

11424

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

DOCKETED  
USNRC

'91 FEB 13 P3:32

\_\_\_\_\_  
In the Matter of )  
 )  
Consideration of Issuance of Amendment )  
To Facility Operating License and )  
Proposed No Significant Hazards )  
Consideration Determination and )  
Opportunity for Hearing; Long Island )  
Lighting Co. (Defueled Operating )  
License) (55 Fed. Reg. 34098, )  
August 21 1990) )  
\_\_\_\_\_

Docket No. 50-322 - *CLA-2*  
License No. NPF-82

JOINT SUPPLEMENTAL COMMENTS ON  
PROPOSED NO SIGNIFICANT HAZARDS  
CONSIDERATION DETERMINATION

On September 20, 1990, the Shoreham-Wading River Central School District and Scientists and Engineers for Secure Energy, Inc. (jointly "Petitioners") filed among other things, comments on the proposed no significant hazards consideration determination in the above-captioned matter. Subsequent developments in that matter require the filing and consideration of these supplemental comments.

On January 24 of this year, the Commission issued its decision in Long Island Lighting Co. (Shoreham Nuclear Power Station, Unit 1), CLI-91-01, 33 NRC \_\_\_\_ (Slip Op. Jan. 24, 1991) holding among other things, that "a POL may be issued without any preliminary or final decommissioning information," (Slip Op. at 2) over Chairman Carr's strong and clear dissent. Slip Op. at 11-13. Given the Chairman's clear and strong dissent, Petitioners submit that the proposed POL amendment cannot be determined to "clearly raise no significant hazard issues" and,

D503

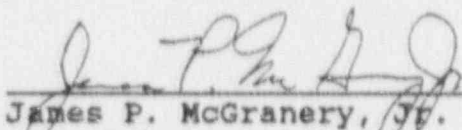
therefore, cannot be the subject of a final no significant hazards consideration determination. See Final Procedures and Standard on No Significant Hazards Considerations, 51 Fed. Reg. 7744, 7750 col.3 (March 6, 1986) (emphasis added).

Moreover, the POL amendment application meets several of the standards established by the Commission for an action to "likely be found to involve significant hazards consideration," since it involves "[a] significant relaxation of the criteria used to established safety limits," "[a] significant relaxation of the bases for limiting safety system settings and limiting conditions for operation," and "[a] change to technical specifications or other NRC approval involving an a significant unreviewed safety question." 51 Fed. Reg. at 7751 col.1 (emphasis added).

WHEREFORE, Petitioners again urge the Staff not to issue a final no significant hazards consideration determination in above-captioned matter.

Respectfully submitted,

February 11, 1991

  
\_\_\_\_\_  
James P. McGranery, Jr.  
Dow, Lohnes & Alberston  
Suite 500  
1255 Twenty-Third Street, N.W.  
Washington, D.C. 20037  
(202) 857-2929

Counsel for the Petitioners  
Shoreham-Wading River Central  
School District and Scientists and  
Engineers for Secure Energy, Inc.

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

DUCKETED  
USNRC

In the Matter of )  
)  
Consideration of Issuance of Amendment )  
To Facility Operating License and )  
Proposed No Significant Hazards )  
Consideration Determination and )  
Opportunity for Hearing; Long Island )  
Lighting Co. (Defueled Operating )  
License) (55 Fed. Reg. 34098, August 21, 1990) )

'91 FEB 13 P3:32  
Docket No. 50-322

License No. NPF-82  
OFFICE OF SECRETARY  
ING & SERVICE  
BRANCH

CERTIFICATE OF SERVICE

I hereby certify that one copy of the Petitioners' Joint Supplemental Comments on Proposed No Significant Hazards Consideration Determination is being served upon the following by first-class mail, postage prepaid on this 11th day of February, 1991:

Atomic Safety and Licensing Appeal Board  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

Administrative Judge  
Jerry R. Kline  
Atomic Safety and Licensing Board  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

Edwin J. Reis, Esq.  
Deputy Assistant General Counsel  
for Reactor Licensing  
Mitzi A. Young, Esq.  
Senior Supervisory Trial Attorney  
Office of the General Counsel  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

Carl R. Schenker, Jr., Esq.  
Counsel, Long Island Power Authority  
O'Melveny & Myers  
555 13th Street, N.W.  
Washington, D.C. 20004

Administrative Judge  
Morton B. Margulies, Chairman  
Atomic Safety and Licensing Board  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

Administrative Judge  
George A. Ferguson  
ASLBP  
5307 A1 Jones Drive  
Columbia Beach, Maryland 20764

Michael R. Deland, Chairman  
Council on Environmental Quality  
Executive Office of the President  
Washington, D.C. 20500

Stanley B. Klimberg, Esq.  
Executive Director and General Counsel  
Long Island Power Authority  
Suite 201  
200 Garden City Plaza  
Garden, City, New York 11530

Stephen A. Wakefield, Esq.  
General Counsel  
U.S. Department of Energy  
Washington, D.C. 20585

Gerald C. Goldstein, Esq.  
Office of General Counsel  
New York Power Authority  
1633 Broadway  
New York, New York 10019

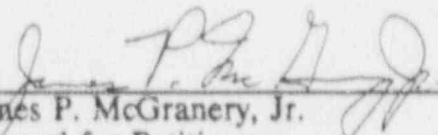
Nicholas S. Reynolds, Esq.  
David A. Repka, Esq.  
Winston & Strawn  
1400 L Street, N.W.  
Washington, D.C. 20005

Donald P. Irwin, Esq.  
Hunton & Williams  
P.O. Box 1535  
Richmond, Virginia 23212

Samuel A. Cherniak, Esq.  
NYS Department of Law  
Bureau of Consumer  
Frauds and Protection  
120 Broadway  
New York, New York 10271

Regulatory Publications Branch  
Division of Freedom of  
Information & Publications Services  
Office of Administration  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

February 11, 1991

  
James P. McGranery, Jr.  
Counsel for Petitioners  
Shoreham-Wading River Central School  
District and Scientists and Engineers  
for Secure Energy, Inc.