

HUNTON & WILLIAMS

707 EAST MAIN STREET P. O. Box 1535

RICHMOND, VIRGINIA 23212

TELEPHONE 804-788-8200

DOCKETED
USNRC

JUN 10 10:31

1919 PENNSYLVANIA AVENUE, N.W.
P. O. BOX 19230
WASHINGTON, D.C. 20036
202-223-8650

B B & T BUILDING
P. O. BOX 109
RALEIGH, NORTH CAROLINA 27602
919-828-9371

FIRST VIRGINIA BANK TOWER
P. O. BOX 3889
NORFOLK, VIRGINIA 23514
804-625-5501

FILE NO.

DIRECT DIAL NO. 804 788-

June 8, 1983

Lawrence Brenner, Esq.
Administrative Judge
Atomic Safety and Licensing
Board Panel
U.S. Nuclear Regulatory
Commission
Washington, D.C. 20555

Dr. James N. Carpenter
Administrative Judge
Atomic Safety and Licensing
Board Panel
U.S. Nuclear Regulatory
Commission
Washington, D.C. 20555

Dr. Peter A. Morris
Administrative Judge
Atomic Safety and Licensing
Board Panel
U.S. Nuclear Regulatory
Commission
Washington, D.C. 20555

Long Island Lighting Company
Shoreham Nuclear Power Station, Unit 1
Docket No. 50-322 OL
Low-Power License Application

Dear Judges:

Enclosed is the "Applicant's Motion for Low-Power
Operating License," which LILCO is filing today pursuant to 10
C.F.R. § 50.57(c). LILCO asks that this Board consider and
rule on the motion.

8306130411 830608
PDR ADOCK 05000322
G PDR

DS03

HUNTON & WILLIAMS

We see Shoreham's request for a low-power license as clearly involving two separate elements, and perhaps a third:

1. Onsite emergency preparedness;
2. The contested health and safety issues other than emergency planning, insofar as they bear on the safety of low-power operation; and perhaps
3. Reasonable assurance that offsite emergency preparedness will eventually exist (the issue raised by this Board's April 20 order certifying the low-power question to the Commission).

The first two of these elements are all that need be resolved under the plain words of 10 C.F.R. §§ 50.47(d) and 50.57(c).

The first element, onsite emergency preparedness, has already been resolved, so far as the Licensing Board is concerned, by the intervenors' default in "Phase I" of the emergency planning litigation.

The second element, all other contested health and safety issues, is still before this Board. You have indicated that:

Without considering the possible large effect of a reopening of the record, the Board currently believes it will be able to issue its Partial Initial

HUNTON & WILLIAMS

Decision on matters other than emergency planning around the end of July, 1983.

Memorandum and Order Referring Denial of Suffolk County's Motion to Terminate to the Appeal Board and Certifying Low-Power License Question to the Commission (Through the Appeal Board), LBP-83-21, slip op. 21 (Apr. 20, 1983).

The third element, concerning offsite emergency preparedness, comes from the Board's April 20 order just cited. LILCO will seek to resolve this matter both before the Commission (by briefing the certified question, if the Commission accepts it and asks for briefs) and through litigation of offsite issues^{1/} before the new Board that has been constituted to

^{1/} The Board's April 20 order stated in part:

It may be that our present inability to find reasonable assurance that full-power emergency preparedness requirements can in the future be met for Shoreham will not be resolved unless and until our initial decision on the merits of the impending offsite emergency plan litigation finds otherwise. However, changes in circumstances, or facts developed as part of the hearing process, could support the conclusion prior to issuance of our initial decision on emergency planning that there is no longer apparent any factual bar to the eventual development of offsite emergency preparedness adequate to support issuance

(footnote continued)

HUNTON & WILLIAMS

consider offsite emergency planning matters.

To pursue further a prompt resolution of this third element, LILCO will also file with the Commission an application for a temporary operating license, once the regulations implementing section 11 of the 1982-83 NRC Authorization Act, Public Law No. 97-415, become final.

By LILCO's motion under 10 C.F.R. § 50.57(c) and by its anticipated application under section 11 of Public Law No. 97-415, the Company hopes to crystallize and have decided whatever low-power issues remain. The impetus behind these actions, of course, is the pressure of time. While the construction schedule for Shoreham has slipped in the past, so also has the licensing schedule slipped. The plant is scheduled to be physically ready for fuel loading by August of this year, and it becomes increasingly apparent that Suffolk County and the other intervenors will vigorously litigate offsite preparedness matters well past that date. Accordingly, LILCO feels that it is important to establish its right to a low-power license.

(footnote continued)

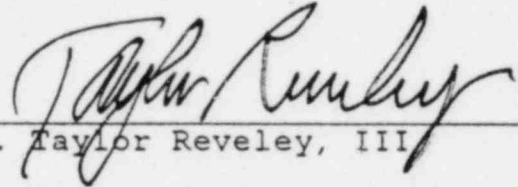
of a full-power operating license.

LBP-83-21, slip op. 14 (emphasis added).

HUNTON & WILLIAMS

We are sending a copy of this letter and the attached motion to the NRC Commissioners and to the Offsite Emergency Planning Licensing Board, as well as to the parties on the ordinary service list, since all of them have an interest in the matter.

Yours very truly,



W. Taylor Reveley, III

cc: Service List
The Commissioners
James A. Laurenson, Esquire
Dr. Jerry R. Kline
Dr. M. Stanley Livingston