



Long
Island
Power
Authority

Shoreham Nuclear Power Station
P.O. Box 628
North Country Road
Wading River, N.Y. 11792

JUN 14 1994

LSNRC-2173

U. S. Nuclear Regulatory Commission
Document Control Desk
Washington, D. C. 20555

ATTN: Mr. Robert Bernero, Director
Office of Nuclear Material
Safety and Safeguards

Shoreham Decommissioning Project
Termination Survey Final Report Phase 3
and Application for Withholding Per 10 CFR 2.790
Shoreham Nuclear Power Station - Unit 1
Docket No. 50-335

372

- Ref: (1) Long Island Power Authority Letter LSNRC-2101, dated September 30, 1993; subject: Termination Survey Final Report Phase 1
- (2) Long Island Power Authority Letter LSNRC-2144, dated February 4, 1994; subject: Termination Survey Final Report Phase 2
- (3) Long Island Power Authority Letter LSNRC-2133, dated January 10, 1994; subject: Shoreham Decommissioning Project Termination Survey Plan - Revision 2
- (4) 10 CFR 2.790, Public Inspections, Exemptions, Requests for Withholding
- (5) Long Island Power Authority Letter LSNRC-2165, dated April 22, 1994; subject: Request for Modification of Facility Release Criteria; Application to Low Energy Beta Emitters and Electron Capture Nuclides

Ladies and Gentlemen:

The Long Island Power Authority hereby transmits the Phase 3 Final Report of the Shoreham Decommissioning Project Termination Survey. LIPA also requests that the NRC treat this cover letter as an application for withholding the confidential commercial information identified in Enclosure 3, in accordance with 10 CFR 2.790 (Reference 4).

9406210100 940614
PDR ADDCK 05000322
W PDR

Change: NRC PDR

NHPS
1/3
Ltr. Encl.
1 INP

The Phase 3 report covers the termination surveys performed in the Radwaste Building and in 6 plant systems associated with this structure. Excluded from this report is a single area of the Radwaste Building which contains residual blocks of concrete and steel which were part of the Biological Shield Wall that was recently removed from the Reactor Building. Final reporting of the survey results for this single area, which will include surveys of the blocks themselves, is pending resolution of the LIPA application for modification of facility release criteria. (Reference 5). The Phase 3 Final Report updates and integrates with the previously submitted Phase 1 Final Report and Phase 2 Final Report (References 1 and 2) and includes Release Records for 55 of the 394 survey units which comprise the Shoreham Termination Survey as described in the Termination Survey Plan (Reference 3). These 55 Phase 3 Release Records are to be added to the 213 Release Records previously submitted in the Phase 1 and Phase 2 reports.

The Phase 3 Final Report consists of four volumes which are included as Enclosure 1. The replacement and/or insertion instructions for merging these materials with the previously submitted Phase 1 and Phase 2 reports are as follows:

- 1) Volume 1, Termination Survey Description and Results. This Volume replaces the previously submitted Volume 1 for Phases 1 and 2 in its entirety.
- 2) Volume 2, Books 11, 12, and 13, Release Records for Phase 3 surveys. These books are to be added to Books 1 through 10 previously submitted as part of the Phase 1 and Phase 2 Final Reports.
- 3) Volume 3, Program Documents. Included in Enclosure 1 are updates of two of the twelve procedures contained within the Volume 3 previously submitted. Each updated procedure replaces its counterpart in the previously submitted Volume 3 binder. There have been no updates of either the Termination Survey Plan or the Termination Survey Program Description since the last submittal.
- 4) Volume 4, Supporting Documents. Included are 3 Nuclear Quality Assurance Department Surveillance reports conducted on termination survey activities during the Phase 3 survey. Additionally, the Nuclear Quality Assurance Department Audit Report, NQA-94X04, which in part details the results of an annual audit of termination survey activities is also included. These documents are to be added, along with the updated Table of Contents for Volume 4, to the documents contained within the previously submitted Volume 4 binder.

