LILCO, January 14, 1985

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

Before the Commission

In the Matter of	)	
	)	
LONG ISLAND LIGHTING COMPANY	)	Docket No. 50-322-OL-4
	)	(Low Power)
(Shoreham Nuclear Power Station, Unit 1)	)	
	)	

LONG ISLAND LIGHTING COMPANY'S FURTHER COMMENTS IN RESPONSE TO JANUARY 7 COMMISSION ORDER

By its Order of January 7, 1985, the Commission authorized the parties to address previous comments concerning the Licensing Board's October 29, 1984 Initial Decision and further asked that LILCO and the NRC Staff include specific discussion of three issues raised by Intervenors. These Further Comments address the Commission's request, and touch on various other points advanced to date or anticipated.

Commission Question 1: The Licensing Board Did Not Err in its Evidentiary Rulings Concerning Economic Advantages to Rate Payers or the Need for Power

A. Intervenors' Alleged Evidence Concerning Economic Disadvantages

Many of Intervenors' complaints about evidentiary rulings on the public interest issues arise from their erroneous premise that the Licensing Board should have considered uncertainties concerning the ultimate granting of a full power license. Intervenors contend, for example, that the Licensing Board should have considered matters such as the ultimate costs of decommissioning Shoreham if a full power license is not granted. Yet, the Commission has already ruled squarely in this case a year and a half ago that under its regulations a low power

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license may issue regardless of perceived uncertainties absent ultimate full power operation. Long Island Lighting Company (Shoreham Nuclear Power Station, Unit 1), CLI-83-17, 17 NRC 1032 (1983).1/ Thus the issue below was not one of policy -- whether low power testing should be permitted in the face of future uncertainties -- but one of timing -- whether low power testing should be permitted before final qualification of the TDI generators. Upon completion of the TDI licensing proceedings, low power testing could unquestionably proceed without any exemption, regardless of remaining uncertainties concerning full power operation.

With this in mind, the fallacies in Intervenors' arguments concerning exclusion of certain portions of their economic evidence become clear. Suffolk County proffered testimony in three categories of economic matters: (1) testimony concerning LILCO's financial qualifications to conduct low power testing (excluded); (2) testimony concerning the potential cost of decommissioning Shoreham if a full power license were not granted (excluded); and (3) an attempted rebuttal of LILCO's financial testimony, showing a multi-million dollar benefit to LILCO's rate payers if, as a result of this exemption, full power operation were hastened (admitted). New York State submitted only nonexpert, conclusory testimony concerning financial qualifications and decommissioning costs (admitted in part).

1. Financial Qualifications

Intervenors' testimony on financial qualifications was clearly irrelevant under the Commission's regulations. The Board's decision excluding it was based soundly upon the Commission's Financial Qualifications Statement of Policy, 49

1/ That decision applies here. The circumstance then alleged by Suffolk County to justify withholding a low power license -- uncertainty about full power operation given governmental refusal to participate in emergency planning -- remains the basis for arguments that uncertainties must be considered. The Commission's rejection of that argument, 17 NRC at 1034-35, is equally applicable here. So is its recognition, id. at 1035 n.4, that the remedy for a determination to proceed with low power testing not followed ultimately by full power operation is with state utility commissions.

Fed.Reg. 24,111 (June 12, 1984). See Tr. 711-712, 2145-48; Order Regarding Discovery Ruling of June 27, 1984 at 2-3.2/

Intervenors also sought to make the same point by cross-examining LILCO's financial witness, Anthony Nozzolillo, over LILCO's objection, in an attempt to show that LILCO had many financial problems and that its financial future was uncertain. (Tr. 1377-91). LILCO had sponsored no direct testimony on these issues. Once the County had opened the door to them on cross-examination, however, Mr. Nozzolillo testified on redirect as to how granting a low power exemption would send a positive signal to the capital markets that could help to alleviate LILCO's financial distress. (Tr. 1394-95; Initial Decision at 61). Intervenors neither objected at the time to this testimony, nor controverted it.

