

LILCO, October 11, 1983

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USNRC

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

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Before the Atomic Safety and Licensing Appeal Board

CAITAN
DOCKETING & SERVICE
BRANCH

In the Matter of)

LONG ISLAND LIGHTING COMPANY)

(Shoreham Nuclear Power Station,
Unit 1))

Docket No. 50-322 (OL)

LILCO'S EXCEPTIONS TO THE
PARTIAL INITIAL DECISION OF ASLB
DATED SEPTEMBER 21, 1983

LILCO, pursuant to 10 CFR § 2.762, hereby notes the following exceptions to the Partial Initial Decision (PID) of the ASLB dated September 21, 1983.

1. LILCO concurs with the Board's conclusion that SC/SOC Contention 7B must fail,^{1/} that LILCO has met or exceeded any existing NRC regulatory requirements for systems interaction, safety classification and quality assurance, and that LILCO and the NRC Staff have applied adequate methodology to assure that the Shoreham design adequately protects the health and safety of the public. (E.g., PID at 154-55, 200-01.) LILCO also agrees with the Board (and NRC Staff) that

^{1/} LILCO further believes that SC/SOC Contention 7B should not have been admitted because it was excessively broad, vague and without support in the NRC's regulations. (See Board Memorandum dated March 15, 1982, at 12-15 (admitting the contention over LILCO's objections).)

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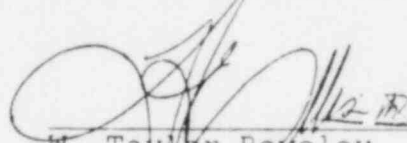
it is appropriate to apply graded quality assurance to non-safety related structures, systems and components. In fact, the Board concluded LILCO had done this. (E.g., PID at 179).

2. But LILCO excepts to the imposition of a license condition based on the Board's conclusion that the terms "safety related" and "important to safety" are not synonymous. (E.g., PID at 148-49.) The Board did not address LILCO's position that the future application of the term "important to safety" is a matter of generic concern and, because LILCO had demonstrated compliance with all NRC requirements, the issue should be resolved for Shoreham and all other plants on an industry-wide basis. (LILCO Proposed Opinion, Findings of Fact and Conclusion of Law, dated May 2, 1983, Vol. Two of Three, at 46-49.) A license condition for Shoreham should not include any requirements beyond those that will be imposed upon all other nuclear power plants through the generic consideration of this issue. Other portions of the decision related to this exception include: PID at 148, lines 13-17; 149, lines 1-5; 165, lines 12, 13; 166, lines 14, 15, 21, 22; 170, lines 5-12, 22-35; 171, lines 18-24; 176, line 20 to 177, line 7; 183, lines 17-18; 200, lines 12-16; Findings of Fact (in whole or in part), J-223, 228, 232, 234, 236, 241, 261, 262, 291, 293, 320,

307, 321, 328, 900, 341, 386, 636, 644, 708, 710, 714, 716,
1002, 1003; the Board's refusal to admit into evidence LILCO
Exhibits 17 (Tr. 7,780), 68 (20,637-41) and 76 (Tr. 21,165-69).

Respectfully submitted,

LONG ISLAND LIGHTING COMPANY



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DATED: October 11, 1983

CERTIFICATE OF SERVICE

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

I hereby certify that copies of LILCO's Exceptions to the Partial Initial Decision of ASLB Dated September 21, 1983 were served this date upon the following by first-class mail, postage prepaid.

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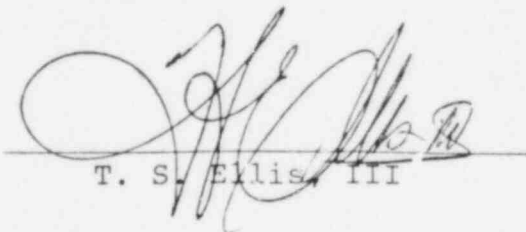
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