LSNRC-2173

ENCLOSURE 2

AFFIDAVIT OF RICHARD P. BONNIFIELD IN SUPPORT OF
APPLICATION FOR WITHHOLDING DATA FROM
PUBLIC DISCLOSURE

Richard P. Bonnifield, General Counsel of the Long Island Power Authority, being duly sworn does state under oath in support of the Long Island Power Authority's Application for Withholding Data from Public Disclosure:

1. I am the General Counsel of the Long Island Power Authority ("LIPA") and have continuing legal responsibilities pertaining to LIPA's decommissioning of the Shoreham Nuclear Power Station ("Shoreham" or "Facility"). One of my responsibilities, as an upper-level management official of LIPA, is the function of reviewing data and information pertaining to the Facility to determine whether they should be withheld from public disclosure in accordance with 10 CFR 2.790. In that regard, I have been specifically delegated the function of reviewing the Shoreham Decommissioning Project Termination Survey Final Report, Phase 3 ("Phase 3") and am authorized to apply on behalf of its owner, LIPA, for withholding from public disclosure those portions of Phase 3 containing confidential commercial information.

2. Phase 3 contains certain information that constitutes confidential commercial information and meets the criteria of 10

CFR 2.790(a)(4).^{1/} Those portions ("Confidential Information") are as follows:

Item 1: Phases 1, 2 and 3, Volume 1, Table 5-7 (page 5-11)
- Termination Survey Instrument Summary

Item 2: Phase 3, Volume 2, Book 11 - Shoreham
Decommissioning Termination Survey Grid Maps:

Release Record RW001 - page 20
Release Record RW002 - pages 31-34
Release Record RW006 - page 20
Release Record RW007 - page 20
Release Record RW010 - pages 25-27
Release Record RW011 - pages 04-05
Release Record RW013 - page 04
Release Record RW014 - page 04
Release Record RW015 - page 04
Release Record RW016 - page 25
Release Record RW017 - page 32
Release Record RW018 - page 20
Release Record RW019 - page 04
Release Record RW020 - page 04
Release Record RW021 - page 04
Release Record RW022 - page 27
Release Record RW023 - pages 04-08
Release Record RW028 - page 04
Release Record RW029 - page 04
Release Record RW030 - page 04
Release Record RW031 - page 04
Release Record RW032 - page 04
Release Record RW033 - page 04
Release Record RW034 - pages 25-26
Release Record RW037 - pages 25-26
Release Record RW038 - pages 19-20
Release Record RW040 - pages 04-05

^{1/} Section 2.790(a)(4) specifies that the Commission will not disclose certain data:

Trade secrets and commercial or financial information
obtained from a person and privileged or confidential;

. . . .

As set forth herein, the Items listed in paragraph 2 of this Affidavit constitute confidential commercial information and possibly trade secrets and thus should be protected from disclosure.

Phase 3, Volume 2, Book 12 - Shoreham
Decommissioning Termination Survey Grid Maps:

Release Record RW041 - page 04
Release Record RW042 - page 04
Release Record RW043 - pages 22-23
Release Record RW045 - page 04
Release Record RW047 - pages 30-32
Release Record RW050 - page 04
Release Record RW052 - pages 04-05
Release Record RW053 - page 04
Release Record RW054 - pages 04-08
Release Record RW059 - page 38
Release Record RW060 - page 04
Release Record RW061 - page 25
Release Record RW062 - page 19
Release Record RW063 - page 19
Release Record RW064 - page 04
Release Record RW065 - page 04
Release Record RW067 - page 04
Release Record RW068 - pages 24-25
Release Record RW069 - pages 19-20
Release Record RW072 - page 04
Release Record RW074 - page 22
Release Record RW075 - page 12
Release Record SE008 - page 04

3. The Confidential Information has intrinsic commercial and proprietary value. Therefore, the Confidential Information should be withheld from public disclosure as provided by 10 CFR 2.790.