2. Decomissioning without Full Power Operation

Second, Intervenors complain because the Board rejected their testimony on potential decommissioning costs following low power operation if a full power license is not granted. As noted above, the policy issue inherent in this argument has already been resolved by the Commission adversely to Intervenors. CLI-83-17, 17 NRC 1032 (1983). Thus the only remaining relevant inquiry is whether those costs would differ if low power operation were permitted now, pursuant to the exemption, or were delayed until qualification of the TDIs (but with emergency planning issues still in contest).

Intervenors failed in their testimony to address that focused issue. They simply contend that since the public interest considerations proposed by LILCO depend on full power operation of the plant, the Board should have admitted

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2/ Simultaneously, Intervenors were attempting to introduce new contentions raising financial qualifications issues before the Low Power (Miller) and general-jurisdiction (Brenner) Licensing Boards. The Brenner Board rejected this collateral attempt for both Boards in a Memorandum and Order dated August 13, 1984. LBP-84-30, 20 NRC 426 (1984).

evidence relating to the uncertainties of full power operation. Yet nowhere do they contend that the purported financial or economic disadvantages are any different whether a low power license is granted now (pursuant to the requested exemption) or later (at the completion of the TDI qualification). Indeed, since the testimony was based solely on the possibility that the plant might not receive a full power license, its alleged economic or financial disadvantages would occur regardless of when a low power license was issued. Accordingly, it was irrelevant to the issue of "now v. later."3/

3. Economic/Financial Aspects of Early Low Power Operation

The third category of economic testimony offered by Intervenors was that of Messrs. Madan and Dirmeier attempting to show that LILCO's financial analysis was erroneous and that ratepayers would suffer long-term harm if low power testing were permitted. This testimony was not excluded. (See Tr. 2089). Cross-examination, however, revealed that the witnesses had mistakenly overlooked certain information in their economic analyses (Tr. 1992-2027) and had in fact based their entire testimony and criticism of LILCO's evidence on superseded computer runs upon which LILCO's evidence was not based. (Tr. 2012).4/ Thus Intervenors are simply wrong in contending that the Board failed to consider the Madan-Dirmeier testimony on the economics of early low power operation; rather, the Board apparently just did not consider it persuasive.

3/ Similarly, the Board excluded testimony which purported to discuss the impacts on customer service that an exemption would have. (Tr. 2148). LILCO had moved to strike the testimony because (1) it was premised on the effect of the costs of low power testing on LILCO's weakened financial position, but did not establish that that effect would be any different if low power testing were delayed until after the TDI litigation, and (2) the witnesses were unqualified to express expert opinions concerning the quality of electric service. (Tr. 2124). The Board agreed with LILCO. (Tr. 2145-48).

4/ For discussion of the deficiencies in the Madan-Dirmeier testimony as established by cross-examination, see LILCO's Reply to Suffolk County and State of New York Proposed Findings of Fact, pages 69-78, ¶¶ 131-135.

In short, in ruling on the economic aspects of the public interest, the Board excluded only evidence which was clearly irrelevant and did not exclude that which was relevant. Since LILCO's public interest evidence went solely to the timing issue it clearly was relevant.

B. The Need for Power

The need for power from a proposed plant is not an issue within the scope of operating license proceedings. The regulations, at 10 CFR § 51.53(c), provide that

> [p]residing officers shall not admit contentions proffered by any party concerning need for power or alternative energy sources for the proposed plant in operating license hearings.

Despite this clear prohibition, Intervenors contend that the Board's refusal to consider the need for power from Shoreham in the low power portion of the operating license proceeding was error. Yet, if no contention concerning the need for power is admissible, it follows that evidence concerning this issue should not be admissible and the issue should not be considered.

