

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

ATOMIC SAFETY AND LICENSING BOARD

Before Administrative Judges:

Lawrence Brenner, Chairman

James H. Carpenter

Peter A. Morris

In the Matter of

LONG ISLAND LIGHTING COMPANY

(Shoreham Nuclear Power Station,
Unit 1)

Docket No. 50-322 O.L.

May 20, 1982

INTERIM ORDER STAYING SHIPMENT OF FUEL

Pursuant to 10 C.F.R. § 2.717(b) and in view of the apparent relevance to the Material License to at least one subject of contentions in the Licensing Proceeding -- the Security Plan Contentions -- it is ORDERED that:

Pending further order of the Board and an opportunity to hear further from the parties on the record of the proceeding on May 25, 1982, shipment to and storage of new nuclear fuel at the Shoreham site or at any site other than a fully secured site for storage of new nuclear fuel, such as the fuel vendor's site where the fuel is presently stored, is prohibited.

The parties shall be prepared to explain:

1. Why the Board and the parties were not informed prominently and directly of the proposed imminent shipment of fuel to the Shoreham site;

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2. What issues admitted in the proceedings will be affected materially by the storage of fuel on site; and

3. How the parties otherwise may be prejudiced or materially affected by the new fuel storage. See Cincinnati Gas and Electric Company (W. H. Zimmer Nuclear Station), LBP-79-24, 10 NRC 226 (August 15, 1979); Pacific Gas and Electric Company (Diablo Canyon Nuclear Power Plant, Units 1 and 2), CLI 76-1, 3 NRC 73, 74 at note 1 (1976).

This Order was dictated to the parties at the conclusion of a conference call held on May 20, 1982, at the request of Suffolk County. All other parties, along with the entire Board, participated in the call.

All members of the Board were out of town on business unrelated to this proceeding. Accordingly, Suffolk County is typing and filing this Order by May 21, 1982, necessarily unsigned by the Board, as an accommodation which the Board appreciates. The parties previously were informed on the record that the entire Board would be out of town this week. It is therefore particularly disturbing and inconvenient for the Board not to have been informed particularly of the imminence of the issuance of the License by the Staff and of the proposed fuel shipments by LILCO. It was only through this conference call of May 20, initiated by Suffolk County, that the Board learned of this matter.

The Board will make any necessary substantive modifications to this Order during consideration of the matter on the record on May 25.

Lawrence Brenner, Chairman

James L. Carpenter

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CERTIFICATE OF SERVICE

I hereby certify that, in accordance with the directive of the Atomic Safety and Licensing Board, issued during a conference call of the parties on May 20, 1982, copies of the "Interim" Order Staying Shipment of Fuel," dated May 20, 1982, have been served upon the following on May 21, 1982, by U.S. mail, first class, postage pre-paid, except as otherwise noted.

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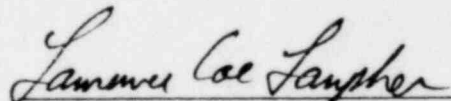
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DATE: May 21, 1982

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