LILCO
LONG ISLAND LIGHTING

LONG ISLAND LIGHTING COMPANY

SHOREHAM NUCLEAR POWER STATION

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U.S. Nuclear Regulatory Commission
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Appendix J Testing
Shoreham Nuclear Power Station - Unit 1
Docket No. 50-322

This will formally notify the NRC Staff that, given the defueled status of the Shoreham Nuclear Power Station, LILCO intends to defer further primary containment leak rate testing. This deferral is consistent with pertinent NRC regulations, specifically 10CFR Part 50, Appendix J, and the requirements of LILCO's operating license, NPF-82.

The requirements of Appendix J exist to ensure that licensees establish a containment leak test program so that leakage through the primary containment is periodically monitored. In turn, the rationale behind Appendix J's periodic testing requirements is to protect the public health and safety against uncontrolled release of radiation from an operating plant. These two rationalia for containment leak rate testing requirements -- prevention of release and monitoring to assure equipment readiness -- were well stated by the Commission when it first proposed adding Appendix J to 10CFR Part 50. The Commission reasoned that containment systems are provided "to prevent uncontrolled releases of radioactive materials to the environment if the barriers provided by the fuel cladding and the reactor coolant pressure boundary should be breached," and stated that "[p]eriodic testing is needed to assure that the containment will continue to perform its function throughout the life of the plant." 36 Fed. Reg. 17053 (Aug. 27, 1971). The Commission has since reiterated these rationalia, both when it adopted Appendix J as a final rule, 38 Fed. Reg. 4385 (Feb. 14, 1973), and in subsequent case law. See, e.g., Cleveland Elec. Illuminating Co. (Perry Nuclear Plant, Units 1 and 2), ALAB-841, 24 NRC 64, 98.

These rationalia do not apply to Shoreham, where the fuel has been removed from the reactor and placed in the spent fuel pool. At Shoreham, there is no possibility of the kind of uncontrolled radioactive release from the primary containment. As a consequence, the very risks that primary containment leak rate testing addresses do not exist at Shoreham, and the requirements imposed by Appendix J do not apply.

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In addition, Shoreham's pertinent technical specifications (which are typical of BWRs) do not require Primary Containment Integrity to be maintained for Shoreham's present operational condition. Section 3.6.1.1 of Shoreham's technical specifications require that Primary Containment Integrity be maintained only for Operational Conditions 1, 2, and 3. If Primary Containment Integrity is not maintained, ultimately the plant is required to be placed in cold shutdown. The plant's present condition is beyond cold shutdown on the operational condition spectrum.

Prior to returning to any applicable Operational Conditions, primary containment leak rate testing will be performed and Primary Containment Integrity will be established at Shoreham. In the interim, the primary containment will be preserved from degradation pending the transfer of Shoreham to an entity of New York State.

If you need additional information, please do not hesitate to contact this office.

Very truly yours,

Jack Antolasso for

William E. Steiger, Jr.
Assistant Vice President
Nuclear Operations

JAN:jp

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