DOCKETED
USNRC

LIPA February 6, 1992

'92 FEB -6 P4:28

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

Before the Commission

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

ANSWER OF THE LONG ISLAND POWER AUTHORITY TO INTERVENTION PETITIONS CONCERNING SHOREHAM DECOMMISSIONING PLAN

On June 28, 1990, the Long Island Lighting Company ("LILCO") and the Long Island Power Authority ("LIPA") jointly requested an amendment authorizing transfer to LIPA of License No. NPF-82 for the Shoreham Nuclear Power Station, Unit 1 ("Shoreham"). That application is pending. In December 1990, LIPA submitted a plan to the Nuclear Regulatory Commission ("NRC" or "Commission") for the decommissioning of Shoreham ("Decommissioning Plan" or "Plan"). On January 2, 1991, LILCO requested that the Plan be reviewed and acted upon.[1] On December 23, 1991, the NRC published notice in the Federal Register that it was considering issuance of an order which would

[1] See Letter from John D. Leonard, Jr., LILCO, Vice President, Office of Corporate Services, and Vice President, Office of Nuclear, to NRC (Document Control Desk) (Jan. 2, 1991) (SNRC-1781).

9204140060 920206
PDR ADOCK 05000322
Q PDR

allow decommissioning of Shoreham in accordance with LIPA's Decommissioning Plan. See 56 Fed. Reg. 66,459 (1991). On January 22, 1992, the Shoreham-Wading River Central School District ("SWRCSD") and the Scientists and Engineers for Secure Energy, Inc. ("SE2") (collectively, the "petitioners") each filed a Petition for Leave to Intervene and Request for Prior Hearing in response to the Commission's notice.[2]

Pursuant to 10 C.F.R. § 2.714(c), LIPA submits this answer and urges the Commission to deny both petitions. First, almost all of petitioners' arguments are beyond the scope of this proceeding and have been previously considered and rejected by the Commission. (See Parts I and II below.) Second, petitioners lack standing to raise the very few issues that are conceivably within the scope of this proceeding and not previously decided. (See Part II below.) Thus, both petitions are fundamentally irrelevant and constitute merely the latest abusive maneuver in petitioners' campaign to compel operation of Shoreham (or delay its transfer and decommissioning) to preserve SWRCSD's tax base and promote SE2's pro-nuclear philosophy.

---

[2] See SWRCSD Petition for Leave to Intervene and Request for Prior Hearing (dated Jan. 22, 1992) ("SWRCSD Petition"); SE2 Petition for Leave to Intervene and Request for Prior Hearing (dated Jan. 22, 1992) ("SE2 Petition").

I. ALMOST ALL OF PETITIONERS' ARGUMENTS ARE BEYOND THE SCOPE OF THIS PROCEEDING AND ALREADY HAVE BEEN CONSIDERED AND REJECTED BY THE COMMISSION.

This proceeding is about whether LIPA's Decommissioning Plan (proposing to utilize the DECON method to decommission Shoreham) should be approved, not about whether Shoreham should be operated as a nuclear power plant. See 56 Fed. Reg. 66,459 (1991). Notwithstanding that unmistakable message in the Commission's Federal Register notice, petitioners have burdened the Commission with 68 pages of argument, virtually indistinguishable from the petitions they have filed as to other proposed licensing actions and going almost entirely to the proposition that Shoreham should be preserved "as an operating plant." (E.g., SWRCSD Petition, p. 9.) All of these arguments are plainly outside the scope of a proceeding to determine the appropriate method of decommissioning Shoreham and should be dismissed. In NRC proceedings, "the hearing notice published by the Commission . . . defines the scope of the proceeding and binds the licensing board." See Long Island Lighting Co. (Shoreham Nuclear Power Station, Unit 1), LBP-91-1, 33 NRC 15, 20 (1991) ("LBP-91-1"); Long Island Lighting Co. (Shoreham Nuclear Power Station, Unit 1), LBP-91-7, 33 NRC 179, 182 (1991) ("LBP-91-7").

Not only do petitioners raise page after page of issues clearly beyond the scope of this proceeding, but in doing so they also grossly abuse the Commission's processes. These very

arguments have long since been considered and rejected by the Commission, but are repeated here despite the Licensing Board's admonition that petitioners must refrain from "repeating arguments that have been ruled upon." Long Island Lighting Co. (Shoreham Nuclear Power Station, Unit 1), LBP-91-26, 34 NRC 537, 545 n.3 (1991).

