

June 26, 1981

For: The Commissioners

From: William J. Dircks  
Executive Director for Operations

Subject: Disposition of Petition Of The Shoreham Opponents  
Coalition (SOC) To Institute Proceedings On Whether  
Good Cause Exists To Extend The Completion Date Of  
The Shoreham Nuclear Power Station, Unit 1

Purpose: This paper: (1) transmits a Director's decision denying  
a request made pursuant to 10 C.F.R. 2.206 to suspend the  
Shoreham Nuclear Power Station, Unit 1 construction  
permit pending a hearing on Permittee's application to  
extend the latest completion date specified in the  
construction permit, and (2) requests a Commission  
decision on the SOC request for a hearing.

Issue: Whether, and if so under what circumstances, SOC's  
request for a hearing should be granted.

Discussion  
and  
Recommendation: Long Island Lighting Company is the holder of a  
construction permit issued on April 14, 1973, for con-  
struction of the Shoreham Nuclear Power Station, Unit 1.  
This facility is presently under construction (approx-  
imately 87% complete) on the north shore of Long Island  
in the Town of Brookhaven, Suffolk County, New York.

On November 26, 1980, the Applicant timely requested  
an extension of the latest completion date (from  
December 31, 1980, to March 31, 1983). Applicant  
asserted that construction has been delayed by the  
following events beyond its control:

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1. New regulatory requirements.
2. Evolving Interpretation of Existing Regulatory Requirements.
3. Late Delivery of Equipment.
4. Unexpected Difficulties in Completion of Required Plant Modifications.

On January 23, 1981, SOC filed with the Director, Nuclear Reactor Regulation, a document entitled "Petition of the Shoreham Opponents Coalition (SOC) to Institute Proceedings on Whether Good Cause Exists to Extend the Completion Date of the Shoreham Nuclear Power Station, Unit 1." (Enclosure 1). The Petition asks for a hearing on the Applicant's construction permit extension request. Additionally, it seeks to have "the Shoreham construction permit . . . suspended" and then "revoked" or "in the alternative re-issue(d) . . . subject to . . . conditions. . . ." Applicant on February 4 and February 27, 1981 responded to the Petition setting forth its opposition to the SOC requests (Enclosure 2). The staff later determined to hold the petition in abeyance when Applicant and SOC undertook discussions for purposes of reaching a settlement of SOC's intervention as to the OL application. These settlement discussions subsequently proved fruitless. For the reasons set forth in the Director's Denial of the suspension or revocation aspects of the petition (Enclosure 3), the petition has been denied as to the 10 C.F.R. 2.206 aspects. With respect to SOC's request for a hearing on the construction permit extension, the staff recommends that this request be referred to the Atomic Safety and Licensing Board (ASLB) which is considering the operating license application to which SOC has been admitted as a late intervenor. After an opportunity for the Applicant and the staff to respond to the SOC hearing request, the ASLB should be instructed that, if it finds that the petition meets the requirements of 10 C.F.R. 2.714, the two proceedings (on the CP extension and on OL issues) should be consolidated for hearing. The use of this procedure will conserve staff and Licensing Board resources and avoid the possibility of separate hearings being conducted concurrently.

Scheduling:

On June 17, 1981, SOC filed a "Complaint for Declaratory Relief and for Writ of Mandamus" in the United States District Court for the Eastern District of New York and a

"Petition for Extraordinary Injunctive Relief Pendente Lite Pursuant to the All Writs Act" in the United States Court of Appeals for the Second Circuit. Both suits involve the SOC Petition discussed in this paper. Accordingly, early action is appropriate.



William J. Dircks  
Executive Director for Operations

Enclosures:

1. Petition Of The Shoreham Opponents  
Coalition (SOC) To Institute  
Proceedings On Whether Good Cause  
Exists To Extend The Completion  
Date Of The Shoreham Nuclear Power  
Station - Unit 1
2. Permittee's Responses To SOC Pleading  
Of January 23, 1981
3. Director's Deci. . . Under 10 C.F.R. 2.206