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July 27, 1979

Elizabeth S. Bowers, Esq.
Chairperson
Atomic Safety and Licensing Board Panel
U. S. Nuclear Regulatory Commission
Washington, D. C. 20555

Re: In the Matter of Long Island Lighting
Company (Shoreham Nuclear Power Station,
Unit 1) Docket No. 50-322

Dear Ms. Bowers:

By letter of September 25, 1978 the Long Island Lighting Company (LILCO) applied for a Special Nuclear Material license pursuant to 10 CFR, Part 70, to receive, possess, and store special nuclear material in the form of unirradiated new fuel assemblies at the Shoreham Nuclear Power Station. If the application is approved and the license issued, receipt, possession, and storage of this material "would constitute an unreasonable risk to the health and safety of the public". 10 CFR, Part 70.31.

Specifically the application appears to contravene the requirements for safety and health precautions for a 10 CFR, Part 50, license applicant requesting a Part 70 license prior to operating license approval.

LILCO Application Part 1.2.1 indicates that "an interim storage area may be utilized" outside the containment area of the Reactor Building wherein the appropriate safeguards for a Part 50 licensee's fuel handling are located. The application would ask approval of the 138kv substation as a fuel storage depot without precautionary safety structures, monitoring for personnel health safety, required seismic integrity, or proper security precautions. Until the Fuel Servicing area is completed within the containment area, adequate inspection of the fuel rods cannot take place, with the consequent absence of assurance that danger to health and property is minimized.

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Under such conditions, precautions for personnel safety are inadequate; cf. LILCO Application 1.2.2.

The security provisions outlined in L. A. 1.2.5 indicate little more than a locked-door system in the Reactor Building and an unspecified perimeter intrusion detection system for the 138kv substation.

LILCO's request for exemption from the minimal safety requirements of 10 CFR 70.24 highlights the lack of monitoring equipment for radiation exposure to personnel in the 138kv substation and the Reactor Building during construction and the lack of emergency procedures for fuel storage accidents in those areas during construction. Any grant of exemption from 70.24 under these conditions would not be in accord with Commission responsibility "to minimize danger to life or property" prior to license approval. 10 CFR 70.23(a)(4); 70.32(b)(2).

Additionally, the seriousness of nuclear fuel possession prior to operating license approval, indeed prior to Staff's Final Safety Evaluation publication, the lack of assurance in either the license application or FSAR 13.2 that training procedures have been adequately evaluated (cf. NRC Request 430.1) and that experienced personnel are available for fuel handling and monitoring requires disapproval of the application at this time.

Accordingly, since the required conditions of 70.23(a)(2), (3), and (4) have not been met we request that the Board disapprove the application. Additionally, we request that such approval of any Part 70 license await final action on the operating license application to safeguard against a premature, irretrievable commitment of the physical plant to nuclear use in view of Intervenor contentions and requests regarding conversion to coal processes.

In the alternative, we move, pursuant to Rules of Practice §2.730, that a hearing be held to consider the 10 CFR, Part 70, license application, Docket No. 70-2884, based upon the grounds for disapproval indicated above.

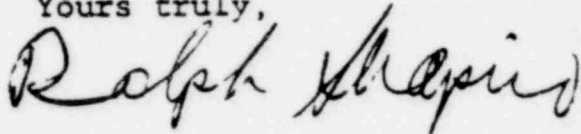
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The absence of a present need to receive, store, and possess the fuel, the major grave irregularities in LILCO's application, and the Board's statutory mandate to protect the health and safety of the public and plant personnel more than compensate for any delay which may result from a hearing at which these important issues can be explored.

Yours truly,

A handwritten signature in cursive script, appearing to read "Ralph Shapiro".

RS:lm

cc: Frederick J. Shon
Dr. Oscar H. Paris
Secretary of Nuclear Regulatory Commission
All Parties

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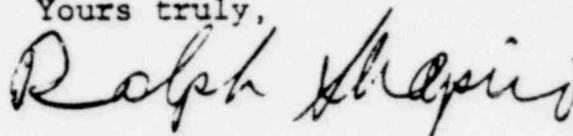
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