In CLI-90-8, the Commission expressly ruled that the question whether to abandon Shoreham as a nuclear plant was a private decision left entirely in the hands of the licensee, LILCO. See Long Island Lighting Co. (Shoreham Nuclear Power Station, Unit 1), CLI-90-8, 32 NRC 201, 207-08 (1991) ("CLI-90-8"), petition for reconsideration denied, CLI-91-2, 33 NRC 61, 70-71 (1991) ("CLI-91-2"). The Commission further ruled that the National Environmental Policy Act ("NEPA"), 42 U.S.C. § 4321 et seq., did not require consideration of the alternatives to, or the effects of, LILCO's non-federal decision never to operate Shoreham. See CLI-90-8, 32 NRC at 208-09; CLI-91-2, 33 NRC at 71-72. With respect to decommissioning, the Commission has previously explained that it will only consider the "method for decommissioning," not "the decision whether to decommission a facility." CLI-90-8, 32 NRC at 207 (emphasis in original); CLI-91-2, 33 NRC at 70. These rulings dispose conclusively of the great bulk of the instant petitions.

The frivolous and specious nature of these petitions is underscored by their lengthy arguments concerning impermissible segmentation of NEPA review. (*See* SWRCSD Petition, pp. 3, 7, 11, 13-15, 18-27, 29-30; SE2 Petition, pp. 3, 7, 12, 16, 18, 20-26, 28-29.) For two years, petitioners have raised this argument, claiming that the NEPA review of earlier licensing actions -- *e.g.*, the March 1990 Confirmatory Order -- was impermissibly concluded in advance of NEPA review of a decommissioning proposal. Petitioners simply regurgitate the segmentation arguments without seeming to notice that LIPA's decommissioning proposal is now before the Commission and without even attempting to meet the requirements established by the Commission for an impermissible-segmentation argument in *Long Island Lighting Co.* (Shoreham Nuclear Power Station, Unit 1), CLI-91-4, 33 NRC 233 (1991) ("CLI-91-4").

For all of the foregoing reasons, these are not legitimate petitions to intervene. They are merely rear guard actions in a war of attrition, conducted by word processor. These petitions, coming over a year after the Commission settled the question of future operation in CLI-90-8 and CLI-91-2, simply do not warrant the Commission's serious attention or the expenditure of Commission resources. The petitions should be dismissed summarily, and the way cleared at last for prompt decommissioning of Shoreham. *See* *Statement of Policy on Conduct*

Of Licensing Proceedings, CLI-81-8, 13 NRC 452, 454 (1981).[3] Indeed, the NRC Staff also has asked the Commission to dismiss the petitions because they raise issues already decided and beyond the scope of this proceeding. See NRC Staff's Motion to Dismiss Intervention Petitions (dated Feb. 5, 1992).[4]

II. NONE OF THE ISSUES ARGUABLY RELATED TO THIS PROCEEDING PROVIDES A BASIS FOR INTERVENTION.

It is possible to glean from petitioners' blizzard of words a very few assertions appearing to bear at least some tenuous relationship to the issue before the Commission -- whether LIPA's Decommissioning Plan should be approved. However, none of these matters presents a basis for intervention. Each of these arguments, as well, is either beyond the scope of this proceeding, fails because petitioners lack standing to make it, or both.

---

[3] Petitioners' recycled AEA and NEPA arguments already decided or beyond the scope of this proceeding should be dismissed for the additional, independent reason that petitioners lack standing to raise all of these arguments. LIPA has previously shown that petitioners lack standing to raise these same arguments in its Answer to Intervention Petitions Concerning License Amendment to Authorize Transfer of Shoreham and Response Concerning No Significant Hazards Consideration (dated May 6, 1991), pp. 14-33. Especially relevant are the discussions contained in Part III.A, pp. 19-22 (Effects on Tax Base and Local Services), Part III.B, pp. 22-24 (Economic Interest in Energy Supplies), Part III.C, pp. 24-31 (Environmental and NEPA-Related Effects), and Part III.F, pp. 33-43 (Health and Safety Considerations).

[4] LIPA supports generally the Staff's motion and reserves its right under 10 C.F.R. § 2.730 to file a response within the allotted time.

