

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

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

ORDER APPROVING DECOMMISSIONING PLAN AND  
AUTHORIZING DECOMMISSIONING OF FACILITY

I

Long Island Power Authority (LIPA) is the holder of Facility Operating License No. NPF-82 issued by the U.S. Nuclear Regulatory Commission (the NRC) pursuant to 10 CFR Part 50 on April 21, 1989. The license was amended on June 14, 1991, to remove the authority to operate the Shoreham Nuclear Power Station (SNPS) in accordance with conditions specified therein, and authorizes the possession only of SNPS. The facility is located on the licensee's site in the Town of Brookhaven, Suffolk County, New York.

II

On February 28, 1989, Long Island Lighting Company (LILCO), the former licensee, entered into an agreement with the State of New York to transfer its Shoreham assets to an entity of the State for decommissioning. LILCO, however, continued to pursue with the NRC its request for a full-power license to operate its Shoreham plant. On April 21, 1989, the NRC issued to LILCO a Facility Operating License No. NPF-82, which allowed full-power operation of the Shoreham plant. On June 28, 1989, LILCO's shareholders ratified LILCO's agreement with the State. Consistent with the terms of the settlement

agreement, which prohibits further operation of the Shoreham facility, LILCO defueled the reactor and reduced its staff. The NRC approved by Order, dated February 29, 1992, the transfer of the Shoreham license to the State entity, LIPA.

By letter dated January 2, 1991, LILCO requested approval of the proposed Decommissioning Plan for the Shoreham Nuclear Power Station, previously submitted by LIPA on December 29, 1990. The Decommissioning Plan was supplemented on August 26, November 27, and December 6, 1991. Additionally, LIPA submitted a No Significant Hazards Consideration Analysis concerning the Decommissioning Plan on January 22, 1992. A Notice of Consideration of Issuance of Amendment and Opportunity for Hearing regarding approval of the Decommissioning Plan was published in the FEDERAL REGISTER on December 23, 1991 (56 FR 66459). Comments and requests for hearings were received from the Shoreham-Wading River School District and Scientists and Engineers for Secure Energy, Inc., by letters dated January 22, 1992. The Commission in its Order dated April 3, 1992, directed the Secretary to forward the intervention petitions to the Atomic Safety and Licensing Board for further action. The petitions were withdrawn on June 3, 1992. The Commission, by order dated June 10, 1992, dismissed the proceeding based on this withdrawal. Also on June 10, 1992, the Commission in a Staff Requirements Memorandum (SRM) stated that it had no objection to the issuance of an order authorizing decommissioning of the Shoreham facility.

III

The U.S. Nuclear Regulatory Commission (the Commission) has reviewed the application with respect to the provisions of the Commission's rules and regulations and has found that decommissioning as stated in the licensee's Decommissioning Plan will be consistent with the regulations in 10 CFR Chapter I, and will not be inimical to the common defense and security or to the health and safety of the public. The basis for these findings is set forth in the concurrently issued Safety Evaluation by the Office of Nuclear Reactor Regulation. The staff's No Significant Hazards Consideration Determination, as well as an evaluation of those issues raised in the hearing requests, are also documented in this Safety Evaluation.

The staff concluded that this order should contain conditions relating to three issues addressed in the Safety Evaluation. These issues include fuel disposal, onsite low-level radioactive waste storage, and use of a temporary liquid radwaste system. Therefore, in regard to fuel disposal, the licensee will be required to (1) have the fuel completely removed from the site within the 6 years specified in the Safety Evaluation, consistent with the time period during which the fuel remains onsite for the DECON alternative as described in the Generic Environmental Impact Statement on Decommissioning, NUREG-0586 (GEIS) or (2) suspend the on-going decommissioning, and within 30 days from the end of the allotted time, request NRC approval of a modified decommissioning plan that addresses disposition of irradiated fuel. Similarly, if it appears that onsite low-level radioactive waste storage will exceed the 5 years specified in the Safety Evaluation, the licensee will be required to apply for a license amendment, pursuant to 10 CFR Part 30, that

addresses storage of low-level radioactive waste. The application for a license amendment must be submitted for NRC review no later than 30 days beyond the end of the 5 year period specified. Finally, the licensee referenced use of a temporary liquid radwaste system during decommissioning. Such a system may not be used until the licensee submits sufficient system design information and the NRC has approved the use of the system.

The staff also added a fourth condition to this Order to specify the method by which changes could be made to the Decommissioning Plan.

#### IV

Accordingly, pursuant to Section 103, 161b, 161i, and 161o, of the Atomic Energy Act of 1954, as amended, 10 CFR 50.82, and the Commission's SRM dated June 10, 1992, the licensee's Decommissioning Plan is approved and decommissioning of the Shoreham Nuclear Power Station is authorized subject to the following conditions:

- (1) Should the licensee fail to remove all fuel from the 10 CFR Part 50 reactor site within 6 years from the date of this Order, the licensee is required to:
  - a) suspend the on-going decommissioning; and
  - b) within 30 days from the end of the 6 year period, request NRC approval of a modified decommissioning plan.
- (2) If the licensee is unable to ship all solid radioactive waste offsite within 5 years of the date of this Order, the licensee shall apply for a license amendment, pursuant to 10 CFR Part 30, within 30 days from the end of the 5 year period that addresses storage of low-level radioactive waste.
- (3) In the event the licensee intends to utilize a temporary liquid radwaste system to complete the decontamination efforts, the licensee shall submit sufficient system design information to the NRC and receive NRC approval of the design prior to dismantlement of the installed liquid radwaste system.

- (4) The licensee may make changes to the Decommissioning Plan other than those associated with the above conditions provided that:
- (a) such changes are approved in writing by the onsite review committee;
  - (b) the Director, Office of Nuclear Material Safety and Safeguards is notified of such changes in writing, and is provided with a copy of the written approval by the onsite review committee, not less than 30 days before such changes are implemented; and
  - (c) such changes do not result in an unreviewed safety question or result in environmental impacts different from and exceeding those set forth in the licensee's Supplement to Environmental Report, December 1990.

Changes not meeting the above criteria must be submitted by the licensee to the Director, Office of Nuclear Material Safety and Safeguards for prior NRC review and approval before they may be implemented.

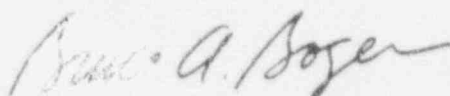
Pursuant to 10 CFR 51.21, 51.30, and 51.35, the Commission has prepared an Environmental Assessment and Finding of No Significant Impact for the proposed action. Based on that Assessment, the Commission has determined that the proposed action will not result in any significant environmental impact and that an environmental impact statement need not be prepared. The Notice of Issuance of Environmental Assessment and Finding of No Significant Impact was published in the FEDERAL REGISTER on June 11, 1992 (57 FR 24832).

V

For further details with respect to this action, see: (1) the application for authorization to decommission the facility, dated December 29, 1990, and January 2, 1991, as supplemented August 26, November 27, December 6, 1991, and January 24, 1992, (2) the Commission's related Safety Evaluation; and (3) the Environmental Assessment and Finding of No Significant Impact dated June 5, 1992. These documents are available for

public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street N.W., Washington, D.C. 20555, and at the Shoreham-Wading River Public Library, Route 25A, Shoreham, New York 11786. Copies of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Reactor Projects - III/IV/V.

FOR THE NUCLEAR REGULATORY COMMISSION



Bruce A. Boger, Director  
Division of Reactor Projects - III/IV/V  
Office of Nuclear Reactor Regulation

Dated at Rockville, Maryland  
this 11th day of June 1992