

1984

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

DOCKET
USING

COMMISSIONERS:

Thomas M. Roberts
James K. Asselstine
Frederick M. Bernthal
Lando W. Zech, Jr.

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In the Matter of
LONG ISLAND LIGHTING COMPANY
(Shoreham Nuclear Power Station,
Unit 1)

SECRET AUG 20 1984

Docket No. 50-322-OL-4
(Low Power)

MEMORANDUM AND ORDER

On July 19, 1984, the Long Island Lighting Company ("LILCO") filed before the Commission a "Motion for Reconsideration of the Commission's July 18 Memorandum and Order." LILCO's motion for reconsideration is based on the premise that the Commission did not fully consider LILCO's response to the motion¹ before the Commission, including LILCO's arguments regarding the effect of the November 3, 1982 security settlement agreement reached between LILCO and Suffolk County. On July 25, 1984 LILCO filed an addendum to its reconsideration motion, expressing concern regarding the Licensing Board's schedule for litigation of security contentions.

¹See, "Long Island Lighting Company's Response to Motion for Directed Certification on Security Issues," (July 16, 1984); "NRC Staff Response to Motion for Directed Certification of June 20 ASLB Order Granting LILCO's Motion in Limine," (July 17, 1984).

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The Commission fully considered LILCO's response to the motion. The Commission specifically considered the full text of the 1982 settlement agreement, which had been obtained by the Commission even prior to the filing of the LILCO response. The Commission did not believe that the agreement, by its terms, precluded the raising of any new security issues raised by LILCO's exemption request.

The Commission is concerned about the Licensing Board's July 18 Order setting out the schedule for litigation of security issues, insofar as it might be based on Commission schedule guidance in the Commission's May 16, 1984 Order, CLI-84-8. That guidance applied to the entire exemption hearing. Obviously, litigation of only several issues within the scope of the hearing need not necessarily consume as much time as the litigation of all issues within the scope of the hearing.

Accordingly, LILCO's Motion for Reconsideration of the Commission's July 18 Memorandum and Order is denied.

It is so ORDERED.



For the Commission^{2 3}

Samuel J. Chilk
 SAMUEL J. CHILK
 Secretary of the Commission

Dated at Washington, D.C.

this 20th day of August, 1984.

²Chairman Palladino has chosen not to participate in matters related to Shoreham pending disposition of the County's and State's "Request for Recusal and, Alternatively, Motion for Disqualification of Chairman Palladino."

³Commissioner Roberts was absent when this Order was affirmed. If he had been present he would have approved.