

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

CERTIFICATE OF SERVICE

I hereby certify that copies of:

- (1) Applicant's Request for Summary Disposition of Suffolk County's Contentions 4a(ii), (iii) & (xvii), 12a(ii), 17a(i)-(ii), and 20a(i)-(ii)
- (2) Motion for Summary Disposition of SC Contentions 4a(ii), (iii) & (xvii) with three attached Affidavits of David J. Robare
- (3) Motion for Summary Disposition of SC Contention 12a(ii) with attached Affidavit of Ronald E. Engel
- (4) Motion for Summary Disposition of SC Contentions 17a(i)-(ii) with attached Affidavits of Wayne E. Kilker and Foroohar Boorboor
- (5) Motion for Summary Disposition of SC Contentions 20a(i)-(ii) with two attached Affidavits of Foroohar Boorboor

were served upon the following by first-class mail, postage prepaid, on February 5, 1979:

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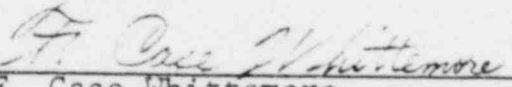
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DATED: February 5, 1979

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
(Shoreham Nuclear Power Station,)	
Unit 1))	

APPLICANT'S REQUEST FOR SUMMARY DISPOSITION OF
 SUFFOLK COUNTY CONTENTIONS 4a(ii), (iii) & (xvii),
 12a(ii), 17a(i)-(ii), and 20a(i)-(ii)

A. Introduction

On December 18, 1978 the Applicant filed a request for summary disposition of certain Suffolk County (SC) contentions (Applicant's First Request). Page 9 of the Applicant's First Request indicated that LILCO would be filing motions for summary disposition of other SC contentions that are "ripe" for resolution. The Applicant's motions for summary disposition of a second group of contentions are enclosed. See Part C below.

B. The Need for Early Summary Disposition Persists

The Applicant's First Request analyzed the time required to complete the Shoreham operating license proceeding, including detailed schedules of the pre- and post-hearing phases. This analysis showed that if hearings are required on most, if not all, of SC's pending contentions, the operating license proceeding may very well not be completed by the time the plant is ready to load fuel. Applicant's First Request at 5-9. The Applicant invited any other parties to this proceeding who did not share

our sense of urgency to explain why not in meaningful detail.

Id. at 1, 9.

After establishing the likelihood of scheduling difficulties if each of SC's pending contentions had to pass seriatim through the discovery, particularization, and summary disposition pre-hearing steps, the Applicant proposed a parallel process for treating the more well defined (or "ripe") contentions. Id. at 9-11. This process involves using summary disposition under 10 CFR § 2.749 to start immediately to either resolve or particularize in one step as many of SC's contentions as possible. As a result, only the remainder of the contentions will have to go through the more time-consuming seriatim process.

The Staff's January 12, 1979 answer to Applicant's First Request (Staff's Answer) did not provide a detailed response to the Applicant's schedule analysis. The Staff just suggested that hearings of shorter duration than indicated in the Applicant's analysis were possible if most of SC's contentions were disposed of prior to hearings. We share the Staff's desire to resolve as many contentions as possible before hearings. We think that it is imprudent, however, not to plan to complete the prehearing phase sufficiently early so that adequate time remains to conduct hearings on the great bulk of the County's contentions, if necessary, without running the risk of delaying the fuel load date. Accordingly, the Applicant is pursuing the one-step summary disposition process discussed above.

In order to maximize the benefits of the one-step process, the Applicant has not limited its summary disposition fil-

ings to just those contentions that have been accepted without qualification. Instead, it has included some of the more well defined contentions that have been accepted only for purposes of discovery. Contrary to the position taken on pages 3-4 of the Staff's Answer, the Board should allow the summary disposition process to go forward in order to relieve the schedule difficulties discussed above. Moreover, even though the Staff technical personnel are fully occupied completing the Shoreham SER, a decision by the Board on Applicant's summary disposition motions need not await any further response by the Staff. This is because it is solely incumbent upon the County to indicate for each contention that its concerns have been resolved or to demonstrate why a genuine issue of fact remains to be litigated.

C. Second Group of Summary Disposition Motions

The following documents constitute the Applicant's second group of motions for summary disposition, filed pursuant to 10 CFR § 2.749:

- a. Motion for Summary Disposition of SC Contentions 4a(ii), (iii) & (xvii) with three attached Affidavits of David J. Robare,
- b. Motion for Summary Disposition of SC Contention 12a(ii) with attached Affidavit of Ronald E. Engel,
- c. Motion for Summary Disposition of SC Contentions 17a(i)-(ii) with attached Affidavits of Wayne E. Kilker and Foroohar Boorboor, and
- d. Motion for Summary Disposition of SC Contentions 20a(i)-(ii) with two attached Affidavits of Foroohar Boorboor.

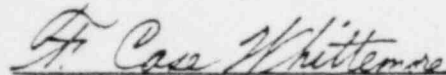
For the reasons stated in the foregoing materials, the Appli-

cant requests that SC contentions 4a(ii), (iii) & (xvii), 12a(ii), 17a(i)-(ii), and 20a(i)-(ii) be dismissed because, as to each, "there is no genuine issue to be heard." 10 CFR § 2.749(a).

In the alternative, if the Board finds summary disposition inappropriate as to any affected contention (in whole or part), the Applicant requests that the Board, after receiving the enclosed materials and SC's reply, (1) state the exact issue(s) to be litigated from among the contention(s) in question and (2) schedule hearings on these issue(s) to begin promptly and in conjunction with hearings on any issue from the Applicant's First Request.

Respectfully submitted,

LONG ISLAND LIGHTING COMPANY



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DATED: February 5, 1979