4. The Shoreham Station is the first full size commercial nuclear power facility in the nation to be decommissioned. As such, and pursuant to federal regulations, the Facility has a rigid security control system which prevents unauthorized intrusions by the general public.

5. LIPA is a corporate municipal instrumentality of New York State, headquartered in Garden City, New York, created for the purpose, among others, of decommissioning the Facility.

6. The Confidential Information has not been made available to the general public. This is demonstrated by the fact that the Confidential Information currently can only be found at the Facility, LIPA headquarters, the Commission, and at the offices of certain of LIPA's contractors (such as the New York Power Authority and the Long Island Lighting Company) with whom LIPA has confidentiality agreements.

7. Item 1 is of commercial value in that an extensive amount of time and money was spent by LIPA in determining detector descriptions and detection sensitivities of various instruments contemplated for termination measurement use by LIPA. LIPA has invested more than \$100,000 in the process of instrument measurement and calibration, data review and evaluation, summarizing and reporting. The results of this investment are represented in Item 1. Along with corresponding instrument sensitivity tables included in the Shoreham Decommissioning Project Termination Survey Plan, Revision 1 ("Revision 1") and the Shoreham Decommissioning Project Termination Survey Plan, Revision 2 ("Revision 2"),^{2/} Item 1 is the only documented summary which LIPA

^{2/} LIPA submitted to the Commission on January 28, 1994, an application to withhold from public disclosure those corresponding instrument sensitivity tables in Revision 1. LIPA then submitted to the Commission on February 4, 1994, an application to withhold from public disclosure the corresponding tables in Revision 2.

knows to exist which offers demonstrable evidence that the instruments used in radiation detection at Shoreham for termination purposes meet acceptable Commission criteria. Additionally, LIPA's substantial time and monetary investment has culminated in the only commercial evaluation conducted of various instruments and detectors produced for the purpose of termination survey work. Any entity engaged in nuclear termination surveys would commercially invest in the information provided by Item 1 because the instruments and data found therein have been demonstrated to be acceptable to the Commission and would thus significantly reduce the need to expend an inordinate amount of time and money to undergo similar testing. Importantly, this information can only be found in Item 1 and is extremely difficult to duplicate without spending extensive time and expense.

8. The public interest in disclosing Item 1 is minimal. Item 1 does not purport to identify any actual residual radioactivity levels; rather, it merely reflects the fact that the instruments used in determining residual radioactivity levels at Shoreham are accurate. Phase 3, absent Item 1, still contains sufficient detail to demonstrate compliance with NRC regulatory requirements.

9. Item 2 is of commercial value in that a substantial amount of time and money was invested in devising Shoreham grid maps. LIPA invested nearly \$300,000 on grid map production, exclusive of material and computer costs. This investment has resulted in the

only grid maps developed for the purpose of securing the Commission's approval of a nuclear termination survey. Item 2 indicates the quality and the extent of detail which LIPA included in the grid maps as they pertain to submitted release data. Another entity involved in nuclear termination work would commercially invest in Item 2 because it provides information as to the kind of detailed data which need to be submitted to the Commission and is not available from any other source.^{3/} This would ultimately result in substantial reductions of cost and time in assembling a termination survey grid map plan for the Commission.

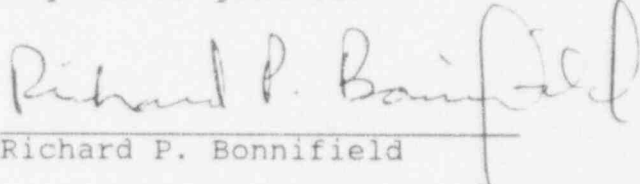
10. Nor is there a strong public interest in disclosure of Item 2. Absent such disclosure, Phase 3 still contains sufficient detail to demonstrate compliance with NRC regulatory requirements.

