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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

DATE
TIME

COMMISSIONERS:

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Nunzio J. Palladino, Chairman
Thomas M. Roberts
James K. Asselstine
Frederick M. Bernthal
Lando W. Zech, Jr.

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SERVED JAN 7 1985

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

Docket No. 50-322 OL-4
(Low Power)

ORDER

This matter comes before us on an immediate effectiveness review of a Licensing Board "Initial Decision" of October 29, 1984 which recommended the grant of an exemption, during low power testing, from 10 CFR Part 50, Appendix A, General Design Criterion 17. Normally, Licensing Board decisions on issues involving low power licenses are not subject to our effectiveness review (see 10 CFR 2.764(f)(i)), but due to the special circumstances of this proceeding, we advised in an Order of May 16, 1984 that "[a]ny initial decision authorizing the grant of an exemption shall not become effective until the Commission has conducted an immediate effectiveness review." CLI-84-8, 19 NRC 1154, 1156.

In an Order of November 19, 1984, we invited the parties to submit comments of fifteen pages or less by November 29 on whether the Exemption Board's October 29, 1984 Initial Decision was a correct application of the criteria in our May 16 Order. Responses were submitted on

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November 29,¹ but Suffolk County and New York State have since filed unauthorized comments, one cast as an affidavit (December 5, 1984), another as a motion (December 19, 1984).

We have decided to disregard the unauthorized comments of the State and County submitted since November 29, but to permit each party to this proceeding to respond to the November 29 comments of the other parties.

The responses of licensee and NRC staff should include specific discussions of the following arguments by the State and County:

(1) That the Board erred by excluding evidence purporting to show that grant of the exemption would be economically disadvantageous to ratepayers and was not needed for adequate power supply, while admitting evidence on the economic advantages of granting the exemption.

(2) That the Board erred in excluding evidence, including PRA and functional systems comparisons, purporting to show that the alternate onsite A/C system was not as safe as a fully qualified system, while admitting evidence on the reliability of the alternate system.

(3) That the Board misapplied the "as safe as" criterion listed in the May 16 order by using a "comparable protection" standard.

Replies should be in the hands of the Office of the Secretary of the Commission no later than 5 p.m. on Monday, January 14, 1985, and

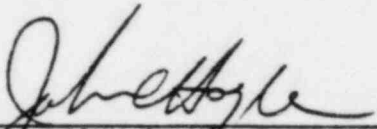
¹Suffolk County and New York State submitted joint comments of 31 pages. Each is a party and was entitled to fifteen pages. Thus, we see no significant violation of our page limit by these parties, contrary to LILCO's assertions.

should be limited to fifteen pages per party. Comments other than those called for by this Order will not be considered.

It is so ORDERED.



For the Commission



JOHN C. HOYLE
Acting Secretary of the Commission

Dated at Washington, D.C.

this 7th day of January 1985.