The rules for determining whether asserted issues are within the scope of a particular proceeding have been summarized in Part I. The applicable rules on standing are well-known to the Commission, and relevant portions need only be summarized here. It is settled that in an NRC proceeding a petitioner should allege an injury that is within the zone of interests protected by the AEA or the NEPA. Niagara Mohawk Power Corp. (Nine Mile Point Nuclear Station, Unit 2), LBP-83-45, 18 NRC 213, 215 (1983). A petitioner must also establish (1) that it personally has suffered, or will suffer, a distinct and palpable harm that constitutes injury in fact; (2) that the injury can be traced to the challenged action; and (3) that the injury is likely to be remedied by a favorable decision granting the relief sought. Dellums v. NRC, 863 F.2d 968, 971 (D.C. Cir. 1988). Standing for an organization requires a showing of injury to an organization's interests or to the interest of members who have authorized it to act for them. LBP-91-1, 33 NRC at 22. If the organization's asserted standing is representational, the petition must identify at least one member who will be injured, describe the nature of that injury, and include an authorization for the organization to represent that individual in the proceeding. Id. As demonstrated below, petitioners have failed to establish standing to assert any issue that is within the scope of this proceeding.

A. Petitioners Lack Standing To Complain Of LIPA's Choice Of The DECON Alternative, And Their Argument Is Frivolous In Any Event.

The first potentially relevant issue tucked away in the petitions relates to the health-and-safety consequences of LIPA's selection of the DECON method for decommissioning, as opposed to the SAFSTOR or ENTOMB method. Petitioners contend

> that the proposal to use the DECON approach to decommissioning as opposed to SAFSTOR or ENTOMB will cause additional unnecessary, and therefore impermissible, radioactive exposures to those whom [petitioners] represent[] and therefore, their interests under the Atomic Energy Act would be harmed by approval of the DECON alternative and protected by a choice of another alternative or denial of the application for a decommissioning order.

(SWRCSD Petition, p. 17; SE2 Petition, p. 16.)

Petitioners' generalized and unsupported assertion fails utterly to address the standards articulated by the Commission for standing predicated on alleged radiological issues. In such cases the appropriate question is whether the proposed action "can result in harm," taking into account Shoreham's status as a "defueled plant that has never been in commercial operation." LBP-91-1, 33 NRC at 34; LBP-91-7, 33 NRC at 192. There is no presumption of standing for individuals residing within 50 miles of the facility in the case of proposed actions, such as that here, which lack "obvious potential for offsite consequences." Florida Power & Light Co. (St. Lucie

Nuclear Power Plant, Units 1 and 2), CLI-89-21, 30 NRC 325, 330 (1989) (emphasis added). Instead, a would-be intervenor must show that a "particularized injury in fact" results from the proposed action; "[m]erely making bare allegations of radiological harm . . . is legally insufficient to establish standing." LBP-91-7, 33 NRC at 193.

Despite such explicit guidance, petitioners have not bothered specifically even to assert, let alone to demonstrate, any threatened harm to anyone (much less to petitioners or those they claim to represent) if DECON is implemented instead of SAFSTOR or ENTOMB. Thus, petitioners lack standing to make this claim.

Moreover, even if they had standing, petitioners would be unable to craft any admissible contention favoring SAFSTOR or ENTOMB over DECON because DECON is precisely the right method for decommissioning Shoreham. As indicated in the Commission's Generic Environmental Impact Statement on Decommissioning ("GEIS"), NUREG-0586 (dated Aug. 1988), DECON should be considered where the facility in question has not been "highly contaminated" or where there are not "large amounts of activation products." GEIS, p. 2-10. Shoreham clearly presents such a case.[5] Thus, LIPA's proposal of DECON is fully consistent with

---

[5] Shoreham received a license to load fuel on December 7, 1984, and it achieved initial criticality on February 15, 1985. LILCO was issued a low-power (128 megawatts, or 5% thermal power) (continued...)

the GEIS and with relevant health-and-safety considerations under the Atomic Energy Act, and petitioners make no effort whatever to show the contrary.

