



Long
Island
Power
Authority

Shoreham Nuclear Power Station
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Wading River, N.Y. 11792

FEB 4 1994

LSNRC-2144

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 2
and Application for Withholding Per 10 CFR 2.790
Shoreham Nuclear Power Station - Unit 1
Docket No. 50-322

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- 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-2133, dated
January 10, 1994; subject: Shoreham Decommissioning
Project Termination Survey Plan - Revision 2
(3) 10 CFR 2.790, Public Inspections, Exemptions, Requests
for Withholding

Ladies and Gentlemen:

The Long Island Power Authority hereby transmits the Phase 2 Final Report of the Shoreham Decommissioning Project Termination Survey. LIPA also requests that the NRC treat this cover letter as an application for withholding confidential commercial information in accordance with 10 CFR 2.790 (Reference 3).

The Phase 2 report covers the termination surveys performed in the Reactor Suppression Pool, in the pipe tunnels containing piping between the Turbine, Reactor and Radwaste Buildings, and in 12 plant systems associated with these structures. The Phase 2 Final Report updates and integrates with the previously submitted Phase 1 Final Report (Reference 1) and includes Release Records for 22 of the 394 survey units which comprise the Shoreham Termination Survey

as described in the Termination Survey Plan (Reference 2). These 22 release records are to be added to the 191 Release Records previously submitted in the Phase 1 report.

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

- 1) Volume 1, Termination Survey Description and Results. This Volume replaces the previously submitted Volume 1 from Phase 1 Final Report in its entirety.
- 2) Volume 2, Book 10, Release Records for Phase 2 Surveys. This book is to be added to Books 1 through 9 previously submitted in the Phase 1 Final Report.
- 3) Volume 3, Program Documents. Included are updates of: the Termination Survey Plan, the Termination Survey Program Description, and Termination Survey Procedures previously submitted in the Phase 1 Final Report. Please note that only six of the twelve procedures have been updated. Each updated document replaces its counterpart in the previously submitted Phase 1 Volume 3 binder.
- 4) Volume 4, Supporting Documents. Included are 13 Nuclear Quality Assurance Department Surveillance Reports conducted on termination survey activities during the Phase 2 survey. These reports are to be added, with the updated Table of Contents, to the documents in the previously submitted Phase 1 Volume 4 binder.

The survey units reported in this Termination Survey Report, Phases 1 and 2 are being maintained in the as-surveyed condition. LIPA considers these areas and equipment suitable for release for unrestricted use, subject to NRC Staff confirmation. The Phase 2 survey units are ready for inspection and confirmatory surveys such as have already been performed on the Phase 1 survey units.

The Affidavit of Richard P. Bonnifield in Support of Application for Withholding Data from Public Disclosure is included as Enclosure 2. This Affidavit identifies certain information that constitutes confidential commercial information regarding the Phase 2 Final Report, and meets the criteria of 10 CFR 2.790(a)(4). A total of nineteen pages from the Phase 2 Final Report are specified and substantiated in the attached Affidavit. LIPA requests that this information be withheld from public disclosure.

The pages withheld from the Termination Survey Final Report Phase 2 are identified and attached as Enclosure 3. These pages have been substituted in the Phase 2 Final Report with blank pages identifying the missing subject matter.

Please do not hesitate to contact me if you have any questions or require any additional information in this matter.

Very truly yours,



A. J. Bortz
Resident Manager

- Enclosures:
- 1) Shoreham Decommissioning Project, Termination Survey Final Report Phases 1 and 2 (Four Volumes).
 - 2) Affidavit of Richard P. Bonnifield in Support of Application for Withholding Data from Public Disclosure
 - 3) Pages withheld from the Termination Survey Final Report Phase 2

cc: L. Bell
C. L. Pittiglio
T. T. Martin
R. Nimitz
D. Fauver

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

Richard P. Bonniield, 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 2 ("Phase 2") and am authorized to apply on behalf of its owner, LIPA, for withholding from public disclosure those portions of Phase 2 containing confidential commercial information.

