

761

LILCO, July 30, 1984

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

DOCKETED
LILCO

Before the Atomic Safety and Licensing Board

'84 AGO -6 A11:57

In the Matter of)	
)	
LONG ISLAND LIGHTING COMPANY)	Docket No. 50-322-OL-4
)	(Low Power)
(Shoreham Nuclear Power Station,)	
Unit 1)	

OFFICE OF SECURITY
NCH

LILCO'S RESPONSE TO SUFFOLK COUNTY "NOTICE
OF EXECUTION OF AFFIDAVITS OF NON-DISCLOSURE"

On July 27, Suffolk County filed a "Notice of Execution of Affidavits of Non-Disclosure," indicating that four Suffolk County representatives -- one attorney, a legal secretary and two consultants -- had recently executed Affidavits of Non-Disclosure respecting information pertaining to the Shoreham security plan. The "Notice" also represented that LILCO had "no objection to permitting such individuals access to Safeguards Information relating to" that plan. Suffolk County counsel's representation, at least in context, is premature. The Safeguards Information access list requested by Suffolk County, including these four individuals, is currently 16 names long.^{1/} LILCO has advised Suffolk County that

^{1/} In 1982, in connection with security issues ultimately resolved by the Final Security Settlement Agreement, numerous other Suffolk County representatives had previously executed Board-ratified Affidavits of Non-Disclosure, and various representatives of the Suffolk County Police Department had apparently been allowed access to such information without executing such an Affidavit.

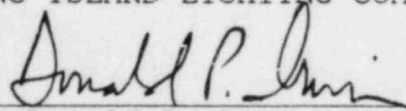
8408070274 840730
PDR ADOCK 05000322
G PDR

D 503

since the previous security proceeding is resolved the previous access list does not automatically govern access to Safeguards Information in this proceeding; that until LILCO has had notice of the issues Suffolk County intends to present in this proceeding it cannot consent definitively to any, much less to a 16-name, list; that the ultimate list should be determined by the issues, need to know, and expertise, in accordance with the Appeal Board's decision in Pacific Gas and Electric Company, ALAB-410, 5 NRC 1398 (1977); and that pending agreement on such a list, LILCO is hopeful of resolving matters relating to access to Safeguards Information at Shoreham with Suffolk County, but cannot report to the Board that it agrees with the County's apparent representations on this subject at this point.^{2/}

Respectfully submitted,

LONG ISLAND LIGHTING COMPANY



Donald P. Irwin
Robert M. Rolfe
Anthony F. Earley, Jr.

HUNTON & WILLIAMS
P.O. Box 1535
707 East Main Street
Richmond, Virginia 23212

DATED: July 30, 1984

^{2/} LILCO has also advised Suffolk County that, in the interim, it does not oppose access being given to Safeguards Information now in the County's possession to certain Suffolk County attorneys and Suffolk County Police Department representatives who have executed Affidavits of Non-Disclosure and are actually working on the security issues before this Board.

LILCO, July 30, 1984

In the Matter of
LONG ISLAND LIGHTING COMPANY
(Shoreham Nuclear Power Station, Unit 1)
Docket No. 50-322-OL-4 (Low Power)

I hereby certify that copies of LILCO'S RESPONSE TO-6 A11:57
SUFFOLK COUNTY "NOTICE OF EXECUTION OF AFFIDAVITS OF NON-
DISCLOSURE" were served this date upon the following by first-
class mail, postage prepaid, or by hand (one asterisk), or by
Federal Express (two asterisks).

Judge Marshall E. Miller*
Atomic Safety and Licensing
Board
U.S. Nuclear Regulatory
Commission
Washington, D.C. 20555

Judge Glenn O. Bright*
Atomic Safety and Licensing
Board
U.S. Nuclear Regulatory
Commission
Washington, D.C. 20555

Judge Elizabeth B. Johnson*
Oak Ridge National Laboratory
P.O. Box X, Building 3500
Oak Ridge, Tennessee 37830

Eleanor L. Frucci, Esq.
Atomic Safety and Licensing
Board
U.S. Nuclear Regulatory
Commission
Washington, D.C. 20555

Honorable Peter Cohalan
Suffolk County Executive
County Executive/
Legislative Building
Veteran's Memorial Highway
Hauppauge, New York 11788

Fabian G. Palomino, Esq.**
Special Counsel to the
Governor
Executive Chamber, Room 229
State Capitol
Albany, New York 12224

Alan R. Dynner, Esq.*
Herbert H. Brown, Esq.
Lawrence Coe Lanpher, Esq.
Kirkpatrick, Lockhart, Hill,
Christopher & Phillips
1900 M Street, N.W., 8th Floor
Washington, D.C. 20036

Mr. Martin Suubert
c/o Congressman William Carney
113 Longworth House Office
Building
Washington, D.C. 20515

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

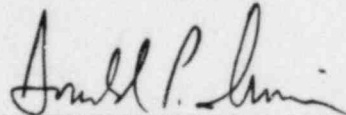
Jay Dunkleberger, Esq.
New York State Energy Office
Agency Building 2
Empire State Plaza
Albany, New York, 12223

Edwin J. Reis, Esq.*
Office of the Executive
Legal Director
U.S. Nuclear Regulatory
Commission
Washington, D.C. 20555

Stephen B. Latham, Esq.**
John F. Shea, Esq.
Twomey, Latham & Shea
33 West Second Street
Riverhead, New York 11901

Martin Bradley Ashare, Esq.
Suffolk County Attorney
H. Lee Dennison Building
Veterans Memorial Highway
Hauppauge, New York 11788

Docketing and Service Branch
Office of the Secretary
U.S. Nuclear Regulatory
Commission
Washington, D.C. 20555



Donald P. Irwin

Hunton & Williams
707 East Main Street
Post Office Box 1535
Richmond, Virginia 23212

DATED: July 30, 1984