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April 29, 1992

Board Notification No. 92-04

Thomas S. Moore, Chairman
Atomic Safety and Licensing
Board Panel
U.S. Nuclear Regulatory
Commission
Washington, D.C. 20555

Jerry R. Kline
Atomic Safety and Licensing
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Washington, D.C. 20555

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George A. Ferguson
5307 Al Jones Dr.
Shady Side, MD 20764

OFFICE OF SECRETARY
ATOMIC SAFETY AND LICENSING
COMMISSION

In the Matter of
LONG ISLAND LIGHTING COMPANY
(Shoreham Nuclear Power Station, Unit 1)
Docket No. 50-322-OLA-3-(License Transfer)

Dear Administrative Judges:

Enclosed is the staff's April 20, 1992, letter approving the Joint Contingency Plan of the Long Island Lighting Company (LILCO) and Long Island Power Authority (LIPA). This contingency plan, required by the February 29, 1992, Order to transfer the Shoreham License, contains details of how LILCO would retain the capability to and assume responsibility for the Shoreham license, in the event that LIPA ceased to exist or otherwise was found to be unqualified to hold the license.

Sincerely, (ORIGINAL SIGNED BY R. DUDLEY for Sy)
Seymour H. Weiss, Director
Non-Power Reactors, Decommissioning and
Environmental Project Directorate
Division of Advanced Reactors
and Special Projects
Office of Nuclear Reactor Regulation

Enclosure

cc: w/enclosure

J. McGranery

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UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555

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J. McGranery
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Mr. L. M. Hill

cc:

Mr. Stanley B. Klimberg
President of Shoreham Project
and General Counsel
Long Island Power Authority
200 Garden City Plaza
Garden City, New York 11530

Herbert M. Leiman
Assistant General Counsel
Long Island Lighting Company
175 East Old County Road
Hicksville, New York 11801

W. Taylor Reveley, III, Esq.
Hunton & Williams
Riverfront Plaza, East Tower
951 East Byrd Street
Richmond, Virginia 23219-4074

Mr. Stephen Schoenwiesner
Shoreham Nuclear Power Station
Post Office Box 628
Wading River, New York 11792

Mr. John D. Leonard, Jr.
V.P. Office of Nuclear
Long Island Lighting Company
Shoreham Nuclear Power Station
Post Office Box 628
Wading River, New York 11792

Barry S. Norris
Project Inspector (Shoreham)
U.S. Nuclear Regulatory Commission
475 Allendale Road
King of Prussia, Pennsylvania 19406

Regional Administrator, Region I
U.S. Nuclear Regulatory Commission
475 Allendale Road
King of Prussia, Pennsylvania 19406

James P. McGranery, Jr., Esq.
Dow, Lohnes and Albertson
Suite 500
1255 23rd Street, N.W.
Washington, D.C. 20037-1194

Mr. John C. Brons, President
New York Power Authority
123 Main Street
White Plains, New York 10601

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

Shoreham Nuclear Power Station
Long Island Power Authority

Richard M. Kessel
Chairman & Executive Director
New York State Consumer Protection
Board
250 Broadway
New York, New York 10007

Ms. Donna Ross
New York State Energy Office
Agency Building 2
Empire State Plaza
Albany, New York 12223

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

George A. Ferguson
Administrative Judge
Atomic Safety and Licensing Board
5307 Al Jones Drive
Columbia Beach, Maryland 20764

Commissioner James T. McFarland
New York Public Service Commission
814 Ellicott Building
295 Main Street
Buffalo, New York 14203

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

Thomas S. Moore, Esq.
Chairman, Atomic Safety and
Licensing Board
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

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

Carl R. Schenker, Jr.
O'Melveny & Myers
555 13th Street, N.W.
Washington, D.C. 20004



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555

April 20, 1992

Docket No. 50-322

Mr. Leslie M. Hill
Resident Manager
Long Island Power Authority
Shoreham Nuclear Power Station
North Country Road
Post Office Box 628
Wading River, New York 11792

Mr. John D. Leonard, Jr.
Vice President - Office of Corporate Services
and Office of Nuclear
Long Island Lighting Company
Shoreham Nuclear Power Station
North Country Road
Post Office Box 628
Wading River, New York 11792

Gentlemen:

SUBJECT: NRC APPROVAL OF JOINT LILCO/LIPA CONTINGENCY PLAN REQUIRED BY NRC ORDER
APPROVING TRANSFER OF LICENSE OF FEBRUARY 29, 1992 - SHOREHAM
(TAC NO. M77273)

On February 29, 1992, the U.S. Nuclear Regulatory Commission (NRC) issued an Order approving the transfer of the Shoreham license from the Long Island Lighting Company (LILCO) to the Long Island Power Authority (LIPA). In this Order, the NRC required the parties to submit a joint contingency plan addressing what actions LILCO would take if the license reverted to LILCO if LIPA either ceased to exist or was otherwise found to be unqualified to hold the license. In a letter of March 27, 1992, LIPA submitted the required contingency plan, "Joint Contingency Plan of the Long Island Lighting Company and Long Island Power Authority Required by NRC Order Approving Shoreham License Transfer - February 29, 1992." LIPA supplemented this contingency plan in a letter of April 10, 1992.

