

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

Enclosure 3

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Before the Atomic Safety and Licensing Board

OFFICE OF SECRETARY
DOCKETING & SERVICE
BRANCH

In the Matter of)	
)	
LONG ISLAND LIGHTING COMPANY)	Docket No. 50-322-OL-5
)	(Low Power - Remand)
(Shoreham Nuclear Power Station,)	
Unit 1))	

LILCO'S SUGGESTIONS FOR
THRESHOLD BRIEFING OF ISSUES

Pursuant to the Board's request (Tr. 3218-3219, 3227-3230) at the Conference of Counsel on February 28, LILCO proposes the issues listed below for briefing by the parties at the outset of this proceeding. The questions are posed in light of LILCO's understanding that the Appeal Board has held that since LILCO relies on both the EMD diesels and the 20 MW gas turbine for safety analyses involving response to a LOCA during Phases III and IV of low power operation, those pieces of equipment must therefore be considered as "vital equipment" under Part 73 of the Commission's regulations:

1. Does Part 73 require, in the absence of an exemption, that each piece of equipment classified as "vital" meet each of the "cookbook" criteria of § 73.55(b) through (h), or can vital equipment be found to meet the requirements of § 73.55 through provision of other measures, so long as those measures are

consistent with the "high assurance" and "overall level of system performance" objectives and requirements of Part 73?

2. Does Part 73 invariably impose, for low power operation, exactly the same requirements for vital equipment as would be required for full power operation?

3. If an exemption from Part 73 is required for the low-power configuration at Shoreham, what are the implications for the structure and conduct of this proceeding?

4. If there is to be an exemption proceeding, (a) do the provisions of CLI-84-8 apply? (b) If so, does this issue raise any matters under the "as safe as," "exigent circumstances" and "public interest" tests of CLI-84-8 that were not disposed of in CLI-85-01? (c) If so, what are they?

5. How should this Board deal with the previously filed contentions in this proceeding and the subject-matter areas they raise? Specifically, how should the Board deal with contentions rejected by the Licensing Board, if any, whose resolution does not depend on its determinations of "vital equipment"?

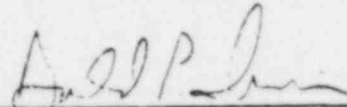
6. In light of your answer to question 5, what should be the criteria for admission of issues into contention in this proceeding? Should there be a demonstration required of the relationship of any such issue to the safety of the plant at low power operation? If not, why not?

7. What procedural structure do you suggest and what general timetable do you propose?

LILCO believes that the Appeal Board's decision which gave rise to these proceedings was incorrect and will request the Commission to review it, in papers which may be filed as early as today. LILCO will simultaneously serve this Board and all parties with copies of these papers. In addition, LILCO may modify various specific security arrangements for the 20 MW turbine in the very near future, and will also notify the Board and parties of any such intended alterations.^{1/}

Respectfully submitted,

LONG ISLAND LIGHTING COMPANY



Donald P. Irwin
Robert M. Rolfe
Anthony F. Earley, Jr.

Hunton & Williams
P.O. Box 1535
Richmond, Virginia 23212

DATED: March 4, 1985

^{1/} LILCO does not expect that these alterations will be such as to qualify the 20 MW turbine as "vital" equipment under the "cookbook" formula of § 73.55(b) through (h).