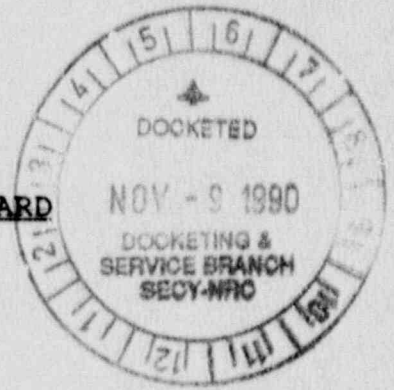


11031

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

Before Administrative Judges
Morton B. Margulies, Chairman
George A. Ferguson
Jerry R. Kline



In the Matter of

LONG ISLAND LIGHTING COMPANY

(Shoreham Nuclear Power Station,
Unit 1)

Docket No. 50-322-OLA

ASLEP No. 91-621-01-OLA

MOTION FOR RESTRAINING ORDER AND OTHER RELIEF
BY PETITIONER-INTERVENORS
SHOREHAM-WADING RIVER CENTRAL SCHOOL DISTRICT
AND
SCIENTISTS AND ENGINEERS FOR SECURE ENERGY, INC.

Pursuant to 10 C.F.R. § 2.730 (1990), Petitioner-Intervenors Shoreham-Wading River Central School District and Scientists and Engineers for Secure Energy, Inc. (jointly "Petitioners") hereby move that the Honorable Morton B. Margulies, Chairman of the Atomic Safety and Licensing Board ("Board") established in the above-captioned matter with Board Members, the Honorable George A. Ferguson and the Honorable Jerry R. Kline, issue an immediately effective order pursuant to 10 C.F.R. § 2.718 (1) restraining the Long Island Lighting Company ("LILCO") and associated interested persons including the Long Island Power Authority ("LIPA") and the New York Power Authority ("NYPA") and all LILCO, LIPA and NYPA directors, trustees,

officers, employees, agents, attorneys, and contractors (jointly and severally, "the restrained persons") from any and all meetings and any and all direct or indirect, oral or written communication(s) (except those specified as permissible) with any and all Commission adjudicatory employees (as defined in 10 C.F.R. § 2.4), (2) further restraining the restrained persons from allowing any visit(s) by any Commission adjudicatory employee(s) to the Shoreham Nuclear Power Station site and/or other specified facilities, (3) further requiring the restrained persons to submit memoranda under oath or affirmation describing any or all contacts (other than formal pleadings served on Petitioners) which they have had with Commission adjudicatory employee(s) relating to U.S.N.R.C. Docket No. 50-322 since July 14, 1989, and (4) further requiring the restrained persons to serve Petitioners (a) with copies of certain papers submitted to the U.S. Nuclear Regulatory Commission ("NRC") after July 14, 1989, relating to the proposal to decommission the Shoreham facility and (b) with notice not less than fourteen (14) days in advance of any meeting to be held between those persons and any NRC personnel relating to Docket No. 50-322 including a specific description of the subject matter(s) of the meeting, the time and place of the meeting(s), and an invitation to attend such meeting(s), with all aspects of this order to remain in force pending further order of this Board.

Petitioners submit that such an immediately effective order is necessary and appropriate, not only to secure adherence to (a) the Commission's ex parte rules and (b) the Government in the Sunshine Act, but also (c) to protect Petitioners' due process rights under the Constitution and to (d) avoid the appearance of giving preferential treatment to any person, losing complete independence or impartiality, making a government decision outside official channels and/or affecting adversely the confidence of the public in the integrity of the government. 53 Fed. Reg. 10365 (March 31, 1988) (Final Ex Parte Rules); 51 Fed. Reg. 10393 (March 26, 1986) (Proposed Ex Parte Rules); Government in the Sunshine Act, Publ. 94-409, § 4, 9 Stat. 1241 (September 13, 1976); see, Sangamon Valley Television Corp. v. United States, 269 F.2d 221 (D.C. Cir. 1959); 10 C.F.R. § 0.735-49a(b), (d)(e)&(f) (1990).

Petitioners also submit that parts 1 and 2 of such an order are urgently required, even on an ex parte basis, due to an impending violation of the ex parte rules on November 13, 1990.

I. EVIDENCE OF THE NEED FOR THE ORDER

On October 24, 1990, the Executive Legal Assistant to Commissioner Curtiss wrote a memorandum to the Petitioners, Respondents, and others in the above-captioned matter (memorandum and service list attached) which reads:

This is to inform you that Commissioner James R. Curtiss will visit the Shoreham Nuclear Power Station on Tuesday, November 13, 1990 during the visit, Commissioner Curtiss will tour the Shoreham facility and meet with LILCO management and operating personnel to review the general status of activities at the facility.