The cases relied upon by Intervenors do not support departure from the normal rule in operating license exemption proceedings. Both United States Department of Energy (Clinch River Breeder Reactor), CLI-83-1, 17 NRC 1, 4 (1983) and Washington Public Power Supply System (WPPSS Nuclear Project Nos. 3 and 5), CLI-77-11, 5 NRC 719 (1977) are construction permit cases: they deal strictly with exemptions from 10 CFR § 50.10(c), which requires that a construction permit be granted before construction activities commence. In deciding whether to permit the commitments necessary to build a plant, need for power from the reactor is a legitimate issue; and 10 CFR § 50.12(b)(4), which specifically deals with exemptions prior to the issuance of a construction permit, expressly allows consideration of the "power needs to be [served] by the proposed facility." This starkly contrasts with § 51.53(c), which logically excludes

need-for-power issues from proceedings where the physical reality of an already constructed plant renders them moot.

Additionally, and perhaps more importantly, Interveners offered no competent evidence concerning need for power. Suffolk County did not even file any testimony on that issue.5/ New York State offered only the testimony of Richard Kessel, who, without either expert qualifications6/ or official responsibility,7/ proffered the totally unsupported conclusion that "New York" did not require Shoreham's capacity "now nor for many years in the future." (Tr. 2914). His prefiled testimony is totally devoid of facts or analysis to justify this bald conclusion. (See Tr. 2914-15). Mr. Kessel's conclusory opinion also conflicts directly with the current Master Plan of the cognizant agency, the New York State Energy Office, which calls for Shoreham to come on line. (Tr. 2886-87).

5/ The only reference by Suffolk County to anything resembling need for power is found in Suffolk County Exhibit 20, the so-called Marburger report. This report, sponsored in late 1983 by an ad hoc 13-member Commission under the aegis of the Governor of New York, consists of a 37-page report on Shoreham, to which are appended over 200 pages of the wildly divergent views of individual Commission members. The report was admitted without expert sponsorship solely as impeachment evidence during the cross-examination of LILCO witness Brian McCaffrey on his testimony concerning the length and breadth of the licensing proceedings. Mr. McCaffrey did not testify about the need for power, and the two brief paragraphs of the Marburger Commission report discussing the need for Shoreham (pp. 33, 37 item 9) were not used in his cross-examination. (Tr. 1599-1615).

6/ The record shows that Mr. Kessel has no engineering background or formal economics education, has never been in a management position in private business, has no experience with nuclear fuel and has never worked for a utility. (Tr. 2881-83). He may best be characterized as a consumer advocate who has spent his career dealing with pricing of consumer goods and dating of perishable foods, intervening in rate cases, organizing consumer strikes on railroads, performing surveys of the prices of Halloween candy, Thanksgiving turkeys, Valentine hearts and Mother's Day roses and worrying about "butterless buttered popcorn," "alcoholless apple champagne," and "leaded lead-free gasoline." (Tr. 2918-18A). Thus, Mr. Kessel was incompetent to testify as an expert about utility financial and economic matters.

7/ Mr. Kessel is head of the New York State Consumer Protection Commission. The Public Service Commission has general authority over the operation of New York utilities. The New York State Energy Office has specific responsibility for projecting statewide power needs.

Commission Question II: The Board Correctly Excluded the County's PRA Testimony

The safety of the proposed low power operation was addressed for Intervenors by three witness panels, all of them sponsored by Suffolk County. Two of these panels' testimony was admitted; only one was rejected. The first panel consisted of Messrs. Meyer, Roesset and Minor, who discussed the seismic capabilities of the EMD diesels and the 20 MW gas turbine located at Shoreham. (See Tr. 2761-2802). This testimony was admitted, subjected to cross-examination, and considered by the Licensing Board. (Initial Decision at 51-54). The second panel consisted of Messrs. Eley, Smith, Minor and Bridenbaugh and compared various characteristics of the EMD diesels and the 20 MW gas turbine with the three TDI diesel generators at Shoreham. (See Tr. 2571-2620). Again, this testimony was admitted, subjected to cross-examination and considered by the Licensing Board. (Initial Decision at 48-51).

