

LILCO, July 25, 1984

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

DOCKETED  
USNRC

Before the Atomic Safety and Licensing Board

'84 JUL 27 A11:40

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

LILCO'S MOTION FOR PARTIAL RECONSIDERATION  
OF JULY 18 SECURITY-PROCEEDINGS ORDER

On July 18, this Board issued an Order Concerning Security Contentions,<sup>1/</sup> apparently intended to be responsive to the Commission's Memorandum and Order of the same date. Under the Board's Order, security contentions arising from changes in the emergency electrical power system at Shoreham and applicable to low power operation were to be admissible for litigation at Shoreham on a schedule which would entail separate hearings on those contentions, following completion of proceedings on all other low-power motion issues. The Board's Order set a schedule for this separate proceeding which would result in the commencement of hearings not before the end of October and the submission of filings and conclusions a month thereafter -- approximately three months later than the date of the parties' final submissions in the rest of the low power proceeding.

LILCO has asked the Commission to reconsider its Order Concerning Security Contentions, by motion dated July 19 (copy

---

<sup>1/</sup> LILCO did not become aware of the issuance of that order until late in the day on July 23, five days after its issuance.

enclosed). Even if that request is denied, LILCO does not believe that the Commission's guidance on security-related contentions contemplated a quarter-year delay -- about 50% of the length of the rest of the entire low power proceeding -- to address security issues. LILCO is not certain whether any security contentions will be admitted at all; in any event, it is not at all clear that a schedule of the length contemplated by the Board's Order is required. Suffolk County has always proffered that it has a firm idea of the security-related defects it sees in LILCO's low power configuration; thus LILCO has always inferred that only the institution of safeguards procedures prevents it from filing security contentions forthwith. Further, Suffolk County has already been given a site tour and other discovery with respect to the low-power physical configuration of the plant; the County also possesses a copy of the Shoreham security plan and all security procedures. In short, while LILCO understands, and does not disagree with, the Board's desire to take up security issues as a discrete matter after completion of the other low power issues, LILCO does not believe that an automatic quarter-year delay in the completion of this proceeding was either compelled or contemplated by the Commission's Order.

Thus, LILCO requests that the Board clarify and, to the extent necessary reconsider, its July 18 Order in the following respects:

1. Clarify that it expects the parties to conclude all matters with respect to the Supplemental Motion for Low Power Operating License and Application for Exemption, except security, on

the current schedule (i.e., expeditiously following the conclusion of the hearing resuming July 30). LILCO infers that the Board would then prepare a Partial Initial Decision on those issues.

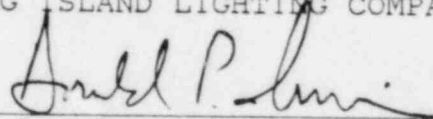
2. Accelerate that portion of the proposed schedule leading up to the prehearing conference on security issues, as follows:

	<u>Action</u>	<u>From</u> *	<u>To</u> *
1.	Filing of security contentions by intervenors	August 13	August 3
2.	Filing of responses to contentions	August 23	August 10
3.	Special Prehearing Conference	August 30	August 17

3. Remove the specified post-Special Prehearing Conference milestone dates from the current schedule, and set them at that Conference in light of the scope of the admitted contentions and other information, including but not limited to discovery, then available.

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

---

\* All documents to be served and in other parties' hands by end of business on specified dates.

LILCO, July 25, 1984

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

DOCKETED  
USNRC

I hereby certify that copies of LILCO'S ADDENDUM TO MOTION FOR RECONSIDERATION and of LILCO'S MOTION FOR PARTIAL RECONSIDERATION OF JULY 18 SECURITY-PROCEEDING ORDER were served this date upon the following by first-class mail, postage prepaid, or by hand (one asterisk), or by Federal Express (two asterisks).

Chairman Nunzio J. Palladino\*  
U.S. Nuclear Regulatory  
Commission  
1717 H Street  
Washington, D.C. 20555

Commissioner James K. Asselstine\*  
U.S. Nuclear Regulatory  
Commission  
1717 H Street, N.W.  
Washington, D.C. 20555

Commissioner Lando W. Zech, Jr.\*  
U.S. Nuclear Regulatory  
Commission  
1717 H Street, N.W.  
Washington, D.C. 20555

Commissioner Frederick M. Bernthal\*  
U.S. Nuclear Regulatory  
Commission  
1717 H Street, N.W.  
Washington, D.C. 20555

Commissioner Thomas M. Roberts\*  
U.S. Nuclear Regulatory  
Commission  
1717 H Street, N.W.  
Washington, D.C. 20555

Judge Marshall E. Miller\*  
Atomic Safety and Licensing  
Board  
U.S. Nuclear Regulatory  
Commission  
Washington, D.C. 20555

Judge Glenn O. Bright\*  
Atomic Safety and Licensing  
Board  
U.S. Nuclear Regulatory  
Commission  
Washington, D.C. 20555

Judge Elizabeth B. Johnson\*\*  
Oak Ridge National Laboratory  
P.O. Box X, Building 3500  
Oak Ridge, Tennessee 37830

Eleanor L. Frucci, Esq.\*  
Atomic Safety and Licensing  
Board  
U.S. Nuclear Regulatory  
Commission  
Washington, D.C. 20555

Honorable Peter Cohalan  
Suffolk County Executive  
County Executive/  
Legislative Building  
Veteran's Memorial Highway  
Hauppauge, New York 11788

Fabian G. Palomino, Esq.\*\*  
Special Counsel to the  
Governor  
Executive Chamber, Room 229  
State Capitol  
Albany, New York 12224

Alan R. Dynner, Esq.\*  
Herbert H. Brown, Esq.  
Lawrence Coe Lanpher, Esq.  
Kirkpatrick, Lockhart, Hill,  
Christopher & Phillips  
1900 M Street, N.W., 8th Floor  
Washington, D.C. 20036

Mr. Martin Suubert  
c/o Congressman William Carney  
113 Longworth House Office Bldg.  
Washington, D.C. 20515

James Dougherty, Esq.  
3045 Porter Street, N.W.  
Washington, D.C. 20008

Jay Dunkleberger, Esq.  
New York State Energy Office  
Agency Building 2  
Empire State Plaza  
Albany, New York, 12223

Edwin J. Reis, Esq.\*  
Office of the Executive  
Legal Director  
U.S. Nuclear Regulatory  
Commission  
Washington, D.C. 20555

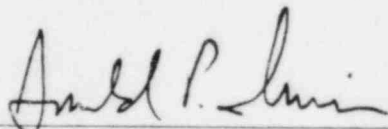
Stephen B. Latham, Esq.  
Twomey, Latham & Shea  
33 West Second Street  
P. O. Box 398  
Riverhead, New York 11901

Martin Bradley Ashare, Esq.  
Suffolk County Attorney  
H. Lee Dennison Building  
Veterans Memorial Highway  
Hauppauge, New York 11788

Docketing and Service Branch  
Office of the Secretary  
U.S. Nuclear Regulatory  
Commission  
Washington, D.C. 20555

Hunton & Williams  
707 East Main Street  
Post Office Box 1535  
Richmond, Virginia 23212

DATED: July 25, 1984



Donald P. Irwin