



UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
WASHINGTON, D. C. 20555

December 17, 1980

Patricia A. Dempsey, Esq.  
Suffolk County Attorneys Office  
Veterans Memorial Highway  
Hauppauge, New York 11787

1980 DEC 18 AM 10 17  
REGISTRATION  
SERVICES UNIT  
U.S. NRC  
FIELD SERVICES  
BRANCH

In the Matter of  
Long Island Lighting Company  
(Shoreham Nuclear Power Station, Unit 1)  
Docket No. 50-322

Dear Ms. Dempsey:

Pursuant to Tony Earley's letter to us dated December 9, 1980, and his letter to me of December 11, 1980, I am enclosing the "Fifth Stipulation Regarding Certain Suffolk County Contentions" which has been executed by Tony on behalf of Lilco and by me on behalf of the NRC Staff.

Sincerely,

Bernard M. Bordenick  
Counsel for NRC Staff

Enclosure  
As Stated

cc w/o encl: Anthony F. Earley, Jr., Esq.

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) )

FIFTH STIPULATION REGARDING  
CERTAIN SUFFOLK COUNTY CONTENTIONS

I.

Technical and legal representatives of the Applicant, the NRC Staff and Suffolk County (SC or County) have continued their efforts to facilitate informal discovery by SC, as well as to resolve and/or particularize certain SC contentions. As a result of these efforts, the Applicant, Staff and County stipulate that:

A. The following SC contentions will be pursued no further in this proceeding because pertinent County concerns have been resolved: 4a(xi), 11a(iii), 11a(iv), 11a(v), and 12a(iv).

B. As noted in the Fourth Stipulation signed by these parties, SC contentions 3a(i) and 3a(ii) encompass a number of generic unresolved safety issues. Of these issues, NRC Task Action Plan A-31 and generic issues II.5B and II.B.2 (see

Enclosure 1) will be pursued no further in this proceeding because pertinent County concerns have been resolved.

C. SC is satisfied with the resolution of generic issues II.7<sup>1/</sup> and II.8 and intends to drop them when the NRC Staff confirms in writing that these issues have been resolved for Shoreham.<sup>2/</sup>

## II.

The parties to this stipulation request that the Board accept the agreements set out in Part I above.

## III.

There will be continuing efforts by the Applicant, Staff and County to resolve and/or adequately particularize the remaining SC contentions. The Board will be kept informed of these efforts.

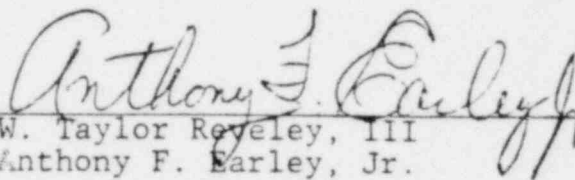
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<sup>1/</sup>Because generic issue II.7 concerns "Behavior of Reactor Fuels Under Abnormal Conditions," SC believes that it encompasses issues related to the NRC's degraded core cooling rulemaking. See 45 Fed. Reg. 65466, 65474 (October 2, 1980). By agreeing to drop generic issue II.7 SC does not intend to relinquish any right it may have had under generic issue II.7 to particularize degraded core cooling contentions. LILCO and the NRC Staff do not agree with SC's interpretation of the scope of generic issue II.7 and may object, as a matter of law, to the admission of any contentions related to the degraded core cooling rulemaking.

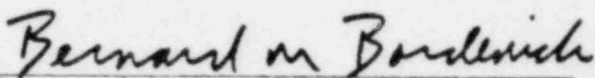
<sup>2/</sup>While this confirmation will not be available until publication of the Safety Evaluation Report (SER) for Shoreham, SC is willing to accept confirmation in the SER for the LaSalle County Station, Unit 1 since the issues are essentially the same in both cases.

Respectfully submitted

LONG ISLAND LIGHTING COMPANY

  
W. Taylor Reveley, III  
Anthony F. Earley, Jr.

NRC STAFF

  
Bernard M. Bordencik

SUFFOLK COUNTY

\_\_\_\_\_  
David H. Gilmartin  
Patricia A. Dempsey

Dated:  
December \_\_, 1980

ACRS GENERIC ISSUES-RESOLUTION PENDING

Enclosure 1

<u>ACRS GENERIC ITEM</u>	<u>RELEVANT TO</u>		<u>PRIORITY FOR</u>	
	<u>EWR</u>	<u>EWR</u>	<u>RESOLUTION</u>	<u>ACRS</u> <u>NRC</u>
<u>GROUP II: (Resolution Pending Since December 18, 1972)</u>				
1. Turbine Missiles	X	X	A	A-37,A-32
2. Containment Sprays	X		B	C-10
3. Pressure Vessel Failure By Thermal Shock	X		A	A-11
4. Instruments to Detect (Severe) Fuel Failure	X	X	C	-
5A. Excessive Vibration,	X	X	B	-
5B. Loose Parts Monitoring	X	X	B	B-20
6. Non-Random Multiple Failures	X	X	A	C-13
6A. Reactor Scram Systems	X	X	A	A-9
6B. Alternating Current Sources Onsite & Offsite	X	X	A	A-35,B-56, B-57
6C. Direct Current Systems	X	X	A	A-30
7. Behavior of Reactor Fuels Under Abnormal Conditions	X	X	A	B-22
8. EWR Recirculation Pump Overspeed During LOCA		X	B	B-68
9. Seismic Scram	X	X	C	D-1
10. ECCS Capability for Future Plants	X	X	A	D-2
<u>GROUP II A: (Resolution Pending Since February 13, 1974)</u>				
1. Ice Condenser Containments	X		B	B-54
2. EWR Pump Overspeed During a LOCA	X		B	B-68
3. Steam Generator Tube Leakage	X		A	A-3,A-4, A-5
4. ACRS/NRC Periodic 10-year Review	X	X	C	Policy
<u>GROUP II B: (Resolution Pending Since March 12, 1975)</u>				
1. Computer Reactor Protection System	X		B	A-19
2. Qualification of New Fuel Geometry	X	X	C	B-22
3. EWR Mark III Containments		X	B	A-39,B-10
4. Stress Corrosion Cracking in EWR Piping		X	B	Policy
<u>GROUP II C: (Resolution Pending Since April 16, 1976)</u>				
1. Locking Out of ECCS Power Operated Valves	X	X	B	B-8
2. Design Features to Control Sabotage	X	X	A	A-29
3A. Decontamination	X	X	B	A-15
3B. Decommissioning	X	X	B	B-64
4. Vessel Support Structures	X		B	A-2
5. Water Hammer	X	X	A	A-1
6. Maintenance and Inspection	X	X	B	B-34
7. EWR Mark I Containments		X	A	A-6,A-7, A-39
<u>GROUP II D: (Resolution Pending Since February 24, 1977)</u>				
1. Interfaces	X	X	A	Policy, A-17
2. Capability of Hermetic Seals	X	X	C	C-1
<u>GROUP II E: (Resolution Pending Since November 15, 1977)</u>				
1. Soil-structure Interaction	X	X	C	A-40,A-61