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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

DOCKETED
USNRC

ATOMIC SAFETY AND LICENSING BOARD

Before Administrative Judges:

'91 FEB -6 P2:52

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

OFFICE OF SECRETARY
DOCKETING & SERVICE
BRANCH

In the Matter of)	Docket No. 50-322-OLA
LONG ISLAND LIGHTING COMPANY)	ASLBP No. 91-621-01-OLA
(Shoreham Nuclear Power Station, Unit 1))	(Emergency Preparedness Amendment)

SHOREHAM-WADING RIVER CENTRAL SCHOOL DISTRICT
AMENDMENT TO ITS REQUEST FOR HEARING AND
PETITION TO INTERVENE

Pursuant to the Atomic Safety and Licensing Board's ("ASLB") Memorandum and Order of January 8, 1991 ("January 8 Order") in the above-captioned proceeding, Shoreham-Wading River Central School District ("Petitioner") amends, by counsel, its request for hearing and petition to intervene in that proceeding by providing an affidavit from the President of its School Board and the employee requesting representation by Petitioner addressing the injury in fact to its organizational interests and the interest of the employee who has authorized it to act for him (attached) as well as detailing further herein contentions to be raised in this proceeding, as specified below.

Petitioner agrees with the ASLB's January 3 Order that the overarching issue in the Shoreham Emergency Preparedness Plan proceeding is: Should the amendment of the Shoreham emergency preparedness plan be sustained? January 8 Order at 9.

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Petitioner also asserts that the specific aspects identified in Section III of its original petition and request for hearing in the above-captioned matter are subsidiary issues to the overarching issue identified by the Board.

Petitioner also contends on behalf of itself and its represented employee that the amendment deprives the LILCO Emergency Response Organization ("LERO") of the adequate effectiveness to meet the requirements of 10 C.F.R. §§ 50.34, 50.47, 50.54 & Part 50, Appendix E (1990) for a full power operating reactor licensee. Petitioner also contends on its own behalf and that of its represented employee that when combined with the increased risk of a radiological incident due to the reduced physical security plan, the elimination of LERO destroys LILCO's ability to assure a smooth evacuation of the emergency planning zone in the event of a radiological incident, including an incident of radiological sabotage.

In particular, in the language specified by the Board, Petitioner specifies as a particular aspect on which it wishes to intervene: "Whether the license amendment which permits discontinuance of quarterly drills involves a significant reduction in the margin of safety and increase [in] the probability [and consequences] of radiological harm". January 8 Order at 45. Petitioner also repeats its contention that there is an issue whether, under 10 C.F.R. § 51.21, an environmental assessment is required of the proposed amendment. And Petitioner further states as a contention whether, if such an environmental


assessment is required for a proposed amendment, the current amendment should be vacated, pending such an assessment.

Finally, Petitioner specifies the issues of (a) whether the licensee furnished the Commission with a reasoned analysis about the issue of no significant hazards consideration complying with Commission's standards, (b) whether the 10 C.F.R. § 50.91(b) procedures were followed and in either case, if not, whether the amendment should be vacated.

WHEREFORE, Petitioner renews its request for the remedies noted in the original petition, contends that the injuries resulting from the action which is the subject of this proceeding are likely to be remedied by a favorable decision granting the relief sought (including such other relief as the ASLB deems appropriate), and requests that the action be set down for hearing after a pre-hearing conference and appropriate discovery.

Respectfully submitted,

February 4, 1991



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2. I also own a sailboat moored at Brewer Yacht Yard in Greenport which is about thirty-three miles from the Shoreham Plant and is, therefore, also within the geographical zone of interest.

3. I have been employed as a Physicist for over thirty years at Brookhaven National Laboratory, Upton, New York 11786, located about eight miles from the Shoreham Plant. I received my A.B., M.A., and Ph.D. in physics from Columbia University in New York and taught physics at Columbia University and Barnard College before taking a position at Brookhaven. I presently work in the Accelerator Development Department at Brookhaven. I have served on the committee which worked in cooperation with the Long Island Lighting Company ("LILCO") to study and develop emergency evacuation procedures and routes for the School District's students and employees to follow in the event of an emergency at the Shoreham Plant. My training and experience as a Physicist has given me a thorough understanding of nuclear radiation. I am familiar with both the benefits and risks of nuclear power plants. I strongly support the use of nuclear power to meet the energy needs of the Long Island area, and the Nation as a whole, in a safe, economical, and environmentally benign manner.

4. The School District covers an area of about twelve square miles and the Shoreham Plant is within the boundaries of the School District. Thus, the School District is within the

geographical zone utilized by the U.S. Nuclear Regulatory Commission ("NRC") to determine whether a party is sufficiently threatened by the accidental release of fission products to establish the requisite interest and standing for intervention as of right.

