

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the Matter of
LONG ISLAND LIGHTING COMPANY
(Shoreham Nuclear Power
Station, Unit 1)

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Docket No. 50-322

EXEMPTION

I

Long Island Lighting Company (LILCO, the licensee) is the holder of Facility Operating License No. NPF-82, which authorizes possession, but not operation of Shoreham Nuclear Power Station (SNPS, the facility). The license provides, among other things, that it is subject to all rules, regulations, and orders of the Nuclear Regulatory Commission (the Commission or NRC) now or hereafter in effect. The facility consists of a boiling water reactor located at the licensee's site in Suffolk County, New York, and is currently defueled.

II

By letter dated October 9, 1990, and as supplemented by letters dated November 4 and 8, 1991, the licensee requested an exemption concerning certain safeguards requirements of 10 CFR 73.55. The requirements of 10 CFR 73.55 were designed to provide for onsite physical protection systems to guard against a design basis threat of radiological sabotage of activities involving special nuclear material.

III

The licensee's proposed action would relieve SNPS of certain requirements of 10 CFR 73.55. The exemption request is based on the following conditions:
(1) the licensee's authority to operate SNPS was revoked on June 14, 1991, and

(2) the reactor vessel is void of any nuclear fuel. Under these conditions, a radiological release would not result in a whole body dose in excess of 10 CFR Part 100 limits, thus, an act of sabotage that would result in a dose in excess of these limits is not a credible event. The licensee performed dose calculations using conservative assumptions from the Updated Safety Analysis Report, Chapter 15 and determined that all doses are well within the guidelines of 10 CFR Part 100 for all credible threats.

The requirements of 10 CFR 73.55 were promulgated to provide protection of a facility against a design basis sabotage threat in consideration of the conditions associated with an operational power reactor. When compared with an operational power reactor facility, the status of SNPS provides a significantly reduced risk from a radiological release as a consequence of sabotage. The Long Term Defueled Condition Security Plan, which remains relevant to the defueled status, provides an adequate basis for an acceptable safeguards program. A special circumstance as defined in 10 CFR 50.12(a)(2)(iii) exists, in that application of all the measures required by 10 CFR 73.55 would not serve the underlying purpose of the rule.

Based on a review of the licensee's analysis of defueled condition threats and calculated dose rates, the Commission concurs with the analysis and concludes that there are no credible acts while SNPS is in the long-term defueled condition that could result in a radiological sabotage. Consequently, based on the aforementioned reasons, the Commission finds the licensee has provided an acceptable basis to authorize the granting of an exemption in accordance with the provisions of 10 CFR 55.11.

IV

Accordingly, the Commission has determined that pursuant to 10 CFR 55.11, this exemption is authorized by law and will not endanger life or property and is otherwise in the public interest. The Commission further determines that special circumstances, as provided in 10 CFR 50.12(a)(2)(ii), are present to justify the exemption.

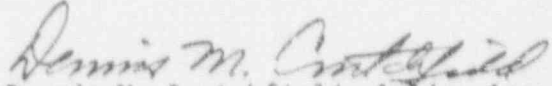
Based on the foregoing, the Commission hereby grants the following exemption:

The Shoreham Nuclear Power Station, Unit 1 is exempt from certain requirements of 10 CFR Part 73.55 provided that (1) the reactor is void of all fuel, (2) the fuel is stored in the spent fuel pool or removed from the site, and (3) the Shoreham Long Term Defueled Condition Security Plan is implemented.

Pursuant to 10 CFR 51.32, the Commission has determined that the granting of this exemption will have no significant impact on the quality of the human environment (57 FR 3224, dated January 28, 1992).

This exemption is effective upon issuance.

FOR THE NUCLEAR REGULATORY COMMISSION


Dennis M. Crutchfield, Acting Associate
Director for Advanced Reactors
Office of Nuclear Reactor Regulation

Dated at Rockville, Maryland
this 28th day of January 1992