In fact, the contention that SAFSTOR or ENTOMB should have been chosen in lieu of DECON serves only to illustrate vividly the utter bankruptcy of the petitions. Petitioners' counsel -- James P. McGranery, Jr. -- also represents the Environmental Conservation Organization ("ECO") before the Commission with respect to proceedings involving the closure of Rancho Seco Nuclear Generating Station ("Rancho Seco"). In those proceedings, Mr. McGranery has taken precisely the opposite tack of arguing that DECON should be preferred over SAFSTOR. In a pleading filed June 10, 1991, Mr. McGranery argued as follows:

> The NRC should not approve the decommissioning plan proposed by [the Sacramento Municipal Utility District] allowing for SAFSTOR before DECON since this proposal increases the costs of decommissioning and unnecessarily defers decommissioning, thus maintaining the radiological hazard for longer than necessary without any benefit under the Atomic Energy Act, and with a greater environmental impact and an increase[d] burden on the resources of NRC and all concerned.

---

[5](...continued)
license for Shoreham on July 3, 1985, and low-power testing was conducted at the plant on three different occasions for a total of 137 days. LILCO has calculated that this history of low-power operation is the equivalent of approximately two days of full-power operation. The last time Shoreham operated at any power level was June 6, 1987.

(See Petitioner's Further Amendment and Supplement to Petition to Intervene, Docket No. 50-312-OLA (dated June 10, 1991), p. 5.) If Rancho Seco -- with a long operating history -- should be subject to immediate DECON, the result follows even more clearly with respect to Shoreham. The SWRCSD and SE2 petitions assert the contrary not by way of legitimate argument, but simply as a pretext to obtain a hearing and thereby to further delay decommissioning.

B. Petitioners Fail To Demonstrate Standing As To LIPA's Capacity To Implement Decommissioning.

Petitioners also [illegible] "that the Commission does not have adequate assurance of the financing of the activities under the decommissioning order or of the capability of the organization proposed to conduct the decommissioning order." (SWRCSD Petition, p. 17; SE2 Petition, p. 16.) Further, they assert this supposed lack of assurance would "endanger the interests of those represented under the Atomic Energy Act." (Id.) The foregoing constitutes the entirety of petitioners' submission on this point. Clearly, petitioners have failed their threshold obligation to show a particularized injury in fact; once again, they rely on "[m]erely making bare allegations of radiological harm." LBP-91-7, 33 NRC at 193. As already shown, such naked allegations are legally insufficient to establish standing.

Petitioners' reticence on these issues simply underscores the frivolous nature of their petitions to intervene, which are directed entirely at the goal of promoting operation of Shoreham and do not meaningfully seek to challenge anything within the four corners of LIPA's Decommissioning Plan. LIPA has made detailed submissions to the Commission both with regard to the financing of decommissioning activities and with regard to the capabilities of the decommissioning organization. See, e.g., Joint Application of LILCO and LIPA For License Amendment to Authorize Transfer of Shoreham (dated June 28, 1990). Petitioners have had ample time to investigate the sufficiency of LIPA's financing and organizational capability. Their failure to specify supposed deficiencies, much less to show how the supposed deficiencies could cause radiological harm to petitioners or those they seek to represent, manifests a clear disinterest in the subject matter of this proceeding and defeats their claim of standing.

C. Petitioners' Demand For An EA Is A Non-Issue.

Petitioners also complain that an EA has not been prepared by the NRC Staff in connection with the Decommissioning Plan. (See SWRCSD Petition, pp. 23-27, 30; SE2 Petition, pp. 23-26, 29.) This argument provides no basis for intervention.

First, it is clear from petitioners' discussion that they seek an EA principally, if not solely, to analyze the

possibility of operation of Shoreham as a nuclear power plant. But the Commission has already ruled that consideration of possible operation falls outside the scope of NEPA review of a decommissioning plan. And, within the context of this proceeding, petitioners fail to specify any environmental harm that would befall them or those they seek to represent. Thus, petitioners can point to no injury resulting from the alleged omission of an EA and sufficing to confer standing in this proceeding.

Second, given the status of this proceeding, petitioners' objection is premature. The relevant regulations provide that the appropriate NRC staff director is to determine "[b]efore taking a proposed action" whether an EIS or an EA should be prepared or whether a categorical exclusion applies. See 10 C.F.R. § 51.25. No timetable for such a determination is specified. The relevant determination therefore may be made at any time prior to issuance of the licensed action. If the staff director determines, based on 10 C.F.R. §§ 51.21 and 51.22(c) and (d), that an EA should be prepared, there is no reason why that cannot be accomplished prior to action on the amendment. Following an EA, the staff director determines whether to prepare an EIS or a finding of no significant impact. See 10 C.F.R. § 51.31. If there is a finding of no significant impact, absent circumstances not present here, no further proceedings are required except for publication under 10 C.F.R. § 51.35.