Also attached is a letter from Chief Reactor Project Branch No. 2 Division of Reactor Projects in NRC Region I to the Long Island Lighting Company dated September 21, 1990 enclosing a memorandum entitled "Drop-In Visit from LILCO Vice-President". As discussed below, Petitioners submit that this letter and its enclosures may violate the ex parte prohibitions and, in any event, do constitute a blatant circumvention of the NRC Staff open meeting policies.

II. THE DUE PROCESS CLAUSE, THE APA, AND NRC REGULATION AND POLICY FORBID THE PRACTICES IDENTIFIED ABOVE

It has long been recognized that:

Interested attempts 'to influence any member of the Commission*** except by the recognized and public processes' go 'to the very core of the Commission's quasi-judicial powers' ***.

Sangamon Valley Television Corp. v. United States, 269 F.2d 221, 224 (D.C. Cir. 1959) (citation omitted). In the context of that rulemaking proceduring, the Court held "that whatever the

proceeding may be called . . . basic fairness requires such a proceeding to be carried on in the open." Id.

The NRC itself has long recognized in its regulations that ex parte communications are impermissible. E.g., 27 Fed. Reg. 377 (1962); 31 Fed. Reg. 12774 (1966); 37 Fed. Reg. 15127 (1972).

In the Government in the Sunshine Act^{1/}, Congress enacted certain restrictions on ex parte communications in formal agency adjudication proceedings and provided remedies for the violation of ex parte rules.^{2/} The amendments took the form of a definition of "ex parte communications" added to 5 U.S.C. § 551(14) and the addition of new subsections (d) to 5 U.S.C. § 556 & 557. See note 1 supra.

1/ Government in the Sunshine Act, Publ. No. 94-409, § 4, 90 Stat. 1241, 1246-47 (1976). All citations herein to the legislative history of that Act include parallel citation to the "Source Book" compiled by the Senate and House Government Operations Committees. Senate Comm. on Government Operations & House Comm. on Government Operations, 94th Cong., 2d Sess., Government in the Sunshine Act - S.5 (Public Law 94-409), Source Book: Legislative History, Text, and Other Documents (Comm. Print December 1976) ("Source Book").

2/ The legislative history makes it clear that Congress did not intend this legislation to reduce the scope of agency concepts of, or restrictions on, ex parte communications: "The ex parte rules established by this section do not repeal or modify the ex parte rules agencies have already adopted by regulation, except to the extent the regulations are inconsistent with this section. If an agency already has more stringent restrictions against ex parte contacts, this section will supplement those provisions. S. Rep. No. 94-354, 94th Cong. 1st Sess. 35 (1975) (Source Book at 230).

An ex parte communication was defined as "an oral or written communication not on the public record with respect to which reasonable prior notice to all parties is not given, but it shall not include request for status reports on any matter or proceeding covered by this subchapter." 5 U.S.C. § 551(14). The legislative history makes clear that a communication is not ex parte if either the person making it placed it on the public record at the same time it was made or all parties to the proceeding had reasonable advance notice. S.Rep No. 94-354, 94th Cong., 1st Sess. at 38 (1975) (Source Book at 233).

However, legislative history also defines "reasonable prior notice" to be notice which is "adequate to permit other parties to prepare a possible response and to be present when the communication is made." Id. (emphasis added).

It is clear that the Memorandum from Commissioner Curtiss' Executive Legal Assistant complies with neither of these two essential qualities of "reasonable prior notice". Not only does it not permit the Petitioners (or their representatives) to be present, but its reference to the subject of the meeting with "LILCO Management and Operating Personnel" as being "to review the general status of activities at the facility" is so overly broad and vague that it cannot possibly be deemed "adequate to permit other parties to prepare a possible response".

And the Memorandum's use of the phrase "general status of activities" does not fall within the exception for "request

for status reports". The legislative history makes it clear that the "status report" exclusion applies only to "procedural inquires" and "general background discussions about an entire industry which do not directly relate to specific agency adjudication involving a member of that industry, or to formal rulemaking involving the industry as whole." S.Rep No. 94-354, 94th Cong. 1st Sess. 36-37 (1975) (Source Book at 231-32). This visit pertains to a particular plant.

Also, the restrictions on ex parte communications apply in this proceeding at this time. The Act states that the "prohibitions of this subsection shall apply beginning at such time as the agency may designate, but in no case shall they begin to apply later than the time at which a proceeding is noticed for hearing unless the person responsible for the communication has knowledge that it will be noticed, in which case the prohibitions shall apply beginning at the time of his acquisition of such knowledge." 5 U.S.C. § 557(d)(1)(E).

