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\* ADMITTED IN N.Y. & FLA.  
\*\* ADMITTED IN DISTRICT OF COLUMBIA

November 24, 1980



Samuel Chilk  
Secretary  
Nuclear Regulatory Commission  
Washington, D.C. 20555

Dear Secretary Chilk:

Our firm represents an intervenor in the Shoreham Licensing Proceedings (Docket No. 50-322), the Shoreham Opponents Coalition (hereinafter SOC). On behalf of SOC, the following comments are submitted in reponse to the Commission's October 9, 1980 Federal Register Notice (page 67099) regarding the Commission's policy on Documentation of Deviations.

The NRC has, for a number of years, apparently considered Documentation of Deviations to be a meritorious idea. As early as 1976, Mr. Ben Rusche, then Director of Nuclear Reactor Regulation, supported the requirement of Documentation of Deviations. In 1976, it was our understanding that Shoreham would have been one of those plants which was to be ordered to meet the Documentation of Deviations' requirements. As a supplement to this letter, we have asked our consultants, MHB Technical Associates, to transmit to the Commission copies of correspondence or other communications by Mr. Rusche on this subject. We ask that these communications be made a part of our comments and included in the record before the Commission.

Our review of Point 2 in the Commission's October 9 Federal Register Notice indicates that certain plants, including the Shoreham Nuclear Power Plant, will only be required to provide a Documentation of Deviations after the issuance of an operating license. We are strongly opposed to excepting the Shoreham Nuclear Plant from the Documentation of Deviations requirement in this fashion and urge the Commission to require Documentation of Deviations for Shoreham and similar plants as part of the operating license review conducted by the NRC. It should

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be noted that in 1976, it was assumed that the Shoreham Nuclear Plant was only months from completion and perhaps that provided a justification for not requiring that it meet the Documentation of Deviations requirement. The Commission should now be advised that in 1980, the earliest scheduled fuel load date for Shoreham is May of 1982 and on the basis of recent status reports on Shoreham construction, that date is likely to slip into 1983. Thus, we are farther away from completing the Shoreham plant in 1980 than we were thought to be in 1976.

It should be obvious, but it is worth repeating here, that little if any public benefit will result if a Documentation of Deviations is not required until after the issuance of an operating license. If a Documentation of Deviations were to discover a need to modify the Shoreham Nuclear Plant in one or more respects, it is unlikely that the Commission will order those modifications if an operating license has been issued. In the event the Commission decided to require certain modifications after the issuance of an operating license, the changes would be made after the plant was radioactive resulting in greater worker exposure and increased cost to the rate-payers due to extended outages. Thus, from a policy as well as a public and worker safety perspective, the time to require a Documentation of Deviations is before an operating license is granted.

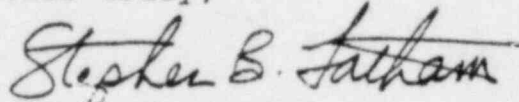
We also direct to the Commission's attention the observation of its General Counsel, Mr. Bickwit, who has stated that one of the weaknesses of the NRC's licensing process is the absence of any analysis regarding the manner in which the SER review complies with the standard review plan, current regulatory practices and current regulatory requirements. We concur with Mr. Bickwit's observation and suggest that a requirement that Documentation of Deviations be deferred until after the issuance of an operating license will perpetuate this substantial regulatory charade.

Finally, we wish to offer SOC's experience on this subject in its development of contentions for litigation in the Shoreham licensing proceeding. With the cooperation of NRC staff, we have conducted a review of the current regulatory guides and whether those regulatory guides have been met by the applicants for the Shoreham operating

license (the Long Island Lighting Company). However, when we have asked the NRC's Shoreham Project Manager whether he was familiar with the particular version of the standard review plan against which he has conducted his SER review, he has had to admit that he cannot answer that question. Thus, intervenors and residents in the Long Island service area have no assurance that the NRC's safety review for Shoreham has been conducted in the light of current safety and other regulatory requirements.

It should be obvious that one of the major public concerns that has resulted from the accident at Three Mile Island is public confidence in the quality of the NRC's safety review. While the NRC has given some indication that its safety review is improving, its failure to require a Documentation of Deviations for all plants in the operating licensing stage (such as the Shoreham Nuclear Power Plant) is an enormous defect in the Commission's regulation of nuclear power. We urge that it be corrected without further delay.

Yours truly,



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Attorneys for the Shoreham  
Opponents Coalition.