11. The Confidential Information is of a type customarily intended to be held in confidence by LIPA. It is so held because LIPA wishes to protect the value of all confidential commercial information it owns, including the Confidential Information, for the financial benefit of the Long Island ratepayers it represents. LIPA is prepared to share these data with other entities engaged in decommissioning or similar projects, provided that an appropriate license and confidentiality agreement can be agreed to which would

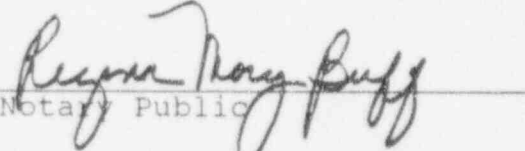
^{3/} LIPA submitted to the Commission on January 28, 1994, an application to withhold from public disclosure similar grid maps contained within Revision 1. LIPA then submitted to the Commission on February 4, 1994, an application to withhold from public disclosure similar grid maps in Revision 2.

allow Long Island ratepayers to recoup some of the extensive costs they have incurred in connection with decommissioning of the Facility.

12. A total of seventy-four (74) pages from Phase 3 are requested to be withheld from disclosure. Thousands of pages from Phase 3 will still be available for public review and thus the Commission's policies of maximizing public disclosure of data will only be minimally impacted if this request is granted.


Richard P. Bonnifield

Sworn to this 10th day of June, 1994 in Garden City, New York.


Notary Public

REGINA MARY BUFF
Notary Public, State of New York
No. 41-4808584
Qualified in Queens County
Commission Expires January 31, 1995.

Enclosure 3

Pages Withheld From The Termination Survey Final
Report Phase 3

The following is a list of pages withheld because they are considered confidential commercial information:

Phases 1,2 and 3, Volume 1, Table 5-7 (page 5-11) -
Termination Survey Instrument Summary.

Phase 3, volume 2, Book 11 - Shoreham Decommissioning
Termination Survey Grid Maps:

Release Record RW001	- page	20
Release Record RW002	- pages	31 - 34
Release Record RW006	- page	20
Release Record RW007	- page	20
Release Record RW010	- pages	25 - 27
Release record RW011	- pages	04 - 05
Release Record RW013	- page	04
Release Record RW014	- page	04
Release Record RW015	- page	04
Release Record RW016	- page	25
Release Record RW017	- page	32
Release Record RW018	- page	20
Release Record RW019	- page	04
Release Record RW020	- page	04
Release Record RW021	- page	04
Release Record RW022	- page	27
Release Record RW023	- pages	04 - 08
Release Record RW028	- page	04
Release Record RW029	- page	04
Release Record RW030	- page	04
Release Record RW031	- page	04
Release Record RW032	- page	04
Release Record RW033	- page	04
Release Record RW034	- page	25 - 26
Release Record RW037	- pages	25 - 26
Release Record RW038	- pages	19 - 20
Release Record RW040	- pages	04 - 05

Phase 3, Volume 2, Book 12 - Shoreham Decommissioning
Termination Survey Grid Maps:

Release Record RW041	- page	04	
Release Record RW042	- page	04	
Release Record RW043	- pages	22	- 23
Release Record RW045	- page	04	
Release Record RW047	- pages	30	- 32
Release Record RW050	- page	04	
Release Record RW052	- pages	04	- 05
Release Record RW053	- page	04	
Release Record RW054	- pages	04	- 08
Release Record RW059	- page	38	
Release Record RW060	- page	04	
Release Record RW061	- page	25	
Release Record RW062	- page	19	
Release Record RW063	- page	19	
Release Record RW064	- page	04	
Release Record RW065	- page	04	
Release Record RW067	- page	04	
Release Record RW068	- pages	24	- 25
Release Record RW069	- pages	19	- 20
Release Record RW072	- page	04	
Release Record RW074	- page	22	
Release Record RW075	- page	12	
Release Record SE008	- page	04	