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LILCO, September 13, 1984  
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USNRC

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

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OFFICE OF SECRETARY  
LICENSING & SERVICE  
BRANCH

Before the Atomic Safety and Licensing Board

In the Matter of )  
LONG ISLAND LIGHTING COMPANY ) Docket No. 50-322-OL-4  
(Shoreham Nuclear Power Station, ) (Low Power)  
Unit 1 )

LILCO'S PRELIMINARY RESPONSE TO  
BOARD ORDER OF SEPTEMBER 11, 1984

LILCO replies preliminarily as follows to this Board's September 11, 1984 Order Scheduling Conference of Counsel, at which the Board instructed the parties "to come prepared to discuss the effect and implications of the letter of September 11, 1984, by A. Schwencer [NRC] . . . to J.D. Leonard of the Long Island Lighting Company . . . upon substantive issues and scheduling in the security segment of this proceeding." LILCO will be prepared to elaborate on the following basic propositions at the prehearing conference tomorrow:

1. The Schwencer letter does not relate at all to Phases I and II of low power testing and therefore has no effect whatever on this Board's disposition of the pending contentions as they relate to Phases I and II. It can apply as a matter of logic only to

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those circumstances in which any emergency power supply could be required to prevent the plant from exceeding safety standards set in the regulations in the event of a security incident at Shoreham. The only circumstance under which emergency AC power might be needed in low power operation is the occurrence of a LOCA during Phases III and IV of low power operation. As the Board has found in its September 5, 1984 Order at 7-10, no backup power sources are required to mitigate the effects of a LOCA or any other event during Phases I and II of low power testing. Thus the Schwencer letter does not affect this Board's disposition of the pending Suffolk County/New York State security contentions as they relate to Phases I and II,<sup>1/</sup> and can relate only to the pending disposition of them as they relate to Phases III and IV.

2. As to Phases III and IV, the Schwencer letter, presupposing a need to treat backup power sources as vital areas, presupposes their need to protect the plant against unacceptable consequences. Again, the only circumstances where such a need arises presumes the occurrence of a LOCA. LILCO does not understand the Staff to be asserting that a sabotage event could induce

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<sup>1/</sup> LILCO understands this Board's September 5 Order to have concluded that while GDC-17 applies conceptually to all phases of low power operation, there are no circumstances in Phases I and II where emergency power sources are required and hence none where an exemption from GDC-17 is required. Therefore, there was also no requirement for explicit findings either on the "as safe as" and "exigent circumstances" tests of CLI-84-8 nor on arrangements for the security of emergency backup power sources at Phases I and II.

a LOCA (indeed, the Staff has asserted the opposite, Tr. S-35 (August 16, 1984), but rather that a LOCA and a sabotage event might occur close enough together in time that emergency backup power sources would have to be protected as vital areas. The Staff apparently bases its current view on a "re-evaluation" of the Shoreham emergency backup power supplies since SSER-5. (See Schwencer letter of September 11, 1984).

LILCO does not believe that such a coincidence of a LOCA and a security event is proper for consideration in a licensing proceeding for the following reasons:

(1) It requires the presumed concurrence of two such unlikely events that, as a policy matter, there is no value in their analysis; this concurrence is what used to be referred to as "incredible."

(2) There is no present regulation requiring treatment of backup power sources as vital areas at full power, much less low power. The pendency of a proposed rule to effect such a requirement (49 Fed. Reg. 30735, August 1, 1984) is ample evidence of its absence now.

(3) Such an assumption is inconsistent with the Staff's analysis of Shoreham in SSER-5, where the approval of the proposed emergency power arrangements presumes, as a matter of logic, that a LOCA need not be analyzed simultaneously with a security event. No pertinent facts have changed since SSER-5.

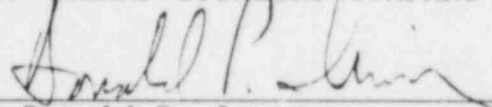
(4) The Staff's apparent position reflected in Mr. Schwencer's letter cannot be reconciled with its approvals of either the Grand Gulf or Catawba plants for low power operation.

3. For the reasons stated above, LILCO does not believe that there is any requirement for simultaneous analysis of a LOCA and a security event at Phases III and IV and does not believe that Mr. Schwencer's letter alters that conclusion. If, as to Phases III and IV only, the Board has any doubt about what would be an issue of first impression if litigated, LILCO believes that the matter should be promptly certified to the Commission.

4. Resolution of the Staff's request in Mr. Schwencer's letter for the provision of further security measures for Shoreham's alternative emergency power sources at low power operation is a matter that can and will be resolved by LILCO and the Staff in the normal licensing-review process. That letter does not automatically give rise to litigable issues before this Board.

Respectfully submitted,

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DATED: September 13, 1984

LILCO, September 13, 1984

In the Matter of  
LONG ISLAND LIGHTING COMPANY  
(Shoreham Nuclear Power Station, Unit 1)  
Docket No. 50-322-OL-4 (Low Power)  
(ASLBP No. 77-347-01C-OL)

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I hereby certify that copies of LILCO'S PRELIMINARY RESPONSE TO BOARD ORDER OF SEPTEMBER 11, 1984 were served this date upon the following by first-class mail, postage prepaid, or by telecopier (one asterisk), or by Federal Express (two asterisks).

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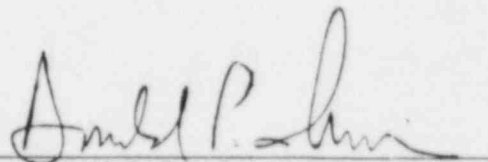
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