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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

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

Docket No. 50-322-1
(OL)

NRC STAFF'S REPORT PURSUANT TO LICENSING BOARD
ORDER OF NOVEMBER 5, 1984, ON REMANDED ISSUES FOR
ALAB-788, AND MOTION TO ACCEPT INTO THE EVIDENTIARY RECORD
THE AFFIDAVITS OF ANDREW SZUKIEWICZ AND JERRY J. MAUCK

By oral order of November 2, 1984, (Tr. 25, 682-84) and as memorialized in a written order of November 5, 1984, the Board directed the parties who had participated in the safety issues in this proceeding "to file a joint report, or at least coordinated reports, on the status of the three issues [remanded by the Appeal Board in ALAB-788], any further procedural and substantive actions deemed necessary to be accomplished by the parties among themselves or before the Board, and the effect of the three issues on the issuance of a low-power license". After preliminary discussion of these matters with the other parties, the Staff reports as follows:

Unresolved Safety Issue A-47 (ALAB-788, at 55-59)

This issue concerns the potential for control system failure or malfunction interfering with the use of safety equipment in the case of an accident or transient. As shown by the attached affidavits of Andrew

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J. Szukiewicz and Jerry L. Mauck, LILCO has completed the studies on the effect of power supply, sensor and sensor impulse line failures on control systems and the effect of high energy line breaks on control systems and supplied this information to the Staff. As further shown in the affidavits and the referenced Supplement 4, SER Sections 7.5 and 7.6 (published September 1983), the Staff's concerns in regard to the subject of the studies have been resolved for the Shoreham facility, and therefore the Staff has reasonable assurance that its concerns with A-47 in regard to the Shoreham facility can be resolved at the time A-47 is resolved generically. Further, the Staff has concluded for the reasons set forth in Mr. Szukiewicz's affidavit, that Shoreham can be operated, at any power level, prior to this generic resolution of issue A-47. In the absence of the County setting forth some timely and proper basis to challenge the Staff's conclusions, a year after the SSER was published, these affidavits should be accepted into the evidentiary record and based thereon, this Board can favorably resolve the remanded issue.

Housekeeping Matters (ALAB-788, at 71-76)

The Appeal Board remanded "this phase of the proceeding to the Licensing Board and require[d] the staff to certify to the Board that LILCO has met its commitments and is maintaining an appropriate level of cleanliness." (ALAB-788, at 75). The required certification is made in the attached affidavit of Edward A. Greenman. The Board can determine from that certification that compliance has been achieved and no further action is required on this item.

Environmental Qualification of Equipment, Section 50.49 (b)(2) (ALAB-788, at 99-102)

The Appeal Board, after recounting that it was not clear whether a Staff finding of LILCO compliance with 10 CFR §50.49 (b)(2) rested on the "fact that there is no equipment that needs to be qualified or a substantive determination that LILCO has justified interim operation", required "the Staff to advise the Licensing Board (with copies of its filing served on all parties) whether any equipment falls into the section 50.49 (b)(2) category and, if so, the basis for the staff's approval." ALAB-788, at 105. The Staff's submission of the affidavit of Robert L. LaGrange, and the referenced SSER sections sets out the Staff's conclusion that there was no equipment that needed to be qualified under 10 CFR §50.49(b)(2). No further action is needed on this item.

On the basis of the foregoing, the Staff believes that the only remaining matter to be performed by the parties or the Board, in the absence of intervenors showing a basis for challenging the Staff's determination on USI A-47, is for the Board to accept the affidavits of Szukiewicz and Mauck into the record on the Staff's evaluation of LILCO's submission regarding the Staff's concern USI A-47. ^{1/} The conditions necessary to resolve the remanded issues involving "housekeeping" and

^{1/} LILCO in its response has argued that if a hearing is required on this issue such a hearing could be properly held after the issuance of the low power license but before full power operation. Response at 19 et seq. The Staff, for its part, believes that such a determination is premature at this time. If a dispute as to material facts is established by the County and thus summary disposition of this issue is not appropriate, the Board should then determine the nature and scope of any evidentiary hearing that is required to resolve the issue and whether the requested low power license must await the conclusion of any such hearings.

compliance with 10 CFR §50.49(b)(2) have been completed. No action is necessary by the parties or the Board on those issues, except for the Board to reflect the submissions of the Staff and its acceptance of those submissions.

The Staff further believes none of the three issues could affect the issuance of a low-power license or a full power license. The Staff has performed the tasks required by the Appeal Board to resolve the housekeeping and the environmental qualification of equipment matters. In regard to the A-47 matter no showing is made that it could have any affect on operation at Shoreham at any power level. As the attached affidavit of Andrew J. Szukiewicz concludes:

...the Staff is able to conclude that USI A-47 does not prevent the Staff from concluding that there is reasonable assurance that Shoreham can be operated, at any power level, before ultimate resolution of this generic issue without endangering the health and safety of the public. No basis has been shown that resolution of USI A-47 is necessary for approval of operation at low power.

Further, for the reasons heretofore given, the attached affidavits of Andrew J. Szukiewicz and Jerry L. Mauck should be accepted into the evidentiary record.

Respectfully submitted,

Bernard M. Bordenick
Bernard M. Bordenick
Counsel for NRC Staff

Dated at Bethesda, Maryland
this 14 day of November, 1984