The third panel, and the only one whose testimony was excluded, consisted of Messrs. Weatherwax and Minor and proposed to use probabilistic risk assessments (PRAs) to compare quantitatively the safety of Shoreham using the EMD diesels and 20 MW gas turbine with that using qualified diesel generators. (See Tr. 2829-31, 2842-44).8/ The Board properly excluded this testimony on the basis of the Commission's continuing policy that deterministic analyses rather

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8/ This testimony was excluded upon LILCO's Motion to Strike (See Tr. 2844-48). LILCO's Motion listed several independent grounds for striking the testimony: (1) a PRA is not required for licensing; (2) the witnesses were not qualified to offer the opinions contained in their testimony; and (3) the testimony was inadmissible hearsay because it was based on a draft study that was not performed by any of the witnesses and as to which they had no personal knowledge. LILCO's Motion to Strike Testimony of Robert Weatherwax, Mohammed Ed-Gasseir and Gregory Minor on Behalf of Suffolk County (July 27, 1984). This third ground was highlighted by the witnesses' own testimony. They did not know, for example, what assumptions about repairing diesel generators had been made and could only speculate on the source of data used in the underlying study. (Weatherwax, et al. at 8-9).

than probabilistic risk assessments be used as a basis for licensing nuclear power plants. (Tr. 2857-58). The Commission's Policy Statement on Safety Goals for the Operation of Nuclear Power Plants states:

> The qualitative safety goals and quantitative design objectives contained in the Commission's Policy Statement will not be used in the licensing process or be interpreted as requiring the performance of probabilistic risk assessments by applicants or licensees during the evaluation period. The goals and objectives are also not to be litigated in the Commission's hearings. The staff should continue to use conformance to regulatory requirements as the exclusive licensing basis for plants.

48 Fed. Reg. 10,772 at 10,775 (col. 3) (1983) (emphasis supplied).9/

One of the reasons the Commission has not embraced PRAs as a basis for licensing is the difficulty of developing appropriate standards. 48 Fed. Reg. 10772, at 10774 (col. 1). The testimony proffered by Suffolk County illustrates this perfectly. That testimony sought to compare an alleged difference in core vulnerability frequency from loss of offsite power events of .44 x 10-6 per year for the TDI diesel generators against one of 3.3 x 10-6 per year for the current AC power configuration. Even accepting, for the sake of argument, the exact accuracy of each of these calculated risks, the comparison is still within an order of magnitude difference centering on the once-per-million-years frequency range, when the time frame of interest is measured in terms of months. The Commission's caution in embracing PRAs reflects the difficulty of comparing and drawing any meaningful conclusions from such minuscule differences between

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9/ The Shoreham Licensing Board chaired by Judge Brenner also recognized that the deterministic approach of the Commission's regulations remains the sole basis for licensing nuclear power plants:

> Commission policy dictates that the Staff should continue to use conformance to regulatory requirements as the exclusive licensing basis for plants. (Emphasis added).

Long Island Lighting Company (Shoreham Nuclear Power Station, Unit I), LBP-83-87, 18 NRC 445, 573-74 (1983) (emphasis in original; footnote omitted).

infinitesimal numbers. There was simply no way that the Licensing Board could have determined whether such small differences in such remote probabilities were meaningful. Indeed, the remoteness of these events, under either calculation, demonstrates the safety of the proposed operation.

Even if the Board erred in excluding the PRA testimony, the error was harmless. The difference in public risk, even taking as true all that the County's witnesses claimed, is only 2.86 x 10-6 (.44 x 10-6 v. 3.3 x 10-6). Given the acknowledged uncertainties of PRAs, it was perfectly appropriate for the Licensing Board to have concluded that the two alternatives provided equivalent levels of safety and that operation of Shoreham as proposed by LILCO would be "as safe as" operation with qualified diesel generators.10/

Commission Question III: The Board Properly Applied the "As Safe As" Criterion

The misconceptions and errors in Intervenors' attack on the Board's application of the "as safe as" criterion are so numerous that space does not allow a full discussion of them. LILCO will briefly allude to each, however.