The instant proceeding is a classic APA "licensing" proceeding (5 U.S.C. § 551(9)) requiring "adjudication" (5 U.S.C. § 551(7)). Since the Commission has issued an order in partial disposition of this licensing matter (5 U.S.C. § 551(6)), the NRC must be presumed to have conducted a hearing and to have given prior notice of that agency hearing on this matter before the

issuance of CLI-90-08 (October 17, 1990).^{3/} See 5 U.S.C. § 554.

3/ In adopting regulations to implement Section 4 of the Government in the Sunshine Act, the Commission determined that the prohibitions would apply when a notice of hearing "or other comparable order" is issued in accordance with any one of six specific subsections of Part 2, or whenever "the interested person or Commission adjudicatory employee responsible for the communication has knowledge that a notice of hearing or other comparable order will be issued" pursuant to one of those subsections. 10 C.F.R. § 2.780(e). In proposing subsection (e), the Commission said that since the new statutory language "speaks only in terms of the issuance of a notice of hearing, the existing rule's application of *ex parte* prohibitions when a hearing request is received appears overbroad and is not retained." 51 Fed. Reg. 10393, 10396 col. 3 (March 26, 1986).

In order to preserve the validity of the Commission's regulations in these circumstances, (*i.e.*, after the Commission has issued an order partially disposing of the matter and an order has issued establishing an Atomic Safety and Licensing Board in this matter), the Board may rely on 10 C.F.R. § 2.780(e)(ii) for the proposition that all interested persons and Commission adjudicatory employees have "knowledge that a notice of hearing or other comparable order will be issued". An alternative basis for holding that the *ex parte* prohibitions currently apply would be that a partial "hearing" has been granted and therefore notice of hearing must be presumed in a situation not contemplated by the regulations.

If one of the two foregoing approaches are not taken, the question then becomes one of whether the subsection (e) is invalid. There would be two bases for such a finding: First, it is clear from the legislative history that the Act was not intended to allow the Commission to reduce the scope of its existing *ex parte* rules. See note 2 *supra*. And second, the Commission's implied definition of "hearing" is not consistent with the purpose of the regulation or Section 4 of the Government in the Sunshine Act. The purpose of the statutory amendment was "to ensure that agency decisions required to be made on public record are not influenced by a private, off-the-record communications from those personally interested in the outcome." H.R. Rep. No. 94-880, 94th Cong. 2nd Sess., Part 1 at 2 (1976) (Source Book at 513). It would be totally inconsistent with this purpose to find that although an order partially disposing the matter has already been issued by the Commission itself, there is not yet a "notice of hearing".

It may also be that the Commission's specification of various hearings is impermissibly crabbed definition of hearing under the APA. The Supreme Court has determined that the term
(continued...)

Otherwise CLI-90-08 would be a nullity.

Since the ex parte prohibitions do apply to this proceeding at this time, and the Memorandum from Commissioner Curtiss' Executive Legal Assistant does not provide "reasonable prior notice", Petitioners urge the Presiding Officer to exercise his power to regulate the course of the hearing and the conduct of the participants to issue an immediate effective order in the form attached in order to protect the integrity of the process for the reasons given herein. See 10 C.F.R. § 2.718.

III. FURTHER ORDERS ARE ALSO NECESSARY AND APPROPRIATE TO ASSURE A FAIR HEARING

In order to assure that Petitioners have a fair access to the record in this matter and to the NRC decisionmaking process,

3/ (...continued)

"hearing" in the APA "does not necessarily embrace either the right to present evidence orally and to cross-examine opposing witnesses, or the right to present oral argument to the agency's decisionmaker." United States v. Florida East Coast Railway Co., 410 U.S. 224, 240, 93 S.Ct. 810, 818, 35 L.Ed.2d 223 (1973). Petitioners suggest that the foregoing is not in violation of 10 C.F.R. § 2.758 because the instant proceeding is not an adjudicatory proceeding "involving initial licensing". Alternatively, Petitioners move the Board to treat this argument as a petition that 10 C.F.R. § 2.780(e) be waived or an exception made for this particular proceeding due to the special circumstances, including the existence of CLI-90-08.

Petitioners also note that it would be at least incongruous to recognize that the Commission's regulations state both that a "contested proceeding" now exists (see 10 C.F.R. § 2.4) and that a proceeding is deemed to have commenced in this matter (10 C.F.R. § 2.717(a)), while countenancing such a restrictive reading of § 2.780(e) to indicate that the ex parte prohibitions do not yet apply.

additional orders pursuant to 10 C.F.R. § 2.718 are necessary and appropriate.

