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UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

DOCKETED  
USNRC

ATOMIC SAFETY AND LICENSING BOARD '84 NOV 21 11:59

Before Administrative Judges:

Lawrence Brenner, Chairman  
Dr. George A. Ferguson  
Dr. Peter A. Morris

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

Docket No. 50-322-0L

November 20, 1984

ORDER CONFIRMING RULINGS ON REMAND ISSUES

This order confirms the Board's rulings, made on the record of the November 20, 1984 conference of parties, with respect to the three issues remanded by the Appeal Board's decision of October 31, 1984. ALAB-788, 20 NRC \_\_\_\_.

All parties and the Board agree that no further litigation is warranted on the remanded quality assurance housekeeping issue, based on the NRC Staff's certification, by affidavit and supporting inspection reports, that LILCO has met its commitments and is maintaining an appropriate level of cleanliness. See ALAB-788, slip op. at 75.

The Board agrees with LILCO and the NRC Staff that no further litigation is warranted on the remanded question of the basis for the

Staff's approval of LILCO's resolution of the environmental qualification of any electrical equipment falling under 10 C.F.R. § 50.49(b)(2). This is because the Staff has advised the Board, supported by an affidavit, that the basis for the Staff's approval is that there is no equipment in the section 50.49(b)(2) category. See ALAB-788, slip op. at 105.

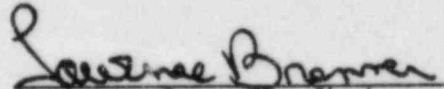
There are two NRC Staff evaluations related to unresolved safety issue ("USI") A-47, "control system interactions," which the Appeal Board believed had not been performed. See ALAB-788, slip op. at 55-59. This belief resulted because the parties failed in their duty to inform the Appeal Board that LILCO's two studies have long-since been performed, and were found acceptable in the NRC Staff's safety evaluation supplement issued by October 1983.

At the conference of parties, this Licensing Board granted Suffolk County's request over the objections of LILCO, that it be permitted additional time, until December 11, 1984, to set forth any specific issues it might seek to litigate with respect to the two USI A-47 studies in question. (Answers to any such issues by LILCO and the NRC Staff were scheduled for December 18 and 21, respectively.) However, we also found that the possible future pendency of any issues arising out of the two USI A-47 studies does not affect the possible issuance of a low-power operating license.

The Board will issue a further written order setting forth the rationale for our rulings.

IT IS SO ORDERED.

FOR THE ATOMIC SAFETY  
AND LICENSING BOARD

  
Lawrence Brenner, Chairman  
ADMINISTRATIVE JUDGE

Bethesda, Maryland  
November 20, 1984