

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

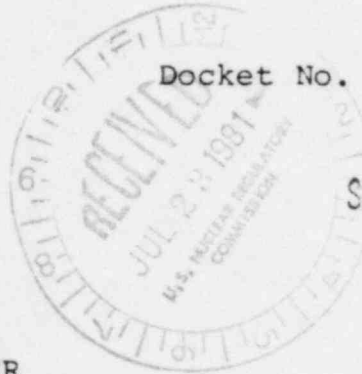
COMMISSIONERS:

Nunzio J. Palladino, Chairman
Victor Gilinsky
Peter A. Bradford
John F. Ahearne



In the Matter of)
)
Long Island Lighting Company)
)
(Shoreham Nuclear Power)
Station, Unit 1))
_____)

Docket No. 50-322



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ORDER

On June 26, 1981, the Executive Director for Operations transmitted to the Commission a request by the Shoreham Opponents Coalition (SOC), an intervenor in the ongoing operating license proceeding for the Shoreham Nuclear Power Station, that a hearing be convened on Long Island Lighting Company's (LILCO) November 26, 1980 application for an extension of its construction permit. The LILCO request asks that the life of its permit, which was first granted in April 1973 and then extended in May 1979, be continued beyond the current expiration date of December 31, 1980, to March 31, 1983. Under Commission regulations, LILCO's timely request for an extension will leave the existing permit in force until the application has been finally determined. 10 CFR § 2.109.

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After reviewing the SOC petition, LILCO's February 4 and 27, 1981 responses thereto, and the staff's paper transmitting the request, the Commission has determined that the request will be granted, subject to the petitioner advancing at least one litigable contention,^{1/} and that an Atomic Safety and Licensing Board is to be convened to consider whether SOC's petition raises issues litigable in this construction permit extension proceeding,^{2/} and, if so, to hear and decide those issues on the merits.

In transmitting the hearing request to the Commission, the staff has recommended that it be referred to the Atomic Safety and Licensing Board that is considering LILCO's application for an operating license for the Shoreham facility. The Commission believes, however, that the question whether the existing Board should be given the additional responsibility of conducting the hearing is best left to the discretion of the Chairman of the Licensing Board Panel.

^{1/} Ordinarily the first test would be whether the petitioner has standing. It is apparent to the Commission from SOC's petition, the LILCO responses of February 1981, and the NRC staff position (SECY 81-395) that the standing issue must be resolved in SOC's favor.

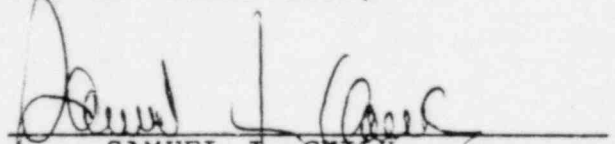
^{2/} See Northern Indiana Public Service Co. (Bailly Generating Station, Nuclear 1), ALAB-619, 12 NRC 558, 565-73 (1980); Indiana & Michigan Electric Co. (Donald C. Cook Nuclear Plant, Units 1 and 2), ALAB-129, 6 AEC 414, 420-21 (1973).

Accordingly, the Commission hereby directs the Chairman of the Atomic Safety and Licensing Board Panel to designate a Board to hold a hearing to consider the SOC petition regarding the LILCO construction permit extension application. In addition, pursuant to 10 CFR § 2.785, the Commission's review functions with respect to any ensuing proceedings on the construction permit extension shall be exercised by the Atomic Safety and Licensing Appeal Board.

It is so ORDERED.



For the Commission,

A handwritten signature in dark ink, appearing to read "Samuel J. Chilk". The signature is written over a horizontal line.

SAMUEL J. CHILK
Secretary of the Commission

Dated at Washington, D. C.

this 22nd day of July 1981.