

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

ATOMIC SAFETY AND LICENSING BOARD

Before Administrative Judges:

Morton B. Margulies, Chairman
Dr. George A. Ferguson
Dr. Jerry R. Kline

In the Matter of

Long Island Lighting Co.,
Shoreham Nuclear Power Station;
Confirmatory Order Modifying
License (Effective Immediately)
(55 Fed. Reg. 12758, April 5, 1990)

Docket No. 50-322-OLA

ASLEP No.
91-621-01-OLA

AFFIDAVIT OF ANDREW P. HULL

Andrew P. Hull, being duly sworn, says as follows:

1. I, Andrew P. Hull, reside at 2 Harvard Road, Shoreham, New York 11786 which is just over one mile from the Shoreham Nuclear Power Station ("Shoreham Plant"). I have owned this property for twenty-eight years. Thus, I live within the fifty mile geographical zone utilized by the U.S. Nuclear Regulatory Commission ("NRC") to determine whether a party is sufficiently threatened by the radiological hazard and other environmental impacts of the proposal to establish the requisite interest and standing for intervention as of right.

2. I have been employed for the past twenty-eight years at Brookhaven National Laboratory, Upton, New York 11786, located about six miles from the Shoreham Plant. I am a Health Physicist and work as a Group Leader in the Emergency Planning and

Radiological Assistance Program. I have an interest in, and have published papers concerning, the comparative risks of alternative energy sources. As a Health Physicist, I am familiar with both the benefits and risks of nuclear power plants. I strongly support the use of nuclear power to meet our nation's energy needs in a safe, economical, and environmentally benign manner.

3. I have been a member of Scientists and Engineers for Secure Energy, Inc. ("SE₂") since 1985. I authorize SE₂ to represent my interests, as described herein, in any proceedings to be held in connection with the Immediately Effective Confirmatory Order, issued by the NRC on March 29, 1990, prohibiting the Long Island Lighting Company ("LILCO"), licensee of the Shoreham plant from placing fuel into the reactor vessel without prior NRC approval.

4. I am concerned that the Confirmatory Order constitutes another step in the decommissioning process presently underway at Shoreham in violation of my rights under the National Environmental Policy Act ("NEPA"). The Order reaffirms the previous NRC decisions allowing LILCO to reduce staffing and maintenance to a level clearly inconsistent with the terms of the full power operating license and several NRC regulations. These very actions which the NRC explicitly allowed are now being advanced as presenting a health and safety threat of such a magnitude that an immediately effective Order was issued to effectively prohibit operation. SE₂ submitted a Section 2.206 request in conjunction with the Shoreham-Wading River Central

School District in July of 1989 when the destaffing and plant disassembly activities had only just been announced and were yet to be implemented. The Request asserted that these actions should not be allowed to go forward before publication of a Final Environmental Impact Statement ("FEIS") pursuant to the dictates of NEPA and because they were inimical to the public health and safety due to their inconsistency with LILCO's license obligations as a full-power licensee. Despite the fact that the Commission denied the request for immediate relief and continues to ignore the issues raised in the original Section 2.206 request and the supplements thereto, it now relies on the results of the challenged actions to justify issuance of the immediately effective Order without ordering remedial measures or proposing fines.

5. I do not believe that any steps in furtherance of the Shoreham Plant's decommissioning should be implemented until a FEIS evaluating the impacts of, and alternatives to, the entire decommissioning proposal has been completed in compliance with the terms of NEPA and the NRC's own regulations in a single proceeding. If the NRC allows steps which are clearly in furtherance of decommissioning, and have no necessary independent utility, to be implemented at the Shoreham Plant prior to the necessary NEPA review, my rights, and the rights of those similarly situated, to have an opportunity for meaningful comment on the environmental consideration of the decommissioning proposal will be prejudiced, if not completely denied. Besides


reaffirming past actions aimed at removing the Shoreham Plant from service and, therefore, in furtherance of decommissioning, the Confirmatory Order also sets the stage for yet other actions in furtherance of decommissioning. LILCO has applied for a license amendment to recognize the defueled state of the plant which will in turn facilitate the transfer of the plant to the Long Island Power Authority. The Confirmatory Order, which prohibits operation of the plant, is a first link in a chain of actions directed towards the issuance of a license amendment authorizing "possession and use, but not operation." The issuance of a possession only license would be, in turn, a further step in removing the plant from service which is the first part of "decommissioning" as defined by the NRC regulations.

6. The Confirmatory Order also represents a threat to my personal radiological health and safety and to my real and personal property in violation of my rights under the Atomic Energy Act of 1954, as amended. In direct violation of its own stated enforcement policy, the NRC has failed, in that Order, to require LILCO to undertake remedial actions to bring the Shoreham Plant into compliance with the terms of its full-power operating license. Thus, should a determination later be made to operate the Shoreham Plant, deterioration allowed by LILCO and by that incomplete Order will at the least move operation further away in time, and at the worst, increase the likelihood and risk of a radiological accident.

also interested in
 the availability of
 electric generation to meet
 the community as a whole. I
 want at the full capacity of
 to supply this area and
 for the growing
 either the Shoreham
 generating facilities will
 natural gas supplies
 plants will inevitably be
 thereby increasing our
 the security of our
 plants, in turn, will
 the region and
 rain. These effects of
 will have detrimental
 of the natural


This calls for serious
 decommissioning.
 The need is narrowed to its
 alternatives for
 health, safety and
 by any actions
 ("SAFSTOR").

Understand that SE₂ has been joined by the Shoreham-
 Central School District ("School District") in
 convene in a hearing to be held not only on the
 matter, but also in hearings to consider the
 LILCO's license amendment requests affecting both
 Onsite and Offsite Emergency Preparedness. I also
 the issues raised by all of these actions
 overlap due to the fact that each of the actions
 is a step in the decommissioning process underway
 presently. I would favor the consolidation of these
 hearings to consider the issues raised by the School
 District. Consolidation would be the most efficient and
 to proceed for all concerned. I also submit that
 this is demanded by NEPA because all of these
 actions and steps are, in fact, part of a single
 relatively significant, and have no utility
 in a decommissioning proposal.



 Andrew P. Hull

WITNESSE ME, on this 31 day of January,

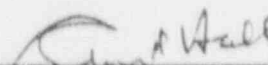


 Notary Public
 My Commission expires: 8/31/91

~~SUSAN T. CARLSEN
 Notary Public
 Suffolk County, N.Y.
 4564226 August 31, 1991~~


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 Suffolk County, N.Y.
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9. I understand that SE₂ has been joined by the Shoreham-Wading River Central School District ("School District") in seeking to intervene in a hearing to be held not only on the Confirmatory Order, but also in hearings to consider the implications of LILCO's license amendment requests affecting both Physical Security and Offsite Emergency Preparedness. I also understand that the issues raised by all of these actions significantly overlap due to the fact that each of the actions constitute another step in the decommissioning process underway at the Shoreham Plant. I would favor the consolidation of these three proceedings to consider the issues raised by the School District and SE₂. Consolidation would be the most efficient and expeditious way to proceed for all concerned. I also submit that such consolidation is demanded by NEPA because all of these segmented proposals and actions are, in fact, part of a single proposal, are cumulatively significant, and have no utility independent of the decommissioning proposal.



 Andrew P. Hull

SUBSCRIBED AND SWORN BEFORE ME, on this 31 day of January, 1991.



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 My Commission expires: 8/31/91

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