

January 31, 1991

MEMORANDUM FOR: William C. Parler, General Counsel

FROM: Samuel J. Chilk, Secretary /S/

SUBJECT: STAFF REQUIREMENTS - AFFIRMATION/DISCUSSION
AND VOTE, 3:30 P.M., THURSDAY, JANUARY 24,
1991, COMMISSIONERS CONFERENCE ROOM, ONE
WHITE FLINT NORTH, ROCKVILLE, MARYLAND (OPEN
TO PUBLIC ATTENDANCE)

**SECY-90-407 - Requests for Hearing and Petitions to Intervene
Regarding Request for "Possession Only" License for Shoreham**

The Commission, with Commissioners Rogers, Curtiss, and Remick agreeing, approved an Order responding to requests for hearings and petitions to intervene regarding a request by the Long Island Lighting Company for an amendment to its license to authorize LILCO to "possess, [and] use but not operate the..." Shoreham Nuclear Plant. The Order determines (1) that the requested amendment would indeed transform the Shoreham operating license into a "Possession Only License" (POL); (2) that such a POL may be issued without any preliminary or final decommissioning information; and (3) that the petitions should be forwarded to the Licensing Board for consideration under the Commission's normal Rules of Practice, e.g., 10 CFR 2.714, consistent both with this Order and the Commission's recent decision (CLI-90-08) on other petitions filed by the same petitioners. Chairman Carr disapproved the Order; he believes that a "preliminary plan" containing sufficient information to provide the Commission the necessary assurance that adequate funding for safe decommissioning will be provided on a timely basis must be submitted prior to issuance of a POL.

The additional concurring views of Commissioner Curtiss and the dissenting views of Chairman Carr are attached to the Order.

(Subsequently, on January 24, 1991, the Secretary signed the Order.)

cc: Chairman Carr
Commissioner Rogers
Commissioner Curtiss
Commissioner Remick
GPA
EDO
OIG
PDR (Advance)

