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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

OFFICE OF SECRETARY
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BRANCH

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))

Stipulation Regarding SC 27/SOC 3
-- Regulatory Guide 1.97

In the course of discussions aimed at resolving portions of SC 27/SOC 3, the parties could not reach agreement on the effect of SECY-82-111 on the provisions in Regulatory Guide 1.97, Revision 2, regarding fixed radiation monitors and BWR thermocouples. These issues are the subject of SC 27/SOC 3 (a) and (k) respectively.

LILCO Position

LILCO believes that it would serve no purpose to litigate the provisions in Regulatory Guide 1.97 regarding fixed off-site radiation monitors and BWR thermocouples at this time. Part (a) of the contention deals, in part, with fixed radiation monitors. As originally issued, Revision 2 of Regulatory Guide 1.97 contained a provision on page 1.97-14 (Item E-11) for

radiation exposure meters. A July 1981 Errata to Revision 2 deferred the implementation of this provision until additional guidelines have been developed. This change to the regulatory guide is also reflected in SECY-82-111. See Enclosure to SECY 82-111 at 13. Moreover, the issue of off-site radiation monitoring will be covered in the litigation of Suffolk County's emergency planning contentions. Consequently, LILCO's compliance with Item E-11, page 1.97-14 should not be pursued here.

Part (k) of this contention deals with BWR thermocouples. While the County and SOC want to litigate the issue of incore thermocouples, LILCO believes two factors mitigate against hearing this issue in the context of Regulatory Guide 1.97. First, there is a close relationship between this issue and the issues raised in SC 3/SOC 8 -- Inadequate Core Cooling. In fact, LILCO's direct testimony on SC 3/SOC 8 specifically addresses incore thermocouples. Second, SECY-82-111, "Requirements for Emergency Response Capability," indicates in LILCO's view that BWR thermocouples are not required by Regulatory Guide 1.97 "pending their further development and consideration as requirements." Enclosure to SEC-82-111 at 13. The Commission has approved SECY-82-111. See Memorandum from Samuel L. Chilk to William J. Dircks, dated July 20, 1982. Thus, although the issue of incore thermocouples will be litigated in SC 3/SOC 8, there is no longer a Regulatory Guide 1.97 issue to be pursued. Consequently SC 27(k)/SOC 3(k) should be withdrawn from the litigation.

Staff Counsel has indicated agreement with LILCO's position.

Suffolk County/SOC Position

Suffolk County and SOC do not believe that SECY-82-111 has removed the requirements for fixed radiation monitors and BWR thermocouples from Regulatory Guide 1.97, Revision 2. Consequently, it is the position of Suffolk County and SOC that it is entirely appropriate to litigate, in the context of SC 27/SOC 3, LILCO's compliance with these provisions of the regulatory guide. SC and SOC do, however, recognize that these issues are closely related to the issues raised in other contentions. In particular, off-site radiation monitoring will be covered in the emergency planning contentions and BWR thermocouples are at issue in SC 3/SOC 8 -- Inadequate Core Cooling. Consequently, Item E-11 of Regulatory Guide 1.97, Revision 2, will not be pursued until the emergency planning contentions are litigated. Also, SC 27(k)/SOC 3(k) will not be pursued until litigation of SC 3/SOC 8.

Stipulation

The parties agree that Item E-11 of Regulatory Guide 1.97, Revision 2 and SC 27(k)/SOC 3(k) will not be pursued during the litigation of SC 27/SOC 3, but rather will be pursued during the litigation of emergency planning contentions and SC 3/SOC 8, respectively. This agreement is without prejudice to LILCO's or the NRC Staff's right to argue during that litigation that the regulatory guide no longer requires fixed radiation monitors or BWR thermocouples.

Respectfully submitted,

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DATED: August 24, 1982

LILCO, August 30, 1982

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CERTIFICATE OF SERVICE

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

I hereby certify that copies of "Partial Resolution of SC Contention 27/Contention 3 -- Regulatory Guide 1.97" were served upon the following by first-class mail, postage prepaid, on August 30, 1982.

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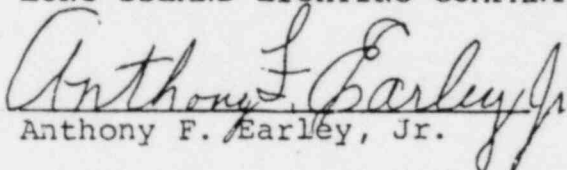
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Respectfully submitted,

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DATED: August 30, 1982