



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

DEC 21 1982

Docket No. 50-322

Mr. David J. Willmott
Editor and Publisher
Suffolk Life Newspapers
Montauk Highway
Box 262
Westhampton, NY 11977

Dear Mr. Willmott:

Your letter of November 24, 1982, to President Reagan in regard to the proposed licensing of the Shoreham Nuclear Power Plant has been referred to this agency for answering. We appreciate your concerns with the licensing of nuclear plants, and recognize our responsibility to license only those facilities which will not cause harm to the public health and safety.

As you are aware, extensive hearings have been going forward before this agency since the spring of this year looking into whether the problems you raise in your letter do in fact exist and thus whether the plant may be licensed. For example, you speak particularly of "slip shod and deliberate construction defects and errors." The on-going hearings have been specifically focused on questions related to the quality of construction at the Shoreham facility since September 14, 1982, and the hearings on these questions will continue into January of next year. Suffolk County has been represented by competent counsel and technical consultants at these hearings and has been thoroughly probing whether there is any cause to doubt the quality of construction of the Shoreham facility.

In your letter you also allege that this agency is "short cutting the hearing process, white washing our concerns and input." We do not believe this is so. As we have indicated, hearings in this proceeding started on May 4, 1982 and have encompassed approximately 22 weeks of actual hearing. The detailed and thorough cross-examination conducted by Suffolk County's attorneys during these many weeks of hearing shows there was no "short cutting" of this proceeding. The hearings were moved from Long Island, N.Y. to Washington, D.C. for the period October 12, 1982 until the end of 1982, to allow the Licensing Board to work on this and other matters in their offices during evening hours. The parties actively participating in the hearing, including the attorneys for the County whose office is in Washington, D.C., did not object to this move. The only attorney who did strongly object was a Mr. Stephen Latham who represents a group known as the Shoreham Opponents Coalition and who has not been actively involved in the hearings. The Licensing Board has indicated that had Mr. Latham been attending the hearings, the hearings would not have been moved. In this connection, it should also

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be noted that after the first couple of weeks of hearing, very few members of the public attended the hearings for even a few minutes when they were being conducted in Suffolk County.

Further, there has been no limitation on oral examination which might be probative and relevant to the issues in the proceeding. The Licensing Board did require that as predicate to testimony on emergency planning issues that witnesses be deposed ahead of time to learn what material information they had which could be put in the record of the proceedings. These depositions were to be held in Suffolk County and open to the public. These witnesses were then to appear at a hearing before the Licensing Board for further examination and cross-examination on any material information they had relevant to the licensing of the Shoreham facility. The County and the other intervenors have refused to take part in this proceeding, although given an opportunity to test the appropriateness of these procedures by appeal before being bound by them.

In regard to emergency planning, no licensing of the Shoreham facility will take place until on-site emergency plans are in place. The regulations of the Commission provide:

[N]o NRC or FEMA review, findings, or determinations concerning the state of offsite emergency preparedness or the adequacy of and capability to implement State and local offsite emergency plans are required prior to issuance of an operating license authorizing only fuel loading and/or low power operations (up to 5% of the rated power). Insofar as emergency planning and preparedness requirements are concerned, a license authorizing fuel loading and/or low power operation may be issued after a finding is made by the NRC that the state of onsite emergency preparedness provides reasonable assurance that adequate protective measures can and will be taken in the event of a radiological emergency
. . . . 10 C.F.R. § 50.47(d).

In adopting this regulation, allowing the loading of fuel and the testing of reactors at low-power levels, the Commission stated:

The Commission agrees that there may be slightly higher risks due to the plant operators having less experience with the plant at this stage and with a potential for undiscovered design and construction defects. However, in the Commission's view, this risk is significantly outweighed by several other factors. First, the fission product inventory during low power testing is much less than during higher power operation due to the low level of reactor power and short period of operation. Second, at low power there is a significant reduction in the

required capacity of systems designed to minimize the consequences of accidents compared to the capacities under full-power operation. The time available for taking actions to identify and mitigate accident consequences is much less at full power. This means the operator must have sufficient time to prevent a radioactive release from occurring. In the worst case, the additional time available (at least 10 hours), even for a worst likelihood sequence which could eventually result in a release of the fission products accumulated into the containment, would allow adequate time for actions to be taken to protect the public. Weighing all risks involved, the Commission has determined that the degree of emergency preparedness necessary to provide adequate protection of health and safety is significantly less than that required for full-power operation. [footnote omitted]

We enclose a complete copy of the Statement of Considerations [30323] on adoption of this rule for your information.

Reg.

No operation of the facility at higher power levels than those currently authorized can take place until off-site plans have been approved, procedure exercises conducted, and any significant risks properly addressed.

risk
emergency
covered

At the NRC we are aware of the configuration of the plant and the importance of protecting health and safety of the public. The plant will not be licensed for any level of operation until the Commission is assured that the public could not be hurt by the operation and that emergency procedures are in effect commensurate with the level of operation.

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We appreciate your writing your letter and our cooperation in this relation to the Shoreham plant.

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Sincerely,

[Signature]

Guy H. Cunningham
Executive Director

Enclosure:
47 Fed. Reg. 30323

see prior cover

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NAME	:EReis/dkw	EChristenbury	:JMurray	:GCunningham		
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No. 1218 Logging Date 12/14/82

NRC SECRETARIAT

TO: Commissioner _____ Date _____

Exec. Dir./Oper. _____ Gen. Counsel _____

Cong. Liaison _____ Solicitor _____

Public Affairs _____ Secretary _____

_____ Inspector & Auditor _____

_____ Policy Evaluation _____

Incoming: White House Referral

From: David J. Willmott

To: NRC Date 12/13/82

Subject: concerned about LILCO Shoreham nuc plant hearings being conducted by NRA: fearful safety levels are not being given proper attention

- Prepare reply for signature of:
 - Chairman _____
 - Commissioner _____
 - EDO, GC, CL, SOL, PA, SECY, IA, PE
 - Signature block omitted
 - _____
 - Return original of incoming with response

For direct reply* Suspend: Dec 23

- For appropriate action
- For information

Rec'd Off. EDO
 Date..... 12-15-82
 Time... 8:15A

Remarks: _____

For the Commission: bac

*Send three (3) copies of reply to Secy Correspondence and Records Branch

Handwritten scribbles and numbers:
 830, 930, 302
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