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UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

84 JUN -7 P2:12

ATOMIC SAFETY AND LICENSING APPEAL BOARD

Administrative Judges:

Alan S. Rosenthal, Chairman  
Gary J. Edles  
Howard A. Wilber

June 7, 1984

OFFICE OF SECRETARY  
DOCKETING & SERVICE  
BRANCH

SERVED JUN 7 1984

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

Docket No. 50-322 OL

ORDER

This operating license proceeding is pending before us on the appeals of applicant Long Island Lighting Company and intervenor Suffolk County from the Licensing Board's partial initial decision.<sup>1</sup> On April 23, 1984, we certified to the Commission, inter alia, the following questions:

1. Are the terms "important to safety" and "safety-related" to be deemed synonymous for the purpose of establishing an acceptable quality assurance program in accordance with GDC 1 of Appendix A and Appendix B to 10 CFR Part 50?
2. How should the outcome of Question 1 be applied to the operating license application proceeding before us?<sup>2</sup>

<sup>1</sup> LBP-83-57, 18 NRC 445 (1983).

<sup>2</sup> ALAB-769, 19 NRC \_\_\_\_, \_\_\_\_ (slip opinion at 27).

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In a memorandum and order issued on June 5, the Commission announced that it would address the first question in a rulemaking proceeding. The Commission went on to state that:

In the interim, the Boards are to continue to proceed on a case-by-case basis in accordance with current precedent. Cf. Metropolitan Edison Company (Three Mile Island Nuclear Station, Unit 1), ALAB-729, 17 NRC 814 (1983).

The Commission understands current precedent to hold that the term "important to safety" applies to a larger class of equipment than the term "safety-related." However, this does not mean that there is a pre-defined class of equipment at every plant whose functions have been determined by rule to be "important to safety" although the equipment is not "safety-related." Rather, whether any piece of equipment has a function "important to safety" is to be determined on the basis of a particularized showing of clearly identified safety concerns for the specific equipment, and the requirements of General Design Criterion 1 (GDC 1) must be<sup>3</sup> tailored to the identified safety concerns.


Before applying this guidance to the proceeding at hand, we will provide an opportunity to the parties to furnish their views on the matter. Any party availing itself of this opportunity shall file and serve its memorandum no later than July 6, 1984.

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<sup>3</sup> CLI-84-9, 19 NRC \_\_\_\_, \_\_\_\_ (slip opinion at 2-3).

It is so ORDERED.

FOR THE APPEAL BOARD

  
C. Jean Shoemaker  
Secretary to the  
Appeal Board