

LIPA or apply for a "possession only" license is a "stalling technique," as already described, LILCO in its letter of September 19, 1989, committed to an equipment preservation program to prevent degradation of the plant until NRC authorization of decommissioning or other disposition of the facility. The NRC staff has reviewed the LILCO program and, based on its review, found this program to be well-defined, properly implemented in accordance with approved procedures, and adequate to prevent deterioration of protected systems. Thus, the plant will not be allowed to "decommission itself". With regard to LILCO's November 8, 1990 letter concerning its desire to ship certain fuel support castings and peripheral pieces to the Low-Level Waste Repository,<sup>7</sup> the staff is evaluating that proposed action as a license amendment request and will ensure that the required environmental review called for by 10 C.F.R. Part 51 is performed.

(5) Assertion: A letter dated July 17, 1989, from Admiral James B. Watkins, United States Secretary of Energy, to NRC Chairman Kenneth M. Carr, stating that the Department of Energy would support the issuance by the NRC of an immediately effective order prohibiting LILCO from taking actions which in effect initiate the decommissioning process for Shoreham before NRC permission is sought, indicates where the public interest lies, and supports the issuance of an immediately effective order.

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<sup>7</sup> See n. 2 (pp. 13 - 14).

replacement training classes; actions regarding LILCO's Security Training and Qualification Plan, approval in Inspection Reports of LILCO's reduction of staff, discontinuance of training, failure to maintain the facility, and partial participation emergency exercise without participation of any local emergency response organization; and allowance of a "flow" of surrendered operator's licenses without inquiry into LILCO's plans for replacement. The Petitioners also state that they are aware of a series of license exemption and amendment requests allegedly recognizing a unitary decommissioning plan demanding unified consideration in an EIS.

Response: With regard to the Petitioners' assertion that the NRC has been giving permission to LILCO to take actions which adversely impact the environment, each of the license amendments and exemptions to the NRC regulations which have been approved to enable the licensee to take the requested actions have been in accordance with all applicable environmental regulations of 10 C.F.R. Part 51. Moreover, none of the actions authorized were considered by the staff to be irreversible;<sup>9</sup> therefore they do not "diminish the choice of reasonable alternatives to be considered in NEPA proceedings," as alleged by the Petitioners. With respect to the Petitioners' assertion that these exemption and amendment requests recognize a "unitary decommissioning plan demanding unified consideration in an EIS," the staff has granted only those requests that the staff has determined do not impact safety or

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<sup>9</sup> See p. 14