

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE COMMISSION

In the Matter of)	
)	
LONG ISLAND POWER AUTHORITY)	Docket No. 50-322-DCOM
(Shoreham Nuclear Power)	
Station, Unit 1))	(Decommissioning Plan)

NRC STAFF'S REPLY TO PETITIONERS' MAY 5, 1992 FILING

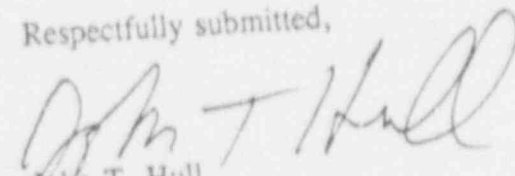
In their "Supplement to Joint Opposition to the Staff's Recommendation for Issuance of a Decommissioning Order . . .," the Shoreham-Wading River Central School District and Scientists and Engineers for Secure Energy (Petitioners), take issue with the NRC Staff's representation, in SECY-92-140, regarding the *Federal Register* notice announcing its consideration of the Licensee's decommissioning plan to the extent that it advises the Commission that it was "drafted in the form of an order conventionally used under the provisions of 10 C.F.R. Part 2, Subpart B." Petitioners' arguments, Supplement at 1-4, are predicated on a misunderstanding of the Staff's statement.

The simple response to Petitioners' arguments is that in representing that the December 23, 1991 *Federal Register* notice regarding consideration of the Shoreham decommissioning plan was "drafted in the form of" an order conventionally issued under Subpart B to 10 C.F.R. Part 2, the operative phrase is "in the form of" an order. (Emphasis added). The Staff sought to inform the Commission that in light of the language

of 10 C.F.R. § 50.82(e) which refers to the issuance of an order to approve a decommissioning plan, the notice was not drafted in the form of a conventional license amendment notice which typically includes a proposed finding with respect to Significant Hazards Considerations, but rather followed a general format used for orders which is silent in regard to Significant Hazards Considerations and simply provides a general opportunity for requesting a hearing. Neither the notice itself nor the representation in SECY-92-140 suggest that the proposed action was in the nature of any type of enforcement action or other action which would be imposed by the Staff as some type of sanction.

For the foregoing reasons, the Petitioners' May 5 supplement is founded on a faulty premise and should be disregarded.

Respectfully submitted,


John T. Hull
Counsel for NRC Staff

Dated at Rockville, Maryland
this 6th day of May, 1992

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USNRC

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

'92 MAY -6 P5:13

BEFORE THE COMMISSION

OFFICE OF SECRETARY
DOCKETING & SERVICE
BRANCH

In the Matter of)	
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LONG ISLAND POWER AUTHORITY)	Docket No. 50-322-DCOM
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(Shoreham Nuclear Power Station, Unit 1))	(Decommissioning Plan)

CERTIFICATE OF SERVICE

I hereby certify that copies of "NRC STAFF'S MOTION TO FILE RESPONSIVE PLEADING" and "NRC STAFF'S REPLY TO PETITIONERS' MAY 5, 1992 FILING" on the above captioned proceeding have been served on the following by deposit in the United States mail, first class, or, as indicated by an asterisk, by deposit in the Nuclear Regulatory Commission's internal mail system, this 6th day of May, 1992:

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EW-439

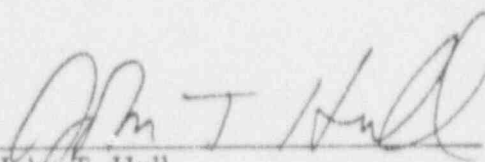
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