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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

SECRETED
USNRC

ATOMIC SAFETY AND LICENSING BOARD

'91 FEB -6 P2:53

Before Administrative Judges:

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,)	(Emergency Preparedness
Unit 1))	Amendment)
)	
_____)	

SCIENTISTS AND ENGINEERS FOR SECURE ENERGY, INC.
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, Scientists and Engineers for Secure Energy, Inc. ("Petitioner") amends, by counsel, its request for hearing and petition to intervene in that proceeding by providing affidavits from the Executive Director and its members, Dr. John L. Bateman, Eena-Mai Franz, Andrew P. Hull, Dr. Stephen V. Musolino, Joseph Scrandis, John R. Stehn, requesting representation by Petitioner addressing the injury in fact to its organizational interests and the interest of its members who have authorized it to act for them (attached) as well as detailing further herein contentions to be raised in this proceeding, as specified below.

Petitioner agrees with the ASLB's January 8 Order that the overarching issue in the Shoreham Emergency Preparedness Plan

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proceeding is: Should the amendment of the Shoreham emergency preparedness plan be sustained? January 8 Order at 9.

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 members 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 members 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



James P. McGranery, Jr.
Dow, Lohnes & Albertson
Suite 500
1255 Twenty-Third Street, N.W.
Washington, D.C. 20037
(202) 857-2929

Counsel for the Petitioner
Scientist and Engineers for
Secure Energy, Inc.

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

ATOMIC SAFETY AND LICENSING BOARD

Before Administrative Judges:

Morton B. Margulies, Chairman
Dr. George A. Ferguson
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In the Matter of

Long Island Lighting Company:
Consideration of Issuance of Amendment
To Facility Operating License and
Proposed No Significant Hazards
Consideration Determination and
Opportunity for Hearing
(Emergency Preparedness Activities)
(55 Fed. Reg. 12076 March 30, 1990)

)
)
) Docket No. 50-322-OLA

) ASLEP No.
) 91-621-01-OLA

AFFIDAVIT OF ORGANIZATIONAL INTEREST
BY MIRO M. TODOROVICH, EXECUTIVE DIRECTOR
OF SCIENTISTS AND ENGINEERS FOR SECURE ENERGY, INC.