Nor have petitioners established any possible basis here on which an EA might lead to preparation of a full EIS. As the Commission is well aware, it has already determined that an EA ordinarily will suffice in reviewing decommissioning plans. The Commission stated that its

> primary reason for eliminating a mandatory EIS for decommissioning is that the impacts have been considered generically in a GEIS. . . . The GEIS shows that the difference in impacts among the basic alternatives for decommissioning is small, whatever alternative is chosen, in comparison with the impact accepted from 40 years of licensed operation.

53 Fed. Reg. 24,039 (1988) (emphasis added).[6]

D. Petitioners' Complaints about the Environmental Report Are Either Beyond The Scope Of This Proceeding Or Insufficient To Confer Standing.

Finally, petitioners complain that the Environmental Report "provides a totally inadequate basis for consideration of the decommissioning of Shoreham," citing a number of supposed deficiencies. (SWRCSD Petition, pp. 27-29; SE2 Petition, pp. 25-28.) However, none of the supposed deficiencies provides a basis for petitioners' intervention in this proceeding.

---

[6] In addition, the GEIS confirms that "it is not expected that any significant environmental impacts will result from the choice of alternatives" as to decommissioning methods. GEIS, ¶ 15.1.5. Further, the GEIS concludes that "[d]ecommissioning of a nuclear facility generally has a positive environmental impact." (GEIS, p. xi.)

First, most of petitioners' complaints about the Environmental Report are beyond the scope of the proceeding because they involve the question whether Shoreham should be operated as a nuclear power plant. (Id.) Thus, for example, petitioners complain that the Report does not address the effect of non-operation of Shoreham on such matters as tax revenues, "loss of employment" for Shoreham's "operating staff," and "electric energy" supplies. (SWRCSD Petition, pp. 27-28; SE2 Petition, pp. 25-28.) For the reasons shown in Part I above, none of these matters is implicated in the decommissioning order. Moreover, to the extent petitioners raise supposed NEPA issues not implicated by the proposed order, they fail to establish standing because no conceivable outcome can redress their complaint. See Dellums v. NRC, 863 F.2d at 971 (no standing unless injury "fairly can be traced to the challenged action" and is "likely to be redressed by a favorable decision") (quoting Simon v. Eastern Ky. Welfare Rights Org., 426 U.S. 26, 38, 41 (1976)).

Perhaps inadvertently, petitioners do mention two points regarding the Environmental Report that are related to the Decommissioning Plan. First, they assert that

> [t]here is no discussion of the impacts of the hauling and disposal of construction debris, or their effects on local air, traffic, noise and other considerations. See Section 4.1.2.2.

(SWRCSD Petition, pp. 27-28; SE2 Petition, p. 26.) However, any failing is not in the Environmental Report, but in petitioners' inattention to its contents. Those subjects are considered in ample detail in Sections 4.1.2.3, 4.1.2.4, 4.1.2.6, 4.2.2, 4.6, and 4.9 of the Environmental Report.

Second, petitioners assert conclusorily that the Environmental Report is insufficiently detailed in analyzing the "radioactive and non-radioactive environmental impacts of the various [decommissioning] alternatives." (SWRCSD Petition, p. 28; SE2 Petition, p. 27.) As already shown, however, such conclusory assertions are wholly insufficient to establish a basis for standing. Moreover, the Commission has already determined in the GEIS that "it is not expected that any significant impacts will result from the choice of alternatives" as to decommissioning alternatives. GEIS, ¶ 15.1.5. Petitioners could not possibly show the contrary as to this minimally contaminated facility.

E. Petitioners Have Not Shown Any Basis For Representational Standing.

For the foregoing substantive reasons, there is no standing to intervene in this proceeding on the part of SWRCSD, SE2, nor any person sought to be represented by either petitioner. Petitioners are further precluded from intervention because they have failed to meet an explicit Commission

requirement for representational standing -- affidavits from individuals authorizing such representation. See LBP-91-1, 33 NRC at 22, 34; LBP-91-7, 33 NRC at 192-93. No such affidavits have been proffered, even though petitioners previously have been admonished by the Board of the requirement for affidavits.