First, "as safe as" is not a legally established criterion for granting an exemption. The legal standard for assessing health and safety issues is that the exemption "will not endanger life or property." 10 CFR § 50.12(a). The Commission's May 16 Order did not change this legal standard. The Commission

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10/ From these numbers, it can also be seen that Suffolk County's repeated attempt to characterize LILCO's proposal as seven times more risky than operation with qualified diesel generators is simply disingenuous. The County's comparison is essentially meaningless given the extremely small magnitude of the absolute risks in question. Moreover, the reference to "seven times more risk" applies to only one event -- loss of offsite power. It is more appropriate to compare the overall risk in the two alternative cases. Using Suffolk County's own testimony, the asserted overall risk of core vulnerability events from Shoreham at low power is 2.04 x 10-6 per year, while the alleged risk from LILCO's proposal is 4.9 x 10-6 per year. See Weatherwax, et al., at 11. In either event, the absolute value of the difference in calculated risk -- 2.86 x 10-6 per year -- is too small to be meaningful over a framework of months.

simply said that LILCO's exemption application "should include a discussion of . . . its basis for concluding that" its proposed operation would be as safe as operation with a fully qualified AC power source. CLI-84-8, 19 NRC 1154, 1155-56.

Second, even considering "as safe as" as a legal requirment, Intervenors' arguments are nothing more than semantic quibbling. Without citing any authority to the contrary, they criticize the Board's view that "as safe as" means a "comparable level of protection." Yet, according to Webster's, "comparable" means "equivalent." Webster's Ninth New Collegiate Dictionary 267 (1984). The Intervenors' argument boils down, implicitly, to a requirement that the alternate power sources be identical in every respect to the TDI diesels. If identity were the criterion, there could never be an exemption, as the regulation would definitionally be satisfied. In any event, the TDI diesels do not establish the relevant benchmark; the Commission's regulations do.

Third, aside from their improper PRA testimony, the Intervenors proffered only a feature-by-feature comparison -- which was admitted -- of individual components of LILCO's multi-faceted AC power system with the TDI diesels. They attempted separately to compare the EMD diesels with the TDI diesels and then the 20 MW gas turbine with the TDI diesels. They did not consider the multiple power sources as an integrated system. (Initial Decision at 50-51; Tr. 2458-60). In applying their so-called single failure analysis, Intervenors ignored -- until their cross-examination -- the facts that a failure in the 20 MW gas turbine would have no effect on the EMD diesels and vice versa, and that neither would affect the numerous offsite sources capable of timely supplying AC power even after an initial loss of offsite power. (See, e.g., Tr. 2460, 2462, 2464-66, 2482, 2484, 2493). Any one of those sources alone would be sufficient to power all emergency needs. (Initial Decision at 92 (¶ 82)). Nor did their glaucomic comparison

consider the reduced needs at low power or the vastly increased time available for power to be provided. (See Tr. 2501-04, 2524-25).

Fourth, Intervenors erroneously suggest that reliance on the alternate AC power configuration undercuts the rationale of 10 CFR § 50.47(d).11/ To the contrary, as is evident from the Commission's notice promulgating the draft and final versions of § 50.47(d), see 47 Fed. Reg. 30,233 (1982); 46 Fed. Reg. 61,132-33 (1981), the basic assumptions underlying § 50.47 have not been undermined. First, the fission product inventory during low power operation is not affected by LILCO's proposal; it remains substantially lower than at full power. (Tr. 299-300). Second, there is still a reduction in the required capacity of systems designed to mitigate accidents. (Tr. 300-01). Those systems are simply powered by different sources to the extent they are needed at all. Third, there remains more time available to react to a low power accident. (Tr. 301). Absent a LOCA, AC power is not needed for at least 30 days (Initial Decision at 34-35); and even if a LOCA occurs, unreasonably conservative analyses show that 55 minutes would be available even during Phase IV to restore AC power, a stark contrast with the seconds available at full power. (Id. at 36-39).

