

593
LILCO, July 25, 1984

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

Before the Commission

DOCKETED
USNRC

'84 JUL 27 AM 11:40

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

LILCO'S ADDENDUM TO MOTION FOR RECONSIDERATION

On July 18, the Commission issued a Memorandum and Order regarding the potential admissibility of security issues in the low-power phase of this case. On July 19, LILCO filed a Motion for Reconsideration of that Order. At that time, LILCO was not aware (and did not become aware until July 23) that the Licensing Board had also issued an Order on July 18, in response to the Commission's Order of the same date, setting a schedule for hearing and decision of low-power security issues.

The Licensing Board's July 18 Order sets out a schedule for litigation of low-power security issues on a separate schedule from other low-power issues, leading to the commencement of hearings only at the end of October of this year, after completion of formal contention-filing, discovery and testimony-writing phases. The proposed schedule also contemplates two weeks of hearings on security issues, and submission of proposed findings and conclusions by the parties some two weeks later. Even if the Board is able to adhere to its proposed schedule, the net result will be a

8407300447 840725
PDR ADOCK 05000322
G PDR

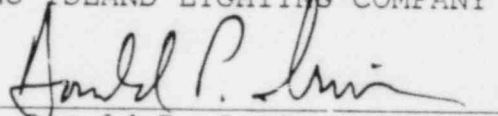
DS03

delay of approximately three months in completion of the parties' efforts in this limited-scope proceeding. LILCO has today requested the Board to reconsider scheduling aspects of its July 18 Order (copy enclosed).

LILCO does not believe that the Commission contemplated that its guidance on those aspects of security issues affected by the physical aspects of low power operation at Shoreham should lead to a proceeding which would nearly double the length of the low-power proceeding, and produce an automatic quarter-of-a-year's delay in that proceeding's completion.^{1/} For this reason, as well as those advanced in its paper of July 19, LILCO urges the Commission to reconsider its July 18 Order.

Respectfully submitted,

LONG ISLAND LIGHTING COMPANY



Donald P. Irwin
Robert M. Rolfe
Anthony F. Earley, Jr.

HUNTON & WILLIAMS
P.O. Box 1535
707 East Main Street
Richmond, Virginia 23212

DATED: July 25, 1984

^{1/} In a July 23 Opposition to LILCO's Motion for Reconsideration, Suffolk County asserts (pg. 3, note 1) that the County "has no intention of seeking a delay" in the scheduled July 30 start of the hearing on all low-power issues other than security. Little wonder, in light of the quarter-year delay apparently granted to Suffolk County just to litigate low-power security issues!

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION
ATOMIC SAFETY AND LICENSING BOARD

Before Administrative Judges
Marshall E. Miller, Chairman
Glenn O. Bright
Elizabeth B. Johnson

'84 JUL 13 24:16

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

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

July 18, 1984

ORDER CONCERNING SECURITY CONTENTIONS

On July 18, 1984 the Commission entered a Memorandum and Order dealing with the proper scope of this pending exemption proceeding. Suffolk County and the State of New York had sought to raise issues concerning physical security or sabotage in connection with LILCO's application for a low-power license. The Commission stated that "some Commission guidance is appropriate in order to avoid confusion and delay" (page 2).

The Commission noted that "LILCO's exemption application represents a new development in this proceeding, and it raises some new issues not heretofore considered." It was not envisioned that the filing of the exemption application would be the occasion for the parties to

~~8467194474~~

relitigate old issues already resolved. Nevertheless, the Commission further stated:

...the parties were to be afforded the opportunity to raise new contentions, so long as they were responsive to new issues raised by LILCO's exemption request, relevant to the exemption application and decision criteria cited and explained in the May 16, 1984 Order, and reasonably specific and otherwise capable of on-the-record litigation. The Commission did not envision that the special high thresholds applicable to late contentions and reopening records would apply to such new contentions raised in the initial stages of this exemption proceeding. Therefore, the Commission intends that security issues, if any, may be litigated (1) to the extent they arise from the changes in configuration of the emergency electrical power system and (2) to the extent they are applicable to low power operation. (Pages 2-3)

Pursuant to the foregoing Commission guidance to the Board and parties, the proposed physical security (sabotage) issues are held to be cognizable as a public health and safety concern, constituting under 10 CFR §50.12(a) a concern bearing on whether the requested exemption will "endanger life or property." These new security contentions will be taken up as discrete issues, and can only be considered by the Board after the conclusion of the resumed evidentiary hearing commencing July 30, 1984.

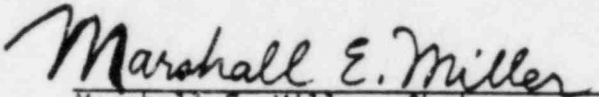
Such new physical security contentions shall be governed by the following schedule:

August 13, 1984	Intervenors to file proposed new physical security contentions complying with the Commission's above-quoted criteria.
August 23, 1984	Responses to be filed by other parties.
August 30, 1984	Special prehearing conference to settle contention issues.

Day 1	Order concerning admissibility of security contentions.
Day 2	Discovery commences.
Day 32	Discovery ends.
Day 45	Testimony filed.
Day 55	Hearing begins.
Day 85	Proposed findings and conclusions.

It is so ORDERED.

FOR THE ATOMIC SAFETY AND
LICENSING BOARD


Marshall E. Miller, Chairman
ADMINISTRATIVE JUDGE

Dated at Bethesda, Maryland
this 18th day of July, 1984.