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March 26, 1985

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BY FEDERAL EXPRESS

James L. Kelley, Esquire, Chairman  
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Atomic Safety and Licensing Board  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

Long Island Lighting Company  
(Shoreham Nuclear Power Station):  
Docket No. 50-322-OL-4 (Low Power Remand-Security)

Dear Members of the Commission and  
Members of the Kelley Licensing Board:

Suffolk County's letter of March 22 requests "clarification" of standards for protection of information about physical security at the Shoreham Nuclear Power Station, in light of Suffolk County's filings of March 15 and 18 and LILCO's reaction to them. LILCO agrees that attention to security standards in this proceeding is needed but feels that existing standards are clear and that a simple admonition to observe them is more in order than any "clarification" of them. ✓

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The reason LILCO requested that Suffolk County treat its March 15 and 18 filings as Safeguards Information is that they contain, among others, the following elements:

1. The specification of alleged potential sabotage targets, along with some detail about their characteristics and locations;
2. The assertion that these targets are both essential to safe shutdown of the plant and unusually vulnerable;
3. The assertion that groups interested in and capable of organized sabotage exist; and
4. The assertion that such groups are especially interested in targets perceived as being unusually vulnerable.

The gist of Suffolk County's filings is that whatever the "ambient" likelihood of occurrence of a sabotage event at Shoreham may be, that risk is heightened because of the assertedly enhanced vulnerability of the plant's low power configuration, in combination with the predatory characteristics of potential saboteurs. LILCO's concern is that publication of that two-part theory in some detail by Suffolk County -- whatever the objective vulnerability of the site to sabotage -- itself heightens the likelihood of a sabotage attempt, under Suffolk County's own theory about the behavior patterns of potential terrorists.

Suffolk County suggests that each of the elements of its papers had been publicly available previously. Whether or not that may be literally true (and LILCO expresses no view on that matter here) is not dispositive: the information was never previously assembled in one place, or organized for present purposes. LILCO believes that the assembly of information so as to create a "roadmap" for creation of safeguards threats -- whether that "roadmap" is accurate or not -- is potentially as harmful as any specific technical detail about an acknowledged component of vital equipment.<sup>1/</sup>

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<sup>1/</sup> Suffolk County's letter itself is sufficiently explicit that prudence would suggest treating it also as Safeguards Information. LILCO emphatically would not agree that that letter's remaining in the potentially public domain legitimizes further specific public discussion of the merits of low-power security issues at Shoreham.

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Information, once published is very hard, and often impossible, to retract.<sup>2/</sup> For this reason, it makes far more sense to start with a very protective rule in a proceeding where Safeguards Information, by any definition, is clearly involved, with information being declassified later, than to leave the parties to their own devices and run the inevitable risk of compromise or outright disclosure of Safeguards Information at some point along the way.

In the previous proceedings before the "Miller Board" all information and pleadings of anything other than an obviously ministerial nature not bearing on the factual merits of the security case were treated as Safeguards Information. That rule was reaffirmed at the February 28, 1985 Conference of Counsel in the current proceeding, Tr. 3191-95, after Suffolk County had inquired about its applicability. LILCO's view is that the current rule, resting on the Miller Board's standing order of non-disclosure -- "when in doubt, protect" (Tr. 3195) -- remains the appropriate one. All that is necessary is for the parties to continue to observe the rule and to resolve all doubts or ambiguities in favor of protection.

Yours very truly,



Donald P. Irwin  
Counsel for  
Long Island Lighting Company

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cc: Robert G. Perlis, Esq.  
Lawrence Coe Lanpher, Esq.  
Fabian G. Palomino, Esq.  
Mr. William Clements (Docketing  
and Service Section)

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<sup>2/</sup> In this regard, as LILCO indicated in its March 20 Memorandum, LILCO has no complaints about the cooperation it received from Suffolk County once the County was notified of LILCO's concerns. Had LILCO not received, and evaluated, the information before other parties received it, however, such cooperation would have been, in all probability, moot.