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December 11, 1990

BY TELECOPY

Dr. Thomas E. Murley
Director
Office of Nuclear Reactor Regulation
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Dear Dr. Murley:

This relates to the NRC Staff's finding, in its letter to John D. Leonard, Jr. (LILCO), of November 14, 1990^{1/}, that "exigent circumstances" existed in connection with the Staff's review of a proposed shipment by LILCO of 137 fuel support castings and 12 core peripheral pieces from the Shoreham Nuclear Power Station to the Barnwell, S.C. low level waste repository. The "exigent circumstances" derived from the possibility, perceived in late November, that the Barnwell facility would close after December 7, 1990 to shipments from states, including New York, not yet in full compliance with the Radioactive Waste Policy Act Amendments of 1986. The Staff has chosen to treat LILCO's advance shipment notification as a request for a license amendment.^{2/}

Long Island Lighting Company understands that on December 6, 1990, the State of New York filed with the State of South Carolina a report on the status of New York's efforts to comply

^{1/} The NRC Staff subsequently issued a public notice of its intent to issue an "exigent amendment," to Shoreham's operating license. The notice in question, covered by a November 19, 1990 letter from Stewart W. Brown (NRC) to John D. Leonard, Jr. (LILCO), was published in Newsday.

^{2/} LILCO has never believed that the shipments in question required an amendment to the Shoreham operating license. The Staff apparently believes otherwise, and chose therefore to treat LILCO's notification of its intent to ship the components as a request for an amendment.

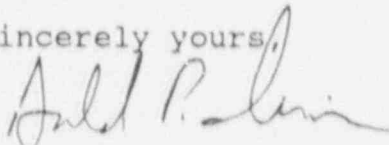
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with the Radioactive Waste Policy Act Amendments of 1986. LILCO understands that a copy of that status report was delivered to the NRC on December 7, 1990. LILCO believes that it is unlikely to be prohibited by the State of South Carolina from shipping the low level radioactive materials in question from the Shoreham plant to the Barnwell, S.C. radioactive waste repository, at least while the State of South Carolina is reviewing New York State's submission.

In light of these developments, the Staff may wish to re-evaluate its initial characterization of this matter as involving "exigent circumstances."

Sincerely yours,



Donald P. Irwin

cc: Edwin J. Reis, Esq.
Mr. Stewart W. Brown
The Hon. Samuel J. Chilk