Turning to the Region I letter transmitting a memorandum of a September 11, 1990 meeting between Region I and LILCO, Petitioners note that the characterization of the visit as a "drop-in visit" which was made "on short notice" cannot pass the "red-face" test. First, except in exigent circumstances, it is NRC policy not to conduct meetings with the licensees on "short notice" so that interested persons may attend such meetings which are supposed to be open to the public. And as for the alleged "drop-in" character of the visit, Petitioners find it difficult to believe that, for example, officers of the Long Island Lighting Company just happened to be passing through King of Prussia, Pennsylvania.

Insofar as the memorandum was intended to comply with the requirement of placing on the public record memoranda "stating the substance of all such oral communications", it totally fails. 5 U.S.C. § 557(d)(1)(C)(ii) & (iii). That memorandum does little more than provide an agenda item list of the subjects discussed by LILCO and the NRC, and provides absolutely no insight into the NRC's discussion of those items, or whether the NRC explicitly refused to take a position as to the allowability of any of LILCO's "plans". Petitioners suggest that the brief sentence at the end of the memo ("No technical,

licensing or unresolved items were discussed substantively") is at least suspect given the agenda list provided.

Petitioners also note that although copies of the letter and memorandum were provided to an extensive list of persons and entities, no copy was furnished to Petitioners or their counsel. Petitioners respectfully suggest that, given NRC Region I awareness of the various actions that the Petitioners are pursuing with respect to the Shoreham matter, the failure to at least furnish them a copy of the letter, even if it does not violate the ex parte prohibitions, does create the appearance of given preferential treatment to a person, losing complete independence or impartiality and making government decisions outside official channels, as well as affecting adversely the confidence of the public and the integrity of the government. 10 C.F.R. § 0.735-49a.

Also LILCO, LIPA and NYPA should be required to serve copies of all written communications to the NRC with respect to any and all aspects of the overall proposal to decommission the Shoreham Nuclear Power Plant on Petitioners' counsel. To date, LILCO has explicitly refused to furnish such copies. The result is that the Petitioners have only haphazards and untimely access to communications with the NRC depending upon whether a particular communication is placed in the NRC Public Document Room ("PDR") and when it is placed there. Of course, the process of communications between LILCO and NRC Region I are virtually

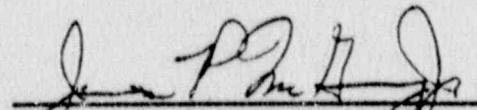
unaccessible, except in those rare cases when a copy is also furnished to NRC Headquarters for the PDR. In any event, the timeliness of such access is delayed by 2 to 4 weeks. For these reasons, Petitioners submit that a fair hearing requires an order that LILCO, LIPA and NYPA furnish all written communications to and from the NRC respecting Docket No. 50-322, directly to the Petitioners' counsel by first class mail. It also may be helpful if a comparable order was furnished to NRC Region I (NRC Headquarters has included Petitioners' counsel on a list to receive correspondence from NRC Headquarters to LILCO with reference to this docket).

Petitioners have chosen the date of effectiveness for service of such papers and other orders as July 14, 1989, the date when they submitted their original Section 2.206 request in this matter.

CONCLUSION

WHEREFORE, for the foregoing reasons, the Petitioners respectfully urge the Chairman to issue an order in the form attached.

Respectfully submitted



James P. McGranery, Jr.
Counsel to the Petitioners
Shoreham-Wading River Central
School District and Scientists &
Engineers for Secure Energy, Inc.

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

Before Administrative Judges
Morton B. Margulies, Chairman
George A. Ferguson
Jerry R. Kline

In the Matter of)

LONG ISLAND LIGHTING COMPANY)

(Shoreham Nuclear Power Station,
Unit 1))

Docket No. 50-322-OLA

ASLBP No. 91-621-01-OLA

ORDER

Upon consideration of the Motion for Restraining Order and Other Relief by Petitioner-Intervenors Shoreham-Wading River Central School District and Scientists and Engineers for Secure Energy, Inc., [responses thereto], and the Chairman's power and responsibility to assure a fair hearing pursuant to 10 C.F.R. § 2.718, it is

ORDERED that the Long Island Lighting Company ("LILCO"), as the licensee in the above-captioned proceeding, and the Long Island Power Authority ("LIPA") and the Power Authority of the State of New York ("NYPA"), as interested persons in the above-captioned docket, and all of their joint and several directors, trustees, officers, employees, agents, contractors and attorneys (jointly and severally, the "restrained persons") are hereby restrained from any and all meetings and any and all

direct and indirect, oral and written communication(s) respecting directly or indirectly Docket No. 50-322 with any and all U.S. Nuclear Regulatory Commission adjudicatory employees, except for such communications as consist of the filing of formal pleadings and/or the conduct of prehearing conferences and/or on the record hearings before Atomic Safety and Licensing Boards of the Commission and/or before the Commission itself. It is

