



# LONG ISLAND LIGHTING COMPANY

SHOREHAM NUCLEAR POWER STATION

P.O. BOX 618, NORTH COUNTRY ROAD • WADING RIVER, N.Y. 11792

JOHN D. LEONARD, JR.  
VICE PRESIDENT - NUCLEAR OPERATIONS

MAR 27 1986

SNRC-1243

Mr. Harold R. Denton, Director  
Office of Nuclear Reactor Regulation  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555

Temporary Exemption from 10CFR 50.44(c)(3)(i)  
Inerting of Containment  
Shoreham Nuclear Power Station  
Docket No. 50-322

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- Reference:
- (1) LILCO letter SNRC-1181 (J. D. Leonard, Jr.) to NRC (H. R. Denton) dated June 19, 1985
  - (2) Supplement No. 9 of the Shoreham Safety Evaluation Report (NUREG-0420), pps. 6-1 through 6-3
  - (3) Federal Register Volume 50, No. 239, dated Thursday, December 12, 1985, pps. 50764 through 50778

Dear Mr. Denton:

The purpose of this letter is to renew the temporary exemption request contained in the Reference 1 letter. Attachment 1 to SNRC-1181 contains a proposed Technical Specification that would allow LILCO to operate the SNPS reactor for 120 effective full power days before the containment atmosphere would have to be inerted. This Technical Specification change represents LILCO's preferred method for granting this exemption request and is consistent with the staff's implicit grant of this temporary exemption to other recently licensed BWRs subject to 10 CFR 50.44(c)(3)(i). Per the discussion between your Mr. Ralph Caruso and our Mr. Gary Gisonda, this renewal became necessary due to the publication and effectiveness of the Commission's Final Rule pertaining to "Specific Exemptions" as described in Reference 3. LILCO anticipates that the information provided in the subsequent paragraphs of this letter will demonstrate that LILCO has met its burden under 10 CFR 50.12 and enables the NRC Staff to reach essentially the same conclusion as was reached in Reference 2.

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10 CFR 50.12(a)(1) contains the fundamental standards traditionally applied by the NRC Staff when considering exemption requests. First, LILCO's temporary exemption request is authorized by law since, if granted, it will not constitute a violation of other applicable laws such as the Atomic Energy Act or the National Environmental Policy Act. Second, the exemption request presents no undue risk to the public health and safety because the power ascension test program will be performed in essentially the same safe manner as originally planned with respect to the magnitude and duration of power levels for each remaining test. The temporary exemption is merely a specific request for extending the time allowed for completion of the power ascension tests. This extension, of course, is needed because of the unique nature of the licensing delay that Shoreham has been subjected to since the issuance of NPF-19 on December 7, 1984 and initial criticality on February 15, 1984. Finally, for the following reasons, LILCO's exemption request is consistent with common defense and security requirements. The temporary exemption request has absolutely no adverse effect on LILCO's ability to comply with the Commission's regulations governing the safeguarding of special nuclear material. It does not introduce the possibility of foreign control over LILCO nor does it effect LILCO's ability to protect restricted data, and it has no impact on the availability of special nuclear material for defense needs. Therefore, LILCO meets all the required general standards of 10 CFR 50.12(a)(1) as they apply to specific exemptions.

Additionally, 10 CFR 50.12(a)(2) states that the Commission will not consider granting an exemption unless special circumstances are present. For the following reasons, LILCO believes that special circumstances do exist with respect to this specific exemption request. First, the underlying purpose of postponing the requirement to inert each boiling water reactor with a Mark I or II type containment for 6 months after initial criticality is to permit frequent and unimpeded containment entries during the power ascension test program to identify and correct any potential safety problems before they become serious safety problems. Given the delay in receiving a full power operating license caused solely by factors outside LILCO's control, Suffolk County's and New York State's refusal to cooperate in emergency planning, LILCO was unable to complete power ascension testing during this six month period. LILCO's exemption request merely extends this six month period so LILCO can achieve the benefits the rule was intended to provide.

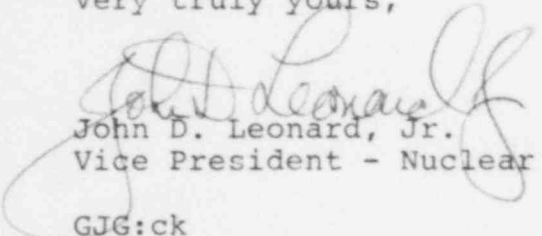
Second, if compliance with 10 CFR 50.44(c)(3)(i) is required numerous disturbances and delays in the completion of the power ascension test program would occur. LILCO believes this hardship and cost was not contemplated when the regulation was adopted. Also, it is our understanding that a similar exemption was granted to other recent vintage BWR plants to facilitate completion of their power ascension testing.

Third, the granting of this exemption will very possibly result in a benefit to public health and safety if LILCO's plant personnel are provided with unimpeded access to the primary containment during the power ascension test program for the purpose of identifying and correcting potential safety problems.

Finally, the exemption is intended to provide only temporary relief from the basic inerting regulation. LILCO fully intends to inert the primary containment consistent with the requirements of Shoreham's forthcoming full power license.

In conclusion, it is LILCO's belief that based upon the information contained in this letter, the requirements of 10 CFR 50.12 governing specific exemptions have been met. LILCO, therefore, requests that this information be used by your staff in assessing the subject temporary exemption request. Should you have any questions, please do not hesitate to call my office.

Very truly yours,



John D. Leonard, Jr.  
Vice President - Nuclear Operations

GJG:ck

cc: J. A. Berry