Importantly, there was no mathematical precision shown as a basis for the Commission's deliberations on § 50.47(d). Nor was there any discussion of margin requirements. Section 50.47(d) does not specify any lower limits for reactor plant parameters for low power and none can be presumed. In short, the basic concepts underlying § 50.47(d) are retained and Shoreham will undisputedly operate below the specified limits applicable to all plants.

Fifth, the Board's reference to a "lesser margin of safety" (Initial Decision at 24) has been misleadingly taken out of context by Intervenors. The Board

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11/ This argument was not made in Intervenors' November 29 comments, but was contained in their unauthorized pleading of December 19, 1984.

was referring only to the relative difference between calculated peak clad temperatures at low power using first the proposed configuration and then normal onsite power, and the § 50.46 limits. In both cases, the plant would operate well below those limits. (Initial Decision at 80-81 (¶¶ 36-39)). All testimony -- including the Staff's -- concluded that there was no substantial difference in safety. (See e.g., Tr. 306-09, 313, 1751, 1788). Accordingly, contrary to Intervenors' assertion, the Board did not simply apply a "safe enough" rationale. It determined that the proposed testing would be as safe as -- though not identical to -- that at a plant with onsite diesels. It simply refused to be swayed by inconsequential differences.12/

IV. Other Points Raised by Intervenors

Various additional errors in Intervenors' November 29 comments are briefly addressed below:13/

1. Intervenors complain about the Licensing Board's exclusion of testimony concerning isolated instances of alleged bad judgment concerning TDI diesel generator decisions. (Comments at 10). As the Licensing Board properly held, however, there is a difference between negligence and lack of good faith. The issue here was whether LILCO made a good faith effort to comply with GDC 17, not whether it could have done things differently and avoided some of the TDI

12/ Indeed, since Shoreham exceeds the normal offsite power requirements of GDC 17 and since LILCO and the Staff have taken steps (in the form of commitments, technical specifications and license conditions) to reduce risk from low power, any such difference may well be more than offset. See Initial Decision at 46 (Shoreham exceeds GDC 17); id. at 44-45 (LILCO commitments); Staff LP Ex. 2 at 8-2 to 8-8 (license conditions and technical specifications).

13/ Regardless of space limitations, no response would be warranted to Intervenors' repeated innuendo attempting to impugn the Licensing Board's integrity and impartiality. Since those matters, belatedly raised by the Intervenors, have long since been resolved at every level of the Commission, one can only conclude that their comments are intended for audiences other than the Commission.

diesel generator problems. There can be little question, given LILCO's purchase, first of TDI diesel generators and then of Colt diesel generators for full power use, and of EMD diesel generators for low power use, that LILCO has made good faith efforts to comply with the regulations.

2. The Intervenors complain (Comments at 25) of the Licensing Board's consideration of prior Staff practices. Yet, the Commission instructed that an equity to be considered was any internal inconsistency in the regulations. Inconsistent application or interpretation is no different from facial inconsistency in terms of giving rise to hardships that should be equitably considered; indeed, inconsistency in interpretation or application is often symptomatic of subtle inconsistencies in the regulations themselves, and merits consideration. The Staff's treatment of Catawba, Grand Gulf and other facilities under similar circumstances14/ is an equitable factor to be considered in determining proper treatment of Shoreham. Interestingly, Intervenors do not seriously challenge the accuracy of the Board's description of the treatment of other plants.