FURTHER ORDERED that the restrained persons are further restrained from allowing any visit(s) by any and all Commission Adjudicatory employee(s) to the Shoreham Nuclear Power Station site and/or other facilities under the exclusive control of one or more the restrained persons. It is

FURTHER ORDERED that the restrained persons submit memoranda under oath or affirmation describing the substance of any and all contacts (including copies of written communications) which they have had with Commission adjudicatory employee(s) relating to U.S.N.R.C. Docket No. 50-322 since July 14, 1989 other than contacts in the nature of formal pleadings in a proceeding and oral participation in conference(s) and/or hearings which are part of the formal process pursuant to Part 2 of the Commission's regulations. It is

FURTHER ORDERED that the restrained persons shall serve Petitioners' counsel with copies of all papers submitted to the Commission, or any element thereof, relating thereto Docket No. 50-322 which papers relate directly or indirectly to the proposal to decommission the Shoreham Nuclear Power Plant on or after July

14, 1989 to the extent that such papers have not previously been served on Petitioners' counsel. It is

FURTHER ORDERED that the restrained persons shall provide Petitioners' counsel with notice not less than fourteen (14) days in advance of any meeting proposed to be held between the restrained persons or any of them and any NRC personnel relating to Docket No. 50-322 including a specific description of the subject matter(s) of the proposed meeting, the time and place of the meeting(s), and an invitation to attend such meeting(s).

FOR THE ATOMIC SAFETY AND LICENSING BOARD

Morton B. Margulies
Chairman

November __, 1990

ALL



OFFICE OF
COMMISSIONER

UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555

October 24, 1990

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USNRC

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OFFICE OF SECRETARY
BUCKETING & SERVICE
BRANCH

MEMORANDUM TO THE PETITIONERS AND RESPONDENTS IN:

SERVED OCT 24 1990

PUBLIC DOCUMENTING COMPANY
LONG ISLAND LIGHTING COMPANY
(Shoreham Nuclear Power Station)
Docket No. 89-252 P2:31

This is to inform you that Commissioner James R. Curtiss will visit the Shoreham Nuclear Power Station on Tuesday, November 13, 1990. During the visit, Commissioner Curtiss will tour the Shoreham facility and meet with LILCO management and operating personnel to review the general status of activities at the facility.

Joseph R. Gray
Joseph R. Gray
Executive/Legal Assistant
to Commissioner Curtiss

~~9014340093~~ 3pp

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the Matter of

LONG ISLAND LIGHTING COMPANY

(Shoreham Nuclear Power Station)

Docket No. (s) 50-322-OLA

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing GRAY MEMO TO PETITIONERS... have been served upon the following persons by U.S. mail, first class, except as otherwise noted and in accordance with the requirements of 10 CFR Sec. 2.712.

Atomic Safety and Licensing Appeal
Board
U.S. Nuclear Regulatory Commission
Washington, DC 20555

Administrative Judge
Morton D. Margulies, Chairman
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
Washington, DC 20555

Administrative Judge
Jerry R. Kline
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
Washington, DC 20555

Administrative Judge
George A. Ferguson
ASLBP
5307 Al Jones Drive
Columbia Beach, MD 20764

Sherwin E. Turk, Esq.
Office of the General Counsel
U.S. Nuclear Regulatory Commission
Washington, DC 20555

Donald P. Irwin, Esq.
Hunten & Williams
P.O. Box 1535
Richmond, VA 23212

James P. McBratney, Jr., Esq.
Dow, Lohnes & Albertson
1255 23rd St., N.W., Suite 500
Washington, DC 20037

Michael R. Boland, Chairman
Council on Environmental Quality
Executive Office of the President
Washington, DC 20500

Stephen A. Wakefield
General Counsel
Department of Energy
Washington, DC 20585

Carl R. Schnaker, Jr., Esq.
Counsel, L. I. Power Authority
O'Melveny & Myers
835 13th Street, N.W.
Washington, DC 20004

Docket No. (s) 90-322-ULA
GRAY MEMO TO PETITIONERS...

Dated at Rockville, Md. this
24 day of October 1990

Larry Henderson
Office of the Secretary of the Commission

SEP 21 1990

Docket No. 50-322

Long Island Lighting Company
ATTN: Mr. John D. Leonard, Jr.
Vice President - Offices of
Corporate Services and Nuclear
Shoreham Nuclear Power Station
P. O. Box 618, North Country Road
Wading River, New York 11792

Gentlemen:

We appreciate the brief remarks on status and schedules you provided to my staff and me during your drop-in visit at the Region 1 office of the NRC on September 11, 1990. Enclosed is a summary of our discussion; please contact me promptly if you note any errors in this summary.