The contingency plan provided commitments in the following areas:

1. Maintenance of Personnel Qualifications

LIPA and LILCO have stated that LILCO or contractor personnel comprise nearly 90 percent of the Shoreham site organization. If the Shoreham license reverted back to LILCO, these employees would perform the same duties as before the license reversion. Thus, the qualifications of those employees would continue to be considered adequate. The remaining

Shoreham site organization consists of seven senior level management positions, filled by LIPA/NYPA co-employees, and 16 mid-level management and technical positions, filled by New York Power Authority (NYPA) employees.

LILCO committed to maintain seven LILCO personnel capable and qualified to assume the seven senior management positions, if necessary. LILCO also committed that, if the Shoreham license reverted to LILCO, it would either fill the 16 mid-level management and technical positions with qualified personnel or assimilate the functions into the LILCO organizational structure under qualified LILCO or contractor personnel. LILCO committed to ensure that adequately qualified personnel will be available at all levels of the organization if the Shoreham license reverted back to LILCO.

2. Contractual Agreements

LIPA and LILCO have determined the services and functions performed under contract, which are considered essential for meeting the obligations and responsibilities of the Shoreham license. These services and functions are performed by (1) contractors in either professional or technical positions, (2) contractors providing general support, and (3) contractors providing services for specific tasks. LIPA and LILCO have requested all of the vendors to provide written concurrences that if the license reverts to LILCO, the rights and the obligations of each contract will transfer to LILCO. All vendors have provided the requested written concurrences. Therefore, all contracted services and functions will continue uninterrupted if the Shoreham license reverts to LILCO.

3. Regulatory Authorization (Other than NRC)

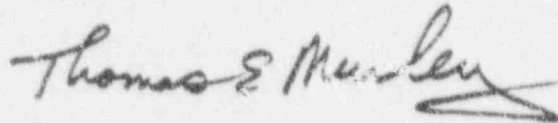
LIPA and LILCO have stated that the only required Federal, State, or County regulatory authorizations required for LILCO to meet the obligations and requirements of the Shoreham license, if it reverts back to LILCO, are four Federal Communications Commission (FCC) radio licenses. These FCC licenses are required for personnel who use portable radios in performing site security, fire and safety, and other station functions, and for the base station that provides for offsite radio contact for emergency response services. LILCO and LIPA have indicated that these FCC radio licenses are covered by an FCC "involuntary assignment" provision that allows the license to be automatically assigned to a new owner in the event that the (FCC) license holder is "legally disabled" from using the license. The FCC will transfer these required licenses to LILCO if the Shoreham license reverts to LILCO.

4. Indemnification Coverage

LILCO stated that it remains the policyholder for the Shoreham site insurance policies required by 10 CFR Parts 140, 50.54(w) and 50.75(e). If the Shoreham license reverted to LILCO, these required insurance policies will remain in effect, without the need for either LILCO or LIPA to perform any immediate actions.

Upon reviewing these arrangements and commitments, the NRC finds reasonable assurance that LILCO could reassume the obligations and responsibilities of the Shoreham license if it reverted to LILCO. Accordingly, the Joint Contingency Plan of March 27, 1992, as supplemented on April 10, 1992, is hereby approved.

Sincerely,

A handwritten signature in cursive script, appearing to read "Thomas E. Murley". The signature is written in dark ink and is positioned above the typed name.

Thomas E. Murley, Director
Office of Nuclear Reactor Regulation

cc: See next page

Mr. L. M. Hill

cc:

Mr. Stanley B. Klinberg
President of Shoreham Project
and General Counsel
Long Island Power Authority
200 Garden City Plaza
Garden City, New York 11530

Herbert M. Leiman
Assistant General Counsel
Long Island Lighting Company
175 East Old County Road
Kicksville, New York 11801

W. Taylor Reveley, III, Esq.
Hunton & Williams
Riverfront Plaza, East Tower
951 East Byrd Street
Richmond, Virginia 23219-4074

Mr. Stephen Schoenwiesner
Shoreham Nuclear Power Station
Post Office Box 628
Wading River, New York 11792

Mr. John D. Leonard, Jr.
V.P. Office of Nuclear
Long Island Lighting Company
Shoreham Nuclear Power Station
Post Office Box 628
Wading River, New York 11792

Barry S. Norris
Project Inspector (Shoreham)
U.S. Nuclear Regulatory Commission
475 Allendale Road
King of Prussia, Pennsylvania 19406

Regional Administrator, Region I
U.S. Nuclear Regulatory Commission
475 Allendale Road
King of Prussia, Pennsylvania 19406

James P. McGranery, Jr., Esq.
Dow, Lohnes and Albertson
Suite 500
1255 23rd Street, N.W.
Washington, D.C. 20037-1194

Mr. John C. Brons, President
New York Power Authority
123 Main Street
White Plains, New York 10601

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

Shoreham Nuclear Power Station
Long Island Power Authority

Richard M. Kessel
Chairman & Executive Director
New York State Consumer Protection
Board
250 Broadway
New York, New York 10007

Ms. Donna Ross
New York State Energy Office
Agency Building 2
Empire State Plaza
Albany, New York 12223

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

George A. Ferguson
Administrative Judge
Atomic Safety and Licensing Board
5307 Al Jones Drive
Columbia Beach, Maryland 20764

Commissioner James J. McCalland
New York Public Service Commission
814 Ellicott Building
295 Main Street
Buffalo, New York 14203

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

Thomas S. Moore, Esq.
Chairman, Atomic Safety and
Licensing Board
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

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Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
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Carl R. Schenker, Jr.
O'Melveny & Myers
555 13th Street, N.W.
Washington, D.C. 20004