

Before the Atomic Safety and Licensing Board

STATUS REPORT

1. Issuance of SER and Prehearing Schedule  
contained in Board Order dated March 8, 1978.

8106170283

Although not clearly stated, Applicant's "Status Report" suggests that the document issued by Staff on April 17, 1981 may have triggered the prehearing schedule set by the Board on March 8, 1978. If that is in fact Applicant's position, SOC believes it to be in error for the following reasons:

a) A review of the October 11, 1977 pre-hearing conference during which the pre-hearing schedule was set indicates that no discussion was held concerning the contingency of a partial SER issuance. SOC believes that the parties and the Board at that time contemplated a single SER or that the pre-hearing schedule would begin after the completion of the SER. It is thus SOC's view that to the extent this Board considers the March 8, 1978 Order still valid, the pre-hearing schedule will begin after the issuance of the final SSER and the receipt of the appropriate ACRS letters;

b) In view of the fact that SOC's intervention was predicated on the TMI-2 accident and NRC responses thereto, and further assuming that a pre-hearing schedule can be deemed to be in effect as against one party and not others, it is clearly appropriate with regard to SOC that the pre-hearing schedule would run after the issuance of the TMI SSER and the appropriate ACRS letter(s);

c) To the extent the Applicant has deemed certain of SOC's contentions virtually ready for hearings (Applicant's Status Report, at p. 2), SOC disagrees.

— Some of the reasons for SOC's disagreement are evident in the various interrogatory responses submitted by SOC which note Applicant's and Staff's failure to respond to numerous informal discovery requests. Since Applicant has now unilaterally elected to terminate the informal discovery process, SOC will endeavor to promptly file the appropriate formal discovery requests;

d) Applicant laments the fact that this proceeding has now been underway for more than five years as opposed to only two years when the March 8, 1978 Order was issued. This concern has little, if any, bearing on the selection of a pre-hearing schedule particularly when the cause of delay is beyond the control of the Board and the parties (i.e., TMI) or is self-inflicted (i.e., the Company's inability to manage Shoreham's construction towards a prompt completion). SOC further notes that a review by the New York State Public Service Commission in Cases 27774/27563 of Shoreham's remaining construction schedule and the Company's own internal monthly status reports suggest further delay in Shoreham's completion beyond the scheduled January 1983 in-service date, perhaps by a year or more.

---

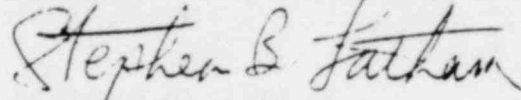
For the foregoing reasons, Applicant's May 21, 1981 "Status Report" provides the Board with little guidance towards the establishment of an appropriate pre-hearing schedule in this proceeding. Should the Board's views on the pre-hearing schedule and in particular, its applicability to SOC, differ from the views set forth by SOC herein, SOC asks the Board to formally request the views of all parties on these issues to be followed by a pre-hearing conference at the Board's earliest convenience to set an appropriate schedule.

---

2. Relevance of Proposed TMI Rule to Shoreham  
Operating Licensing Proceeding.

In a footnote on page 2 of its "Status Report", Applicant suggests that in SOC's particularization of Contention 7a(ii) (re: TMI), SOC will have to take into account the NRC's proposed rulemaking on TMI (Sec. 46 Fed. Reg. 26491 (May 13, 1981)). SOC has reviewed that document and has noted nothing that revokes the effectiveness of the Commission's "Policy Statement on TMI" (December 16, 1980) or the requirements for operating licenses contained therein. It is clear that the Policy Statement remains in effect, and SOC is particularizing contention 7a(ii) with that understanding.

Respectfully Submitted,  
SHOREHAM OPPONENTS COALITION



Stephen B. Latham  
TWOMEY, LATHAM & SCHMITT  
P.O. Box 398  
Riverhead, N.Y. 11901

Dated: June 9, 1981