



UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
WASHINGTON, D. C. 20555

Enclosure 4

March 4, 1985

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Judge James L. Kelley, Chairman  
Atomic Safety and Licensing Board  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555

Judge Elizabeth B. Johnson  
Oak Ridge National Laboratory  
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Oak Ridge, TN 37830  
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Judge Glenn O. Bright  
Atomic Safety and Licensing Board  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555

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

Dear Administrative Judges:

At the conference of counsel last Thursday, the Board requested that the parties provide a list of issues they believe should be briefed in this proceeding as threshold matters. The Staff believes the following two issues would be appropriate for such briefing:

1. In light of both ALAB-800 and the factual record produced during the earlier Part 50 exemption proceeding (which showed, *inter alia*, that the EMD's by themselves could provide sufficient power to shut down the plant, but that the EMD's are also vulnerable to certain single failures and that for Part 50 design purposes (principally GDC-17) both the EMD's and 20 MW gas turbine are relied upon), must both the EMD's and gas turbine be protected pursuant to 10 C.F.R. § 73.2(i) as a matter of law?
2. If this becomes an exemption proceeding, should the Board require (as a matter of law or policy) the formal submittal of contentions?

Sincerely,

Robert G. Perlis  
Counsel for NRC Staff

cc: Service List

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March 4, 1985

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(BY HAND)

James L. Kelley, Esq., Chairman  
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Mr. Glenn O. Bright  
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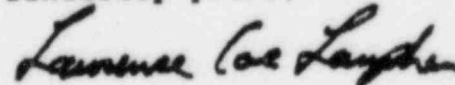
Re: Docket No. 50-322-OL-5

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

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)

*DLC*  
~~8503070335~~

## 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"?