Sincerely,

ORIGINAL SIGNED BY:

A. Randolph Blough, Chief
Reactor Projects Branch No. 2
Division of Reactor Projects

Enclosure: as stated

cc w/encl:
L. Calone, Plant Manager
J. Wynne, Operations Division Manager
K. Gutmann, Manager, Nuclear Operations Support
R. Kascasak, Manager, Nuclear Engineering
V. Staffieri, General Counsel
W. Maloney, Manager, QA Department
Director, Power Division
State of New York, Department of Law
Shoreham Hearing Service List
Public Document Room (PDR)
Local Public Document Room (LPDR)
Nuclear Safety Information Center (NSIC)
NRC Resident Inspector
State of New York

OFFICIAL RECORD COPY

IE01
11

SEP 21 1990

bcc w/encl:

Region I Docket Room (with concurrences)

Management Assistant, DRMA (w/o encl)

R. Bellamy, DRSS

M. Knapp, DRSS

W. Hodges, DRS

L. Doerflein, DRP

B. Norris, DRP

J. Nakoski, DRP

M. Young, OGC

K. Abraham, PAO (2)

J. Caldwell, EDO

S. Weiss, NRR

S. Brown, NRR

C. Mullins, OGC

RI:DRP

BNorris

09/17/90

RI:DRP

L. Doerflein

09/17/90

RA:RC

Smith

09/21/90

RI:DRP

ABlough

09/21/90

OFFICIAL RECORD COPY

ENCLOSURE

Drop-in Visit from LILCO Vice-President

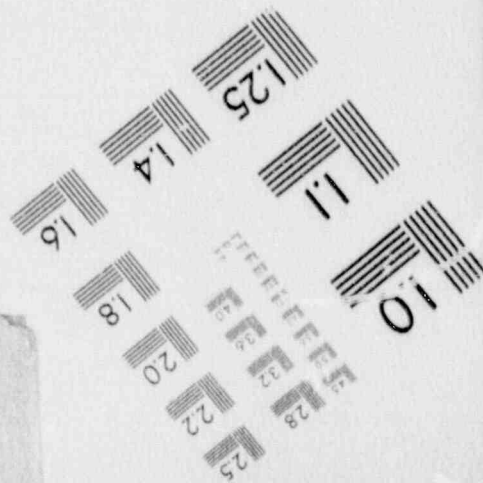
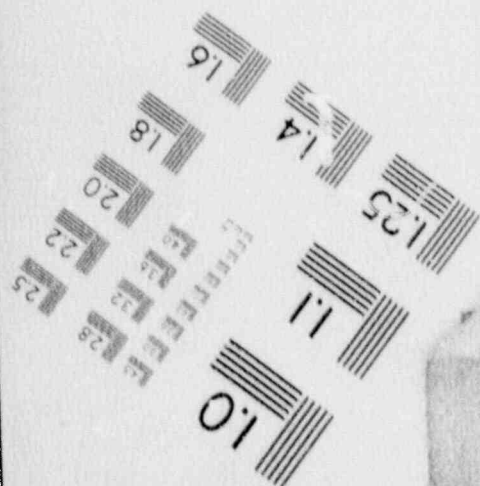
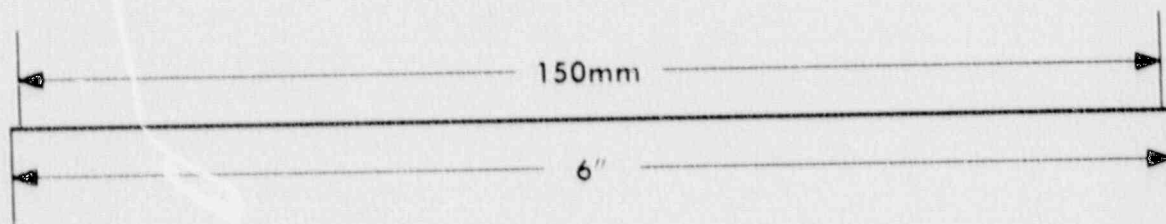
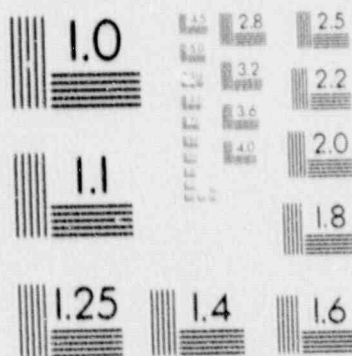
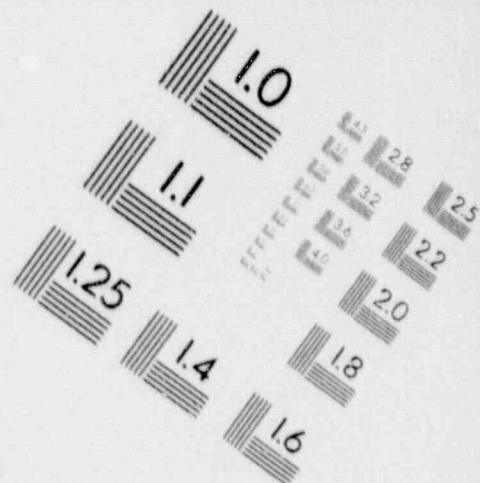
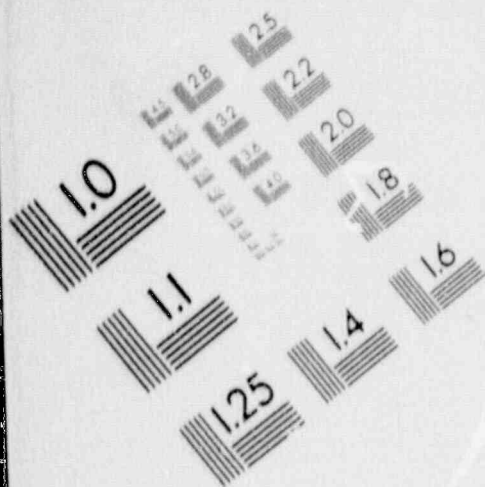
On September 11, 1990, Mr. John D. Leonard, Jr., (Vice-President, Offices of Corporate Services and Nuclear) from LILCO visited the NRC Region I offices on short notice. He met with Mr. A. R. Blough, Reactor Projects Branch Chief, Mr. L. T. Doerflein, Reactor Projects Section Chief, and Mr. B. S. Norris, Projects Inspector (Shoreham), from 9:00 a.m. until 9:45 a.m. Mr. Leonard had requested the visit to ensure that the region is kept current with respect to the activities at Shoreham. Mr. Leonard discussed status of the following areas:

