

LILCO, May 13, 1982

'82 MAY 17 12:16

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

Before the Atomic Safety and Licensing Board

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

COUNTY ACCESS TO SECURITY PLAN

I.

The issue now pending is whether Frank Jones, the Deputy County Executive working most closely with the County's lawyers in this proceeding, should be given access to the Shoreham Security Plan. The Long Island Lighting Company will not object to Mr. Jones' being permitted to consult with those County lawyers and security experts who have been allowed to read the protected security documents.

LILCO does not agree, however, that Mr. Jones should have access to the documents themselves because he is neither a lawyer nor a security expert. Under NRC case law, a security

plan, or any portion thereof, is to be released solely to individuals qualified to review it. It is to be made available to the intervenor's attorney plus any experts it selects who are so qualified. Only those portions of a plan which relate to the expert's area of expertise need be shown that expert. If a proposed expert's qualifications are challenged,

the intervenor must prove that the expert is qualified to evaluate each section of the plan which is to be reviewed by him or her.

In the Matter of Pacific Gas and Electric Company (Diablo Canyon Nuclear Power Plant, Units 1 and 2), ALAB-410, 5 NRC 1398, 1406 (1977) (footnote omitted).

If Mr. Jones is to be involved in protected discussions, LILCO believes (a) that his involvement should be limited by Board Order to consultation with those County lawyers and security experts who have been allowed to read the protected security documents, and (b) that Mr. Jones must sign an Affidavit of Non-Disclosure of the sort signed by the eleven people already given access to protected data on the County's behalf. While the Affidavit contemplates access to the protected documents themselves, as well as to discussions concerning them, that should pose no problem so long as the Board Order concerning Mr. Jones makes clear that his access is to the discussions alone, not also to the documents.

## II.

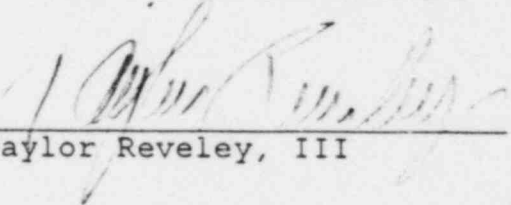
LILCO remains intensely concerned that there be no breach of the confidentiality of the Shoreham security plan. Common sense suggests that the more people who have access to the protected documents and/or to discussions concerning them, the greater the risk of breach. If Mr. Jones is to participate in discussions concerning the Shoreham security documents,

there will then be twelve County people with access to protected data or to protected discussions about them, that is, three outside lawyers and two of their secretaries, three security consultants, and three County police officials, plus Mr. Jones. Barring a strong showing of good cause for further such dissemination of the protected data, LILCO will not acquiesce willingly in it.

LILCO requests that the Board and the County's lawyers reemphasize to the eleven people already given access to the protected data on the County's behalf, and to Mr. Jones, the seriousness of their commitments to hold the protected data in confidence and the necessity that the commitments be honored.

Respectfully submitted,

LONG ISLAND LIGHTING COMPANY



---

W. Taylor Reveley, III

Hunton & Williams  
P. O. Box 1535  
Richmond, Virginia 23212

DATED: May 13, 1982