KIRKPATRICK, LOCKHART, HILL, CHRISTOPHER & PHILLIPS
A PARTNERSHIP INCLUDING A PROFESSIONAL CORPORATION
1900 M STREET, N. W.
WASHINGTON, D. C. 20036
TELEPHONE: (202) 452-7000
TELEX: 440209 HIPH UI

1800 BRICKELL AVENUE
MIAMI, FLORIDA 33131
(305) 374-8212

1500 OLIVER BUILDING
PITTSBURGH, PENNSYLVANIA 15222
(412) 355-6500

WRITER'S DIRECT DIAL NUMBER
(202) 452-7064

August 13, 1984

No SAFEGUARDS INFORMATION

Judge Marshall E. Miller, Chairman
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 37380

Re: Long Island Lighting Company
Shoreham Nuclear Power Station
Docket No. 50-322-OL-4 (Low Power)

Dear Administrative Judges:

Enclosed are the Security Contentions of Suffolk County and the State of New York. They contain some "protected information" as defined in the Affidavits of Non-Disclosure executed by myself and others in this proceeding. Because the Board has not yet established its own security procedures, we have served the contentions only on the Board members, designated counsel for LILCO, the NRC Staff and the State of New York, and Chief, Record Services Branch, Division of Technical Information and Document Control of the NRC. Copies have been served in two sealed envelopes, by hand or by registered mail, as required by the previous Board's Revised Protective Order Governing Access to Security Plan Information dated June 9, 1982.

Sincerely,

Karla J. Letsche

KJL:so
Enclosure
cc: Donald P. Irwin, Esq.
Bernard M. Bordenick, Esq.
Fabian G. Palomino, Esq.

SECURITY CONTENTIONS OF SUFFOLK COUNTY
AND THE STATE OF NEW YORK

1. LILCO has failed to demonstrate that the physical security plan for the Shoreham plant has been modified or revised to take into account the changes in configuration of the emergency electrical power system proposed in the Supplemental Motion for Low Power Operating License. Such changes include the location of new sources of emergency AC power outside vital areas and outside protected areas, as compared to the originally proposed sources of AC power, the equipment and controls for which were located in vital areas. For the reasons set forth below, LILCO has failed to demonstrate that its proposed low power operation would meet the requirements of 10 CFR § 73.55:

a. LILCO has failed to demonstrate that, in light of the changed configuration of the plant brought about by its proposed new AC power system, its physical security organization is adequately staffed, trained, and equipped, to be capable of protecting the facility against radiological sabotage, during low power operation, in accordance with the performance requirements of 10 CFR § 73.55(a).

b. LILCO has failed to demonstrate that, in light of the changed plant configuration brought about by the proposed alternate AC power system, the number, location, and configuration of physical barriers, isolation zones,

access points, protected areas, and perimeters are adequate to meet the performance requirements of 10 CFR § 73.55(a) during low power operation.

c. LILCO has failed to demonstrate that in light of the changed plant configuration brought about by the proposed alternate AC power system, the lighting, surveillance, detection and alarm devices, equipment and annunciators, and the locations and capabilities thereof, are adequate to meet the performance requirements of 10 CFR § 73.55(a) during low power operation.

d. LILCO has failed to demonstrate that its security procedures, contingency procedures, and alarm response procedures reflect the existence of, and adequately take into account, the changed plant configuration brought about by the proposed alternate AC power system. Thus, LILCO has failed to demonstrate that during low power operation it would meet the performance requirements of 10 CFR § 73.55(a).

2. During low power operation, following the failure or destruction of vital equipment resulting in a LOCA, the equipment associated with the alternate AC power configuration would be required to function to protect public health and safety. Accordingly, the areas in which the equipment that is part of the alternate AC power system (i.e, the 20 MW gas turbine, the four

EMD diesel generators, their associated switchgear, cables, and auxiliary equipment) are located should be designated vital areas, and such equipment should be designated vital equipment.

3. LILCO has failed to identify, characterize, analyze, or prepare for the design basis threat, defined in 10 CFR § 73.1, as applied to the plant in its new configuration with the emergency AC power system not being located in a vital area and in part not even in a protected area. Accordingly, LILCO has failed to demonstrate that during low power operation it complies with 10 CFR § 73.55. Such an identification, characterization, analysis and preparation specific to the new configuration and its use during low power operation is necessary for the following reasons:

a. Physical attacks on electrical generating equipment such as transformers, insulators, transmission poles and lines (which are part of the changed proposed configuration to be relied upon for emergency AC power during low power operation) occur with relative frequency and require relatively little skill or expertise.

b. The elements of the proposed AC power configuration are exposed, visible, and substantially more vulnerable to attack and destruction than the originally proposed sources of emergency AC power.

c. There has been widespread publicity and dissemination of information to the public concerning the components and characteristics of, and the necessity during low power operation for, the proposed alternate system.

d. The recent labor strike and publicity relating to the Shoreham plant, LILCO actions, and LILCO rates has created public and employee animosity toward LILCO.

4. The design basis threat of radiological sabotage as defined in 10 CFR § 73.1(a) includes actions executed by external attackers working in conjunction with a dedicated knowledgeable insider. Based on the definition in Section 73.1(a), the design basis threat could involve a LOCA caused by a knowledgeable insider and isolation from offsite power and disabling of the alternate emergency power configuration by external attackers.

There is no basis upon which the NRC Staff could conclude that during low power operation with the alternate configuration proposed by LILCO, the Shoreham Security Plan complies with the "high assurance" criterion of 10 CFR § 73.55(a), or that low power operation with the alternate configuration would not endanger life or property, or public health or safety for the following reasons:

a. The NRC Staff's assertion in SSER Supp. No. 5 (at 13-3) that "there is no reason to protect the temporary diesels and the gas turbine generator as vital equipment <u>because they are not required for safe shutdown (in the absence of a LOCA)</u>" (emphasis added), ignores the necessity

for considering a sabotage-induced LOCA during low power operation as part of the design basis threat defined in Section 73.1(a).

b. There is no evidence that the NRC Staff has discussed possible Shoreham site-specific threats, present at low power in light of the alternate AC power configuration, with the FBI, New York State Justice officials, or any other agencies which may have such information.

c. There is no evidence that the Staff has reviewed the Shoreham Security Plan to determine whether in light of the new plant configuration, it meets the requirements of 10 CFR § 73.55 for purposes of low power operation.

5. During low power operation of the Shoreham plant, the proposed alternate AC power system would be vulnerable to the design basis threat defined in 10 CFR § 73.1. The system could be rendered inoperable by external elements of the design basis threat without such elements even having to enter a protected area. In contrast, disabling the originally proposed onsite emergency AC power sources would require access to protected areas and to vital areas. Under certain conditions during low power operation (discussed in previously filed testimony) emergency AC power is required. Because the new AC power configuration is substantially more vulnerable to the design basis threat than the originally proposed system, low power operation with the alternate system would not be as safe as low power

operation with the originally proposed onsite emergency power system.

6. LILCO has failed to demonstrate that low power operation with the alternate AC power configuration would not endanger life or property, particularly in light of the vulnerability of that configuration to the design basis threat and the lack of evidence that the proposed low power operation would meet the high assurance criterion set forth in 10 CFR § 73.55(a).

7. Because the alternate AC power configuration is substantially more vulnerable to the design basis threat, and because LILCO has failed to demonstrate that during proposed low power operation it meets the requirements of 10 CFR § 73.55, it is not in the public interest to permit low power operation with the plant configuration and inadequate security proposed by LILCO.