOC was granted leave to particularize contentions 2(vii); 6(a)(i); 7(a)(ii); 8; 10; 11; 12 (2nd part); and 19.

- B. During their discussions of SOC's original contention 2(vii), SOC and Staff agreed that the contention should be divided into two contentions which have been resubmitted as SOC contention 1 and SOC contention 2.
- C. With regard to SOC's contention 6(a)(i), final particularization of this contention, as it pertains to 10 C.F.R. Part 50, Appendix B, Criteria 1-18, requires the listing of particular criteria as derived from a review of the investigation report prepared by Region 1 of the NRC's Office of Inspection and Enforcement (Investigation 50-322/79-24, dated April 28, 1980, received by SOC on May 8, 1980). The criteria developed by SOC's consultants have been finalized and have this date been submitted to Staff for its review and the parties are hopeful that an agreed upon contention can be submitted on or before August 6, 1980.
- D. With regard to original SOC contentions 10 and 11, the Staff and SOC have agreed that these contentions should be combined into a single contention captioned, "Environmental Qualification of Equipment" (see attached contention 10).
- E. After lengthy discussion between the Staff and SOC regarding SOC's original contention 19, the parties have been unable to agree at this time on the

particularization of that contention. SOC and Staff have agreed that another meeting to discuss this contention might lead to the formulation of a contention acceptable to both parties and such a meeting will be scheduled in the near future. Both parties agree that formulation of this contention requires a thorough review of the FSAR by SOC, which document has recently been received by SOC's consultants. When that review has been completed, the parties will endeavor to particularize Contention 19 for submission to the Board.

- F. Although attorneys and technical representatives of the Applicant were invited to the San Jose conference on April 16th and 17th, the Applicant and its representatives declined to attend. Nevertheless, the Staff and SOC have discussed their agreements on the above contentions and the executed stipulation has been submitted to the Applicant prior to its submission to the Board in order to invite the Applicant to join in this stipulation either in whole or in part.

## II.

In view of the work remaining for Staff and SOC to complete the particularization of 6(a)(i) and 19, the parties respectfully request an additional 60 days, through and including August 6, 1980, within which to

attempt to arrive at a second stipulation regarding those contentions. In the event agreement cannot be reached by that date, the parties will, on or before that date, submit their respective arguments on contentions on which agreement can not be reached.

III.

The parties to this stipulation request that the Board accept the agreement set forth in Part I. above and to extend the time to complete particularization of Contentions 6(a)(i) and 19 as requested in Part II.

Respectfully submitted,

SHOREHAM OPPONENTS COALITION

Stephen B. Latham  
Stephen B. Latham, Esq.

NRC STAFF

Bernard M. Bordenick  
Bernard M. Bordenick, Esq.

REVISED CONTENTION 2(vii)SOC CONTENTION 1:

Intervenors contend that the emergency planning zones (EPZ) set forth by the Commission in the NRC Policy Statement of October 23, 1979 (44 Fed. Reg. 61123) are inadequate for the Shoreham nuclear plant in that:

- a. The 10-mile (radius) EPZ plume exposure pathway fails to provide adequate consideration of local conditions such as demography, meteorology, topography, land use characteristics, access routes, local jurisdictional boundaries and release time characteristics.
- b. The 50-mile (radius) EPZ ingestion pathway fails to provide adequate consideration of local conditions such as demography, meteorology, topography, land characteristics, and time of year of release.

SOC CONTENTION 2:

Intervenors contend that the emergency planning requirements for the 50-mile (radius) ingestion pathway for the Shoreham facility, as set forth in the NRC Policy Statement of October 23, 1979 (44 Fed. Reg. 61123), are inadequate in that they do not adequately address the effects of releases through the liquid pathway.

REVISED SOC CONTENTION 7(a)(ii)

Generic Technical Issues - TMI-Related

a. Intervenors contend that the Regulatory Staff has not adequately assessed and the Applicant has not adequately resolved, the generic unresolved technical issues contained in the TMI Action Plan (NUREG-0660), both singularly and cumulatively, applicable to a BWR of the Shoreham design, in reviewing the Shoreham operating license application, and as a result, the Regulatory Staff has not required the Shoreham structures, systems, and components to be backfitted as required by 10 CFR, 50.55(a), 10 CFR 50.57, and 10 CFR 50.109, with regard to:

- 1) Failure to include certain technical issues raised by the accident at TMI in the TMI Action Plan (NUREG-0660);
- 2) Failure to require the Applicant to resolve for the Shoreham nuclear plant certain items contained in the TMI Action Plan (NUREG-0660);
- 3) Failure to require the Applicant to implement in a timely fashion certain TMI Action Plan issues for Shoreham; and
- 4) Failure of the Applicant to adequately resolve certain TMI Action Plan issues.

REVISED SOC CONTENTION 8

TMI-2 demonstrated the need to measure fuel cladding temperatures during accident conditions. GDC 13 requires that:

"Instrumentation shall be provided to monitor variables and systems over their anticipated ranges for normal operation, for anticipated operational occurrences, and for accident conditions as appropriate to assure adequate safety, including those variables and systems that can affect the fission process, the integrity of the reactor core, the reactor coolant pressure boundary, and the containment and its associated systems. Appropriate controls shall be provided to maintain these variables and systems within prescribed operating ranges."

Intervenors contend that the Shoreham plant design does not have instrumentation to permit measurement of fuel clad temperature as required by GDC 13.

REVISED SOC CONTENTIONS 10 & 11

SOC CONTENTION 10: Environmental Qualification of Equipment

Intervenors contend that the accident at TMI-2 demonstrates that certain structures, systems, and components which are currently classified as "non-safety related" may in fact have a significant effect on the safety-grade equipment. The TMI accident also demonstrated that the severity of the environment in which safety-grade equipment must operate was underestimated and that equipment previously deemed to be environmentally qualified, failed. Intervenors contend that the Regulatory Staff has not required, and the Applicant has not implemented, an environmental qualification program for the Shoreham Nuclear Station as required by General Design Criteria 1, 2, 4, and 23 of Appendix A, Sections III and XI of Appendix b to 10 CFR, Part 50, and Regulatory Guide 1.89 with regard to:

- a) The completeness of the Applicant's list of equipment to be qualified, as required by letter from Ross to LILCO dated February 21, 1980, and as defined in NUREG-0588, December 1979.
- b) The adequacy of the Applicant's qualification program, including the assessment of the effects of aging; and
- c) The failure of the Staff to require safety-related equipment to be qualified in accordance with the requirements of IEEE 323-1974 and IEEE 344-1975.



REVISED SOC CONTENTION 12

The ongoing Mark II test program has recently determined a need to install additional downcomer bracing at least two GE-BWR plants, LaSalle and Zimmer. Additionally, further Mark II tests are underway and still to be analyzed by the Staff. Because of the potential inadequacy of this design feature, Intervenor's contend that the Shoreham primary containment system has not been demonstrated to fulfill the requirements of 10 CFR, Part 50, Appendix A, Criteria 4, 16 and 50.