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April 28, 1983

'83 MAY -2 11:04  
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Lawrence Brenner, Esq.  
Administrative Judge  
Atomic Safety and Licensing  
Board  
U.S. Nuclear Regulatory  
Commission  
Washington, D.C. 20555

DOCKET NUMBER 50-322  
PDR & ENCL. PRO.

Dear Judge Brenner:

LILCO and Suffolk County have agreed to the enclosed settlement agreement on SC Contention 13(a). The NRC Staff has not completed its review, but Staff counsel does not anticipate any objections. A copy is being circulated for signature and will be submitted for the Board's approval.

Sincerely,

*Anthony F. Earley, Jr.*  
Anthony F. Earley, Jr.

221/765  
Enclosure

cc: Dr. Peter A. Morris  
Dr. James H. Carpenter  
All Parties

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UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

DOCKETED  
USNRC

Before the Atomic Safety and Licensing Board '83 MAY-2 11:04

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

RESOLUTION OF SC CONTENTION 13(a) --  
QUALITY ASSURANCE/QUALITY CONTROL -- OPERATIONS

This Agreement by and among Long Island Lighting Company ("LILCO"), the Nuclear Regulatory Commission Staff ("Staff"), and Suffolk County ("SC" or the "County") (hereinafter collectively, the "Parties") resolves Subsection (a) of SC Contention 13 -- Quality Assurance/Quality Control -- Operations, to the extent and in accordance with the terms stated below, subject to the approval of the Atomic Safety and Licensing Board ("ASLB" or "Board").

I. RECITALS

A. SC Contention 13(a) alleges that LILCO's quality assurance program for the operation of Shoreham Nuclear Power Station ("Shoreham") fails to address each of the criteria of 10 CFR 50, Appendix B, in sufficient detail to allow an

independent reviewer to determine whether and how LILCO would meet the requirements of Appendix B.

B. During the ASLB proceeding, the County examined LILCO's quality assurance ("QA") witness panel, inter alia, on portions of the following major constituent elements of the LILCO QA program for the operation of Shoreham: the QA Manual, QA procedures, operational QA procedures at station, and station procedures 12.013.01 and 12.019.01 (all of the foregoing, collectively, the "OQA Documents"). Thereafter, the Parties agreed to attempt to reach a settlement of SC Contention 13(a), except to the extent that SC Contention 13(a) deals with (i) the issue of the structure of LILCO's QA organization and the independence of the operating QA Section, and (ii) the application of the QA program and OQA Documents to items and activities "important to safety." The Parties agreed to a settlement protocol pursuant to which they and their consultants would first attempt to reach agreement among themselves and then, if necessary, submit unresolved issues to NRC I&E Region I Staff for its views. LILCO agreed to consider the Staff's views and notify the County of any additional changes to be made. LILCO was then to make the changes to the OQA Documents to which it had agreed. If any disagreements between LILCO and SC concerning OQA Documents remained after this procedure, the

protocol provided that such disagreements could either be litigated by the County (if they were within the scope of the litigation as determined by the Board) or mediated by the Board (if the Board deemed such mediation appropriate).

C. As of March 25, 1983, the Parties had met and had extensive discussions in person and by telephone concerning the OQA Documents. NRC I&E Region I Staff participated in some of these discussions. As a result of these extensive discussions, LILCO agreed in principle to make a number of changes in the OQA Documents. The few significant disagreements that remained were brought to the attention of I&E Region I Staff and were resolved.

D. The Parties are now in the process of implementing and reviewing the agreed upon changes to the OQA Documents.

## ii. AGREEMENT

A. On or before May 9, 1983, (1) LILCO will provide to the County, with copies to the Staff, any additional or remaining changes to OQA Documents which LILCO has agreed to make as a result of discussions now underway; and (2) LILCO will furnish to the County a list identifying the revision number of each OQA Document revised as a result of these negotiations and then approved in accordance with LILCO's procedures.

B. On or before May 16, 1983, (1) LILCO and the County shall initial a list of all OQA Documents which have been finally resolved and approved by LILCO's internal procedures and (2) the County will either (a) confirm to the Board and the other Parties that Contention 13(a) is resolved except to the extent set forth in I.B above or (b) if any disagreements remain concerning the OQA Documents, the County will notify LILCO and the Parties of the specifics of such disagreements, including identification of the specific manual or procedure sections affected and an explanation of the technical basis for the County's continuing concern.

C. On or before May 23, 1983, LILCO and the Staff shall each have the opportunity to provide a written response to any such County concerns. The response should address, inter alia, such Party's views on whether LILCO did in fact implement agreed upon changes and whether the disagreement should be litigated, mediated, or rejected by the Board. Remaining disagreements may be reported to the Board and litigated by the County if the Board concludes that these remaining disagreements are within the scope of the litigation or, if not within such scope and the County so requests and the Board agrees, such disagreements may be mediated by the Board.

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Attorney for Long Island  
Lighting Company

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Attorney for NRC Staff

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Attorney for Suffolk County

DATED: \_\_\_\_\_, 1983