5. I am presently the President of the Board of Education of the School District. I have held this position for sixteen years. As President, I am among those responsible not only for determining, but also for taking, action in accordance with the School District's position on matters affecting both its general interests and the specific health, safety and environmental interests of the students and employees for whom it is responsible during work and school hours.

6. The Board of Education for the School District has determined that it is in the best interest of the District, its students and its employees, to see Shoreham operate, and operate safely. As an employee of the District, who both lives and works in close proximity to the plant, I authorize the School District to represent my interests, as described herein, in any proceedings to be held in connection with the Long Island Lighting Company's ("LILCO") proposed license amendment adding a license condition which negates application of several pre-existing license conditions while the reactor is in the "defueled state." This license amendment, especially when coupled with

related pending requests for permission from the NRC, would allow LILCO to cease its emergency preparedness activities altogether.

7. I am concerned that the proposed amendment constitutes another step in the decommissioning process presently underway at Shoreham in violation of my rights under the National Environmental Policy Act ("NEPA"). I do not believe that any steps in furtherance of Shoreham's decommissioning should be implemented until a Final Environmental Impact Statement ("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. If the NRC allows steps which are clearly in furtherance of decommissioning, and have no necessary independent utility, to be implemented at Shoreham 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. The proposed amendment which effectively allows LILCO to cease all emergency preparedness activities presupposes that decommissioning is a foregone conclusion. Despite the fact that NEPA mandates maintenance of the status quo pending preparation of an FEIS and a final decision so that alternatives to the proposed action are not prematurely foreclosed, the proposed amendment represents a further retreat from the requirements of

LILCO's full-power operating license prior to any environmental review of the proposed decommissioning.

8. The proposed amendment 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. The proposed amendment is an integral part of a LILCO's attempt to cease emergency preparedness activities. Any decrease in such activities at a plant licensed for full-power operation increases the radiological hazard posed by the plant. The detrimental health and safety impacts on those in close proximity to Shoreham from an accidental release of fission products would be significantly greater were the accident to occur while Shoreham is without a well-trained emergency response organization to stem those impacts.

9. As a Long Island resident, I am interested in actions which will have a direct effect on the availability of reliable electricity to meet my needs and those of my family and the community as a whole. I understand that Long Island is presently at the full capacity of the existing natural gas pipelines which supply this area and that there is inadequate reserve capacity for the growing electric energy demands of the area. Thus, either Shoreham must be operated or alternative generating facilities will have to be built and operated. Because natural

gas supplies cannot easily be increased, oil-burning plants will inevitably be needed to replace Shoreham. These plants, in turn, will emit pollution lowering air quality in the region and contributing to global warming and acid rain. These effects of Shoreham's decommissioning will have detrimental effects on my health and on the quality of the natural environment in which I live day-to-day. This calls for serious consideration of the alternatives to decommissioning.

10. I am also concerned about the adverse economic consequences which will automatically follow from the decommissioning of the Shoreham Plant. Under the terms of the existing Agreement between LILCO and the State of New York, the cost of electric energy will probably double over the next ten years. These outrageous rates combined with a drastic reduction in tax levies (the taxes levied on the operable Plant constitute approximately 90% of the District's tax base) will cause a precipitous decline in the quality of education offered to school children in the District in addition to huge tax increases for District residents.

11. And if the scope of this proceeding is narrowed to its relationship to the choice among the alternatives for decommissioning mode, I believe my health, safety and environmental interests would be harmed by any actions inconsistent with mothballing the plant ("SAFSOR").

12. I understand that School District has been joined by Scientists and Engineers for Secure Energy, Inc. ("SE₂") in seeking to intervene in the hearing to be held not only on the proposed amendment allowing the cessation of emergency preparedness activities, but also in hearings to consider the implications of the immediately effective Confirmatory Order issued by the NRC on March 29, 1990 and LILCO's license amendment request affecting the Physical Security Plan. I also understand that the issues raised by all of these actions significantly overlap due to the fact that each of the actions constitutes another step in the decommissioning process underway at Shoreham. 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.

Alfred D. Prodel

SUBSCRIBED AND SWORN BEFORE ME, on this 1 day of ^{Feb. 1991} ~~May~~, 1990. AP

Bessie B. Briggs
Notary Public

My Commission expires: 4/30/92

JILLIE B. BRIGGS
NOTARY PUBLIC, State of New York
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Qualified in Suffolk County
Commission Expires April 30, 1992

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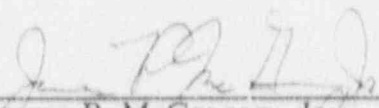
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