- License transfer request - LILCO's operating costs will be reduced once the license is transferred to the Long Island Power Authority.
- Financial plan for decommissioning - LILCO is considering revising their previous submittal.
- Decontamination of plant systems - LILCO has decided to do a pilot decontamination of the Reactor Water Clean-Up (RWCU) system using the "regenerative decontamination" method.
- Quality Assurance (QA) - LILCO is considering requesting a change to the USAR which will allow the Corporate QA and site Nuclear QA groups to be combined.
- NUMARC - Mr. Leonard provided to the NRC Region I, copies of two NUMARC letters that had been sent to NRC Headquarters. The subjects of the letters are: (1) Nuclear Plant Closure Activities that may be Prepared in Advance of Approved Decommissioning Plan (April 3, 1990), and (2) National Environmental Policy Act (NEPA) as it relates to decommissioning (April 6, 1990).
- Shipping of components - LILCO is pursuing options for shipping of the IRMs and SRMs, the control rod blades, and the fuel support pieces.
- EP News Center - the Emergency Plan News Center is being returned to Hauppauge to be closer to the site.

No technical, licensing or unresolved items were discussed substantively.

1

IMAGE EVALUATION
TEST TARGET (MT-3)



SHOREHAM SERVICE LIST

Gerald C. Crotty, Esquire
Ben Wiles, Esquire
Counsel to the Governor
Executive Chamber
State Capitol
Albany, New York

Fabian G. Palomino, Esquire
Suffolk County Attorney
Executive Chamber
State Capitol
Albany, New York 12224

Mr. Jay Dunkleberger
New York State Energy Office
Agency Building 2
Empire State Plaza
Albany, New York 12223

Energy Research Group, Inc.
400-1 Totten Pond Road
Waltham, Massachusetts 02154

W. Taylor Reveley, III, Esquire
Hunton & Williams
Post Office Box 1535
Richmond, Virginia 23212

Stephen Latham, Esquire
John F. Shea, Esquire
Twomey, Latham & Shea
Post Office Box 398
3 West Second Street
Rivershead, New York 11901

Jonathan D. Feinberg, Esquire
New York State
Department of Public Service
Three Empire State Plaza
Albany, New York 12223

James B. Dougherty, Esquire
3045 Porter Street, N.W.
Washington, D.C. 20008

Paul Sabatino, II, Attorney at Law
Counsel to Legislature
Legislative Building
Veteran's Memorial Highway
Hauppauge, New York 11788

Honorable Patrick Halpin
Suffolk County Executive
County Executive/Legislative Bldg.
Veteran's Memorial Highway
Hauppauge, New York 11788

MHB Technical Associates
1723 Hamilton Avenue, Suite K
San Jose, California 95125

Martin Bradley Ashare, Esquire
Suffolk County Attorney
H. Lee Dennison Building
Veteran's Memorial Highway
Hauppauge, New York 11788

