

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION



ATOMIC SAFETY AND LICENSING BOARD

Before Administrative Judges

James A. Laurenson, Chairman
Dr. Walter H. Jordan
Dr. Jerry Harbour

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In the Matter of)	Docket No. 50-322-OL-2
)	ASLBP No. 82-478-05-OL
LONG ISLAND LIGHTING COMPANY)	(Security Proceeding)
)	
(Shoreham Nuclear Power Station, Unit 1))	December 3, 1982

MEMORANDUM AND ORDER CANCELING HEARING, APPROVING FINAL
SECURITY SETTLEMENT AGREEMENT, AND TERMINATING PROCEEDING

I. JURISDICTION AND PROCEDURAL HISTORY

On August 24, 1982, at the request of the Atomic Safety and Licensing Board previously established to preside in the operating license proceeding, this Board was established "to continue to guide ongoing settlement efforts by the parties with respect to security planning issues and to preside over the proceeding on those issues only in the event that a hearing is required." Thereafter, Suffolk County (hereinafter "the County") and Long Island Lighting Company (hereinafter "LILCO") held numerous meetings and negotiations concerning the security contentions of the County. Periodic reports were filed by the parties. Finally, on November 24, 1982, all parties herein filed the "Final Security Settlement Agreement."

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II. FINAL SECURITY SETTLEMENT AGREEMENT

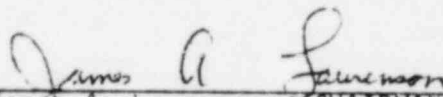
The Final Security Settlement Agreement signed by LILCO, the County, and NRC Staff contains safeguards information which is protected and will not be restated here. 10 CFR § 73.21. As pertinent here, the Agreement provides that the agreed upon actions "respond to and satisfy the County's security concerns.... Accordingly, the County finds that its nine security contentions are resolved." Id. at 4-5. The Agreement concludes as follows: "Based on the foregoing, the County, LILCO and the Staff jointly urge the Board to accept this Agreement and to terminate litigation of the County's nine security contentions." Id. at 33.

The Nuclear Regulatory Commission recognizes and encourages fair and reasonable settlement of contested issues. 10 CFR § 2.759. We have considered the nine security contentions of the County, the Agreement of all parties to resolve those contentions, and the Commission's policy encouraging settlement. Accordingly, we conclude that the Agreement is fair and reasonable and should be approved. The parties and their counsel are deserving of a special commendation for their outstanding efforts which led to a resolution of the security contentions in this proceeding. We find no need to compel further appearances by the parties, and, hence, the hearing scheduled for Monday, December 13, 1982, is canceled.

ORDER

WHEREFORE, IT IS ORDERED this 3rd day of December, 1982, at Bethesda, Maryland, that the Final Security Settlement Agreement is APPROVED; the joint request to terminate this proceeding is GRANTED; the hearing previously scheduled for Monday, December 13, 1982, is CANCELED; and this proceeding is hereby DISMISSED.

ATOMIC SAFETY AND LICENSING BOARD


James A. Laurenson, CHAIRMAN


Dr. Jerry Harbour

Dr. Walter H. Jordan concurs in this Memorandum and Order but was unavailable to sign it.