III. THE PROPOSED DECOMMISSIONING ORDER MAY BE MADE IMMEDIATELY EFFECTIVE.

Although the NRC Staff has not yet proposed to do so, petitioners argue that a decommissioning order cannot be made immediately effective. (See SWRCSD Petition, pp. 1-2; SE2 Petition, pp. 1-2.) This is not an appropriate occasion to brief this question in detail, but petitioners are plainly wrong.

First, petitioners argue that the Commission's Sholly procedures[7] apply only to license amendments, and the Commission's notice proposes an order. Out of an abundance of caution, LIPA, with the support of LILCO, has proposed a license amendment as an alternate vehicle for the approval of decommissioning that would, if approved, render petitioners' argument moot. On January 15, 1992, LIPA requested a conforming amendment to the Shoreham license to reflect the NRC's approval

---

[7] See Atomic Energy Act, 42 U.S.C. § 2239(A)(2); 10 C.F.R. §§ 50.90-50.92.

of the Shoreham Decommissioning Plan.[8] If the Commission deems the amendment the appropriate route and acts accordingly, then petitioners' argument is moot. But even if the Commission proceeds by way of an order, the Sholly provisions still apply. Any NRC action that allows a licensee to do something not previously authorized -- whether denominated an order or amendment -- effectively amends the license and is subject to Section 189(a) of the Atomic Energy Act and the Sholly procedures.[9] Moreover, there is no reason why the Commission may not apply the Sholly procedures to an order in the exercise of its inherent authority efficiently to conduct the business before it.

Petitioners also contend that Sholly is inapplicable because the Shoreham license is now a possession-only license ("POL") and Sholly supposedly applies only to operating licenses. (SWRCSD Petition, p. 2; SE2 Petition, p. 2.) That contention, however, is untenable, as LIPA and the NRC Staff have previously

---

[8] See Letter from L.M. Hill, LIPA, Resident Manager, Shoreham to NRC (Document Control Desk) (Jan. 13, 1992) (LSNRC-1883); Letter from L.M. Hill, LIPA, Resident Manager, Shoreham to NRC (Document Control Desk) (Jan. 22, 1992) (LSNRC-1899).

[9] See Sholly v. NRC, 651 F.2d 780 (D.C. Cir. 1980) (order regarding releasing radioactive gas an amendment); see San Luis Obispo Mothers For Peace v. NRC, 751 F.2d 1287, 1314-15 (D.C. Cir. 1984) (lifting of a suspension not an amendment; extension of license term an amendment); Southern California Edison Co. (San Onofre Nuclear Generating Station, Unit 1) CLI-85-10, 21 NRC 1569, 1573-75 (1985) (to same effect).

explained.[10] The NRC has frequently followed Sholly procedures when making amendments to POLs, and petitioners show no error in that practice.[11] Petitioners' theory, if correct, would mean that approval of a decommissioning plan could be made immediately effective for a plant still subject to an operating license but not for one subject to a POL. This theory makes no sense given that the July 1991 downgrading of the Shoreham license to POL status reduced (rather than increased) the relevant health-and-safety considerations, thus making further reliance on Sholly all the more appropriate.

---

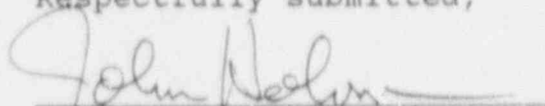
[10] See Opposition of LIPA to Motion for Stay of License Transfer and Suggestion of Mootness (dated Dec. 30, 1991), pp. 9-11 & n. 8-10; NRC Staff Response to Petitioners' Motion for Stay and Suggestion of Mootness (dated Jan. 6, 1992), pp. 6-8 & nn. 11-17.

[11] See, e.g., Philadelphia Electric Co. (Peach Bottom Atomic Power Station, Unit 1), 54 Fed. Reg. 41,886 (1989) (proposed amendment to POL); NASA (Plum Brook Station), 54 Fed. Reg. 38,759, 38,765 (1989) (same).

CONCLUSION

For the foregoing reasons, the Petitions for Leave to Intervene and Requests for Prior Hearing should be denied in their entirety. These petitions do not even attempt to demonstrate standing (or to frame cognizable issues) with respect to LIPA's Decommissioning Plan because petitioners have no real concern as to whether Shoreham is decommissioned by DECON, SAFSTOR, or ENTOMB. The petitions simply reflect petitioners' obstinate insistence on further litigating the question of possible operation of Shoreham. Petitioners' quixotic campaign for delay should not be indulged.