3. Again contrary to Intervenors' contentions (Comments page 26), the Licensing Board acted properly in not totally excluding LILCO's offsite power system from its safety determination. The Board recognized that many facets of LILCO's normal offsite power system exceed the requirements of GDC 17. (Initial Decision at 40-46, 82-87 (¶¶ 43-49, 51, 54-59, 61-62)). The more reliable the normal offsite system, the less likely that the enhanced offsite system would be necessary. Thus, it is less likely that LILCO would suffer a loss of offsite power than would a plant operating with qualified onsite and offsite power sources but only minimally satisfying the requirements of GDC 17. Equally important, the

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14/ See LILCO Brief at 48-50 (August 31, 1984); Order Reconsidering Summary Disposition of Phase I and Phase II Low Power Testing at 7, 10 (September 5, 1984).

ability of the offsite system to restore power to the plant within minutes through numerous facilities and varied transmission paths -- in substantially less time than would necessary even in the event of a LOCA -- is significant in determining the safety of low power operation. (Initial Decision at 41, 42, 82 (¶¶ 45, 46), 83 (¶¶ 49, 51, 52)). Consideration of these factors was proper in determining whether Shoreham's operation with an alternate onsite AC power system meets, in the aggregate, the requirements for an exemption.

4. At pages 29-30 of their November 29 comments, Intervenors summarize a number of factual contentions concerning the EMDs and the 20 MW gas turbine which they contend the Licensing Board ignored. Intervenors are incorrect: the Licensing Board considered Intervenors' evidence and simply was not persuaded. LILCO has discussed each point fully in papers below. LILCO Reply Brief at 10-30 (September 7, 1984); LILCO Reply Findings at 1-53 (September 7, 1984).

5. Intervenors also complain of the Board's refusal to admit their vague and unspecified security contentions. (Comments at 20-22). Neither space nor the restrictions surrounding safeguards information permit a discussion of this argument here.15/ It should be noted, however, that the Board carefully considered the County's contentions at two different hearings in the summer of 1984. Despite Intervenors' (and their experts') access to LILCO's comprehensive security plan and implementing procedures for more than two years preceding those hearings and despite their complete knowledge of LILCO's proposed alternate AC power configuration for approximately five months preceding those hearings, Intervenors were unable to specify any alleged flaws in the security plan. It was

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15/ For detailed treatment of the proposed security contentions see LILCO's Response to Board's August 14 Request for Information on the Shoreham Security Program and Reply to Proposed Security Contentions (August 24, 1984); Transcript of August 30, 1984 prehearing conference (Tr. S-95 to S-184) and September 14, 1984 prehearing conference (Tr. S-186 to S-333); and Order Denying Revised Security Contentions [Restricted] (September 19, 1984).

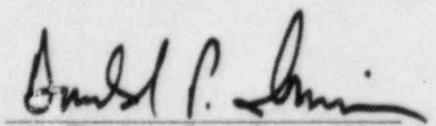
not enough merely to ask, as they did, for open-ended hearings concerning the adequacy of the plan. And, based on the record before it, the Board could properly conclude, as it did, that nothing was changed at the plant but the AC power sources and that absent a LOCA, those sources would not be needed for more than thirty days. Therefore, a security event would not present any greater jeopardy to the safety of the plant during the proposed mode of operation than it would under operation as contemplated when the full power security plan was agreed upon by the parties and approved by a previous licensing board.

V. Conclusion

For the reasons briefly discussed above, there is no merit to the arguments of Intervenors. This immediate effectiveness review, whi has now been pending for 77 days, should no longer delay the issuance of the 5% low power license recommended by the Licensing Board.

Respectfully submitted,

LONG ISLAND LIGHTING COMPANY

By 

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DATED: January 14, 1985

CERTIFICATE OF SERVICE

In the Matter of
LONG ISLAND LIGHTING COMPANY
(Shoreham Nuclear Power Station, Unit 1)
Docket No. 50-322-OL-4 (Low Power)

I hereby certify that copies of LONG ISLAND LIGHTING COMPANY'S FURTHER COMMENTS IN RESPONSE TO JANUARY 7 COMMISSION ORDER were served this date upon the following by U.S. mail, first-class, postage prepaid or by hand (as indicated by one asterisk) or by Federal Express (as indicated by two asterisks).

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