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OFFICE OF SECRETARY
MARCH 4, 1985
REGULATING & SERVICE
BRANCH

(BY HAND)

James L. Kelley, Esq., Chairman
Ms. Elizabeth B. Johnson
Mr. Glenn O. Bright
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

DOCKET NUMBER 50-322-OL-4
PROD. & UTIL. FAC.

Re: Docket No. 50-322-OL-5

Dear Administrative Judges:

At Thursday's Conference of Counsel, the Board requested the parties to submit the threshold legal issue(s) to the Board by noon on March 4. The proposed issue of Suffolk County is set forth on the attached sheet. We are authorized to represent that the State of New York concurs in the framing of the issue.

The Board plans a conference call for 2:00 p.m. on Tuesday, March 5, to set forth the issue(s) to be briefed. Please place the call to the County to Mr. Miller (202/452-7022) and the call to the State to Mr. Palomino (212/587-2118).

Sincerely yours,

Lawrence Coe Lanpher

Lawrence Coe Lanpher

LCL/dk
Attachment

cc: Donald Irwin, Esq. (by telecopy)
Robert Perlis, Esq. (by telecopy)
Fabian G. Palomino, Esq. (by telecopy)
Remainder of Service List (by mail)

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STATEMENT OF ISSUE

Facts

1. In the Section 50.12 exemption proceeding, the Licensing Board relied upon both the 20 MW gas turbine and the EMD diesels and their respective supporting systems (including fuel tanks and fuel lines, switchgear modules, cables, etc.) as constituting the alternate AC power system which would be substituted for fully qualified diesels normally relied upon for compliance with GDC 17. E.g., October 29 Decision, at 51, 91.

2. In the event of a loss of all offsite power from the normal offsite grid, LILCO would rely first upon the 20 MW gas turbine to supply power to emergency systems. The Licensing Board found that the gas turbine could supply power in about 10 minutes. If the gas turbine did not supply the necessary power, LILCO would then rely on the EMD diesels; the Board found that these diesels could supply power in about 30 minutes. October 29 Decision, at 88.

3. The 20 MW gas turbine is located in the 69 KV switchyard about 300 feet south of the reactor building. October 29 Decision, at 46. The gas turbine is not within the plant's protected area and LILCO has not protected the gas turbine as vital equipment. The gas turbine's power is conveyed to the emergency busses via the 69 KV power line and the reserve system station transformer ("RSST"). A portion of the 69 KV power line is within the plant's protected area, but none of that line is

protected as vital equipment; the RSST is within the protected area, but is not protected as vital equipment. On the reactor side of the RSST, the power from the gas turbine is carried by cables within the nonemergency switchgear room, an area which LILCO (and apparently the Staff) believe is protected as vital equipment. The County and State do not agree that the level of protection required for vital equipment has been provided.

4. The EMD diesels are located within the plant's protected area just southwest of the reactor building. October 29 Decision, at 47. LILCO believes it has protected the EMD diesels and associated systems (such as cables, switchgear, etc.) in accordance with requirements for vital equipment. The Staff appears to agree. The County and State do not believe that the protection of the EMD diesels, as described in the LILCO Security Plan (Attachment III to Revision 9 of Plan), complies with the requirements for vital equipment.

Issue to be Briefed

Must LILCO apply, pursuant to Section 73.5, for an exemption from the requirements governing the protection of "vital equipment" if either or both the gas turbine or EMD diesels, and their associated equipment, are not protected as "vital equipment"?