Respectfully submitted,



William T. Coleman, Jr.
Carl R. Schenker, Jr.
John D. Holum
John A. Rogovin
O'MELVENY & MYERS
555 13th Street, N.W.
Washington, D.C. 20004
(202) 383-5360

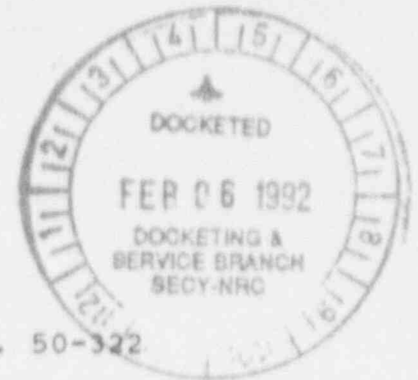
Nicholas S. Reynolds
David A. Repka
WINSTON & STRAWN
1400 L Street, N.W.
Washington, D.C. 20005
(202) 371-5726

Counsel for the
Long Island Power Authority

Of Counsel:

Stanley B. Klimberg
President of Shoreham Project
and General Counsel
Richard P. Bonnifield
Deputy General Counsel
LONG ISLAND POWER AUTHORITY
200 Garden City Plaza
Garden City, N.Y. 11530
(516) 742-2200

Dated: February 6, 1992



UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

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

NOTICE OF APPEARANCE

Notice is hereby given that the undersigned attorney enters an appearance in the above-captioned matter. In accordance with 10 C.F.R. § 2.713(b), the following information is provided:

Name:	- William T. Coleman, Jr.
Address:	- O'Melveny & Myers 555 13th Street, N.W. Washington, D.C. 20004-1109
Telephone Number:	- (202) 383-5325
Admission:	- U.S. Supreme Court U.S. Court of Appeals, D.C. Circuit U.S. District Court, District of Columbia District of Columbia Court of Appeals
Name of Party:	- The Long Island Power Authority

Respectfully submitted,

[signature]

William T. Coleman, Jr.
O'MELVENY & MYERS
555 13th Street, N.W.
Washington, D.C. 20004-1109
(202) 383-5325

February 6, 1992

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

DOCKETED
FEB 06 1992
DOCKETING & SERVICE BRANCH
SECY-NRC

In the Matter of

LONG ISLAND LIGHTING COMPANY

(Shoreham Nuclear Power Station, Unit 1)

Docket No. 50-322

(Decommissioning)

NOTICE OF APPEARANCE

Notice is hereby given that the undersigned attorney enters an appearance in the above-captioned matter. In accordance with 10 C.F.R. § 2.713(b), the following information is provided:

Name: - Carl R. Schenker, Jr.

Address: - O'Melveny & Myers
555 13th Street, N.W.
Washington, D.C. 20004-1109

Telephone Number: - (202) 383-5360

Admission: - U.S. Supreme Court
U.S. Court of Appeals, D.C. Circuit
U.S. District Court, District of Columbia
District of Columbia Court of Appeals

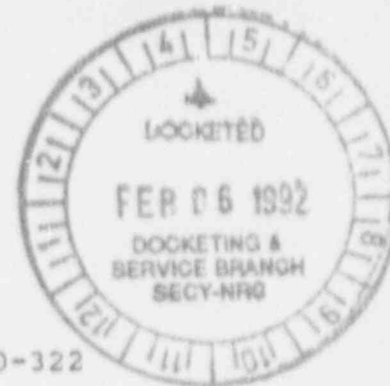
Name of Party: - The Long Island Power Authority

Respectfully submitted,

Carl R. Schenker, Jr.
O'MELVENY & MYERS
555 13th Street, N.W.
Washington, D.C. 20004-1109
(202) 383-5360

February 6, 1992

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION



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

NOTICE OF APPEARANCE

Notice is hereby given that the undersigned attorney enters an appearance in the above-captioned matter. In accordance with 10 C.F.R. § 2.713(b), the following information is provided:

Name:	- John D. Holum
Address:	- O'Melveny & Myers 555 13th Street, N.W. Washington, D.C. 20004-1109
Telephone Number:	- (202) 383-5319
Admission:	- U.S. Court of Appeals, D.C. Circuit U.S. District Court, District of Columbia District of Columbia Court of Appeals
Name of Party:	- The Long Island Power Authority

Respectfully submitted,

John Holum

John D. Holum
O'MELVENY & MYERS
555 13th Street, N.W.
Washington, D.C. 20004-1109
(202) 383-5319

February 6, 1992

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

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

NOTICE OF APPEARANCE

Notice is hereby given that the undersigned attorney enters an appearance in the above-captioned matter. In accordance with 10 C.F.R. § 2.713(b), the following information is provided:

Name: - John A. Rogovin

Address: - O'Melveny & Myers
555 13th Street, N.W.
Washington, D.C. 20004-1109

Telephone Number: - (202) 383-5358

Admission: - U.S. Court of Appeals, D.C. Circuit
U.S. District Court, District of Columbia
District of Columbia Court of Appeals

Name of Party: - The Long Island Power Authority

Respectfully submitted,

John A. Rogovin
O'MELVENY & MYERS
555 13th Street, N.W.
Washington, D.C. 20004-1109
(202) 383-5358

February 6, 1992

CERTIFICATE OF SERVICE

DOCKETED
USNRC

'92 FEB -6 P4:28

OFFICE OF SECRETARY
DOCKETING & SERVICE
BRANCH

Pursuant to the service requirements of 10 C.F.R. § 2.712 (1991), I hereby certify that on February 6, 1992, I served a copy of the Answer of the Long Island Power Authority To Intervention Petitions Concerning Shoreham Decommissioning Plan, Notices of Appearance, and transmittal letter via Courier upon the following parties, except where otherwise indicated:

Commissioner Ivan Selin
Chairman
Nuclear Regulatory Commission
One White Flint North Building
11555 Rockville Pike
Rockville, Maryland 20852

Commissioner Kenneth C. Rogers
Nuclear Regulatory Commission
One White Flint North Building
11555 Rockville Pike
Rockville, Maryland 20852

Commissioner James R. Curtiss
Nuclear Regulatory Commission
One White Flint North Building
11555 Rockville Pike
Rockville, Maryland 20852

Commissioner Forrest J. Remick
Nuclear Regulatory Commission
One White Flint North Building
11555 Rockville Pike
Rockville, Maryland 20852

Commissioner E. Gail de Planque
Nuclear Regulatory Commission
One White Flint North Building
11555 Rockville Pike
Rockville, Maryland 20852

Stephen A. Wakefield, Esq.
General Counsel
U.S. Department of Energy
Forrestal Building
1000 Independence Avenue, S.W.
Washington, D.C. 20585
(First Class Mail)

The Honorable Samuel J. Chilk
The Secretary of the Commission
Nuclear Regulatory Commission
One White Flint North Building
11555 Rockville Pike
Rockville, Maryland 20852

Administrative Judge
Thomas S. Moore, Chairman
Administrative Judge
Nuclear Regulatory Commission
Washington, D.C. 20555
(First Class Mail)

Administrative Judge
Jerry R. Kline
Atomic Safety
and Licensing Board
Nuclear Regulatory Commission
Washington, D.C. 20555
(First Class Mail)

Administrative Judge
George A. Ferguson
5307 Al Jones Drive
Columbia Beach, Maryland 20764
(First Class Mail)

Edwin J. Reis, Esq.
Deputy Assistant Genera Counsel
for Reactor Licensing
Nuclear Regulatory Commission
One White Flint North Building
11555 Rockville Pike
Rockville, Maryland 20852

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

Regulatory Publications Branch
Division of Freedom of
Information & Publications
Services
Office of Administration
Nuclear Regulatory Commission
Washington, D.C. 20555
(First Class Mail)

Donald P. Irwin, Esq.
Counsel, Long Island
Lighting Company
Hunton & Williams
707 East Main Street
Richmond, Virginia 23212
(Via Federal Express)

Gerald C. Goldstein, Esq.
Office of the General Counsel
Power Authority of
State of New York
1633 Broadway
New York, New York 10019
(Via Federal Express)

Samuel A. Cherniak, Esq.
NYS Department of Law
Bureau of Consumer Frauds
and Protection
120 Broadway
New York, New York 10271
(Via Federal Express)

John D. Holum

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

Dated: February 6, 1992