2. Phase 2 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: Phase 2, Volume 1, Table 5-7 (page 5-11) - Termination Survey Instrument Summary

- Item 2: Phase 2, Volume 2, Book 10-Shoreham Decommissioning Termination Survey Grid Maps:
 - Release Record SP001 - pages 36-37
 - Release Record SP002 - pages 35-36
 - Release Record SP003 - pages 35-36
 - Release Record SP004 - pages 48-49
 - Release Record SP005 - page 24
 - Release Record TB070 - pages 4-5
 - Release Record TB071 - page 4
 - Release Record TB072 - page 5
 - Release Record TB086 - page 6
 - Release Record TB094 - page 4

- Item 3: Phase 2, Volume 3, Section 2.0 - Termination Survey Plan, Revision 2, Table 4.1 (page 4-2) - Termination Survey Instrument Summary

- Item 4: Phase 2, Volume 3, Section 2.0 - Termination Survey Plan, Revision 2, Table 4.2 (page 4-4) - Measurement Detection Sensitivities

- Item 5: Phase 2, Volume 3, Section 2.0 - Termination Survey Plan, Revision 2, Figure 4.2 (page 4-13) - Shoreham Decommissioning Termination Survey Grid Map

Item 3, Item 4 and Item 5 represent all confidential information contained within the Shoreham Decommissioning Project Termination Survey Plan, Revision 2 ("Revision 2") which was sought to be

^{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.

withheld in LIPA's "Application for Withholding Confidential Commercial Information Contained in the Final Termination Survey," dated January 28, 1994. Because the entirety of Revision 2 is included within Phase 2, LIPA is requesting that these Items be withheld from public disclosure in this Application as well.

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).

7. Item 1, Item 3, and Item 4 are 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, Item 3, and Item 4. Along with corresponding instrument sensitivity tables included in the Shoreham Decommissioning Project Termination Survey Plan, Revision 1 ("Revision 1"),^{2/} Item 1, Item 3 and Item 4 are the only documented summaries which LIPA knows to exist which offer 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, Item 3, and Item 4 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

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

found in Item 1, Item 3 and Item 4, and is extremely difficult to duplicate without spending extensive time and expense.

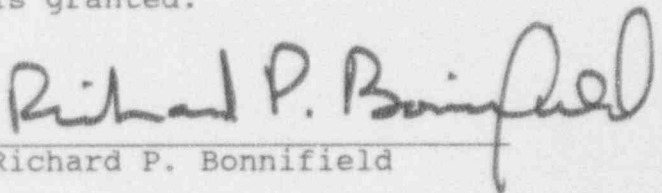
8. The public interest in disclosing these items is minimal. They do not purport to identify any actual residual radioactivity levels; rather, they merely reflect the fact that the instruments used in determining residual radioactivity levels at Shoreham are accurate. Phase 2, absent these Items, still contains sufficient detail to demonstrate compliance with NRC regulatory requirements.

9. Item 2 and Item 5 are 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 and Item 5 indicate 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 and Item 5 because they provide information as to the kind of detailed data which need to be submitted to the Commission and are not available from any other source. This would ultimately result in substantial reductions of cost and time in assembling a termination survey grid map plan for the Commission.

10. There is no strong public interest in disclosure of Item 2 and Item 5. Absent such disclosure, Phase 2 still contains sufficient detail to demonstrate compliance with NRC regulatory requirements.

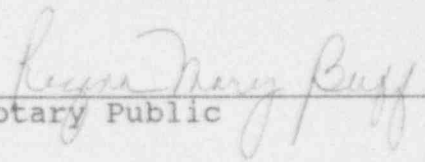
11. The Confidential Information is of a type customarily intended to be held in confidence by LIPA. It is so held because LIPA wishes to protect the value of all confidential commercial information it owns, including the Confidential Information, for the financial benefit of the Long Island ratepayers 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 allow Long Island ratepayers to recoup some of the extensive costs they have incurred.

12. A total of nineteen pages from Phase 2 are requested to be withheld from disclosure. Thousands of pages from Phase 2 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 1st day of February, 1994 in Garden City, New York.

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


Notary Public