

7/06/84

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

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Before the Atomic Safety and Licensing Appeal Board

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

Docket No. 50-322-OL

SUFFOLK COUNTY RESPONSE TO
APPEAL BOARD ORDER OF JUNE 1984

By Order dated June 7, 1984, this Appeal Board provided parties with the opportunity to provide views on that portion of the Commission's June 6, 1984 Memorandum and Order (CLI-84-9) which dealt with the "important to safety"/"safety-related" question. The Commission's Memorandum and Order resulted from this Board's April 23, 1984 certification to the Commission. See ALAB-769, ___ NRC ___ (1984). Suffolk County now responds to the June 7 Order.

Suffolk County has reviewed the record as briefed to this Appeal Board. Based on that review, the County does not believe that any further extensive briefing is required. Rather, the central issues which must be decided on appeal have already been briefed and the Commission's Memorandum and Order has focused those issues for this Board's decision. We add only the following summary of important points:

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1. The Commission directed this Board to apply current precedent in resolving the important to safety/safety-related controversy. In the County's view, this means that there is no need for the Board to go through an extensive analysis of the regulatory history (urged by LILCO in its December 23, 1983 brief) which is described in ALAB- 769. Rather, consistent with the position urged by the County in its March 3, 1984 brief (see especially pages 3-9), the Board should apply the controlling precedent cited by the Commission and rule that the term "important to safety" does have broader meaning than the term "safety-related."

2. The Commission's guidance also stated as follows:

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 tailored to the identified safety concerns.

CLI-84-9, at 3. This guidance is generally consistent with the position taken by the County, namely that systems, structures and components ("SS&Cs") important to safety are not subject to a single, predetermined set of requirements but rather must be

afforded the care (such as in the QA context) which is commensurate to their safety function.

There clearly are SS&Cs at Shoreham which are not classified as safety-related but which can play an important role in the safe operation of the plant. For instance, in its FSAR Chapter 15 transient analyses, LILCO has relied upon the turbine bypass system and the high water level trip, even though these have not been classified as safety-related. See NUREG-0420 (Staff SER, April 1981), at 15-5. Similarly, the feedwater control system, which can play an important role in creation of and response to upset conditions, is not safety-related, but certainly plays a role which is important to safety. See Goldsmith, et al., ff. Tr. 1114, at 36. Finally, the County also identified a generic list of SS&Cs important to safety but not safety-related which had been developed pursuant to a Staff contract. See Goldsmith, et al., ff. Tr. 20,903, at 42.1/ See also County brief of December 23, 1983, at 13-14; Attachment to Suffolk County Response to LILCO Motion to Strike Certain References in Suffolk County's Brief, January 11, 1984.

Since there are SS&Cs at Shoreham which are important to safety, GDC 1 requires that there be a QA program which covers

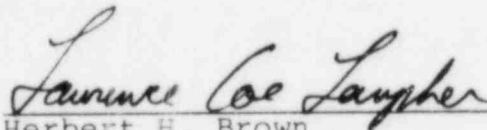
1/ The County does not believe it is appropriate in the instant filing to attempt to document all SS&Cs at Shoreham which would fall into the category of important to safety but not safety-related. Rather, it is sufficient for the issues on appeal to note that Shoreham clearly does have such SS&Cs. The Appeal Board further should understand that the Licensing Board directed the County to focus on methodology matters and to limit specific examples in the Contention 7B context to only three. See ASLB Memorandum and Order Confirming Rulings Made at Conference of Parties, 15 NRC 601, 611 (1982).

such SS&Cs. See Suffolk County brief of December 23, 1983, at 4-11 where this issue is discussed in detail. LILCO does not have such a QA program (id.) and thus this Board should hold that LILCO has failed to comply with GDC 1.

If the Appeal Board desires any further views by the County on this issue, the County will be happy to respond.

Respectfully submitted,

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July 6, 1984

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CERTIFICATE OF SERVICE

I hereby certify that copies of SUFFOLK COUNTY RESPONSE TO APPEAL BOARD ORDER OF JUNE 7, 1984 and SUFFOLK COUNTY AND STATE OF NEW YORK FILING IN RESPONSE TO APPEAL BOARD ORDER OF JUNE 26, 1984, dated July 6, 1984, have been served on the following this 6th day of July 1984 by U.S. mail, first class, except as otherwise indicated.

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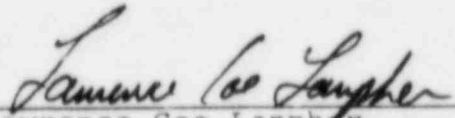
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DATE: July 6, 1984

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