Karla J. Letsche, Esquire
Kirkpatrick, Lockhart, Hill,
Christopher and Phillips
1800 M Street, N.W.
Suite 900, South Lobby
Washington, D.C. 20036-5891

Brookhaven Town Attorney
3233 Route 112
Medford, New York 11763

Shoreham Service List

2

Ezra I. Bialik, Esquire
Assistant Attorney General
Environmental Protection Bureau
New York State Department of Law
120 Broadway
New York, New York 10271

Herbert H. Brown, Esquire
Lawrence Coe Lanpher, Esquire
Kirkpatrick, Lockhart, Hill,
Christopher & Phillips
1800 M Street, N.W.
Suite 900, South Lobby
Washington, D.C. 20036

Richard M. Kessel
Chairman and Executive Director
New York State Consumer Protection Board
Room 1725
250 Broadway
New York, New York 10007

Alan S. Rosenthal, Esquire
Chairman, Atomic Safety & Licensing
Appeal Panel
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Howard A. Wilbur, Esquire
Atomic Safety & Licensing
Appeal Panel
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Joseph I. Lieberman, Attorney General
State of Connecticut
30 Trinity Street
Hartford, Connecticut 06106

Francis J. Gluchowski, Esquire
Assistant Town Attorney
Town of Brookhaven
Department of Law
3233 Route 112
Medford, New York 11763

Adjudicatory File
Atomic Safety and Licensing Board
Panel Docket
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Department of Public Service
Director, Power Division
Three Empire State Plaza
Albany, New York 12223

Gary J. Edles, Esquire
Atomic Safety & Licensing Appeal
Panel
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Robert Abrams, Esquire
Peter Bienstock, Esquire
Department of Law
State of New York
120 Broadway
New York, New York 10271

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

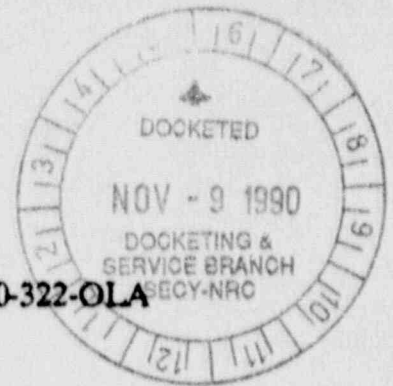
In the Matter of

LONG ISLAND LIGHTING COMPANY

(Shoreham Nuclear Power Station,
Unit 1)

Docket No. 50-322-OLA

ASLBP No. 91-621-01-OLA



CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing Motion for Restraining Order by Petitioner-Intervenors' have been served upon the following persons both by U.S. first-class mail, postage prepaid and, as indicated below, by either telecopy or by overnight courier service, in accordance with the requirements of 10 C.F.R. § 2.712:

Atomic Safety and Licensing Appeal Board
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555
Telecopy (301) 492-7285

Administrative Judge
Jerry R. Kline
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555
Telecopy (301) 492-7285

The Honorable Samuel J. Chilk
The Secretary of the Commission
Office of the Secretary
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555
Telecopy (301) 492-1672

Sherwin E. Turk, Esq.
Office of the General Counsel
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555
Telecopy (301) 443-7725

Administrative Judge
Morton B. Margulies, Chairman
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555
Telecopy (301) 492-7285

Administrative Judge
George A. Ferguson
ASLBP
5307 A1 Jones Drive
Columbia Beach, Maryland 20764
(Federal Express - Saturday Delivery)

Michael R. Deland, Chairman
Council on Environmental Quality
Executive Office of the President
Washington, D.C. 20500
Telecopy (202) 395-3744

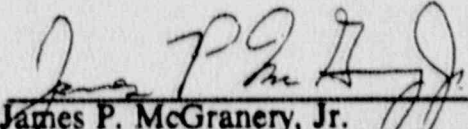
Carl R. Schenker, Jr., Esq.
Counsel, Long Island Power Authority
O'Melveny & Myers
555 13th Street, N.W.
Washington, D.C. 20004
Telecopy (202) 383-5414

Stephen A. Wakefield, Esq.
General Counsel
U.S. Department of Energy
Washington, D.C. 20585
Telecopy (202) 586-7583

Donald P. Irwin, Esq.
Hunton & Williams
P.O. Box 1535
Richmond, Virginia 23212
Telecopy (804) 788-8218 or 19

Charles M. Pratt, Esq.
Senior Vice President and
General Counsel
22nd Floor
Power Authority of State of New York
1633 Broadway
New York, New York 10019
Telecopy (212) 468-6206

November 9, 1990


James P. McGranery, Jr.
Counsel for Petitioner-Intervenors
Shoreham-Wading River Central School
District and Scientists and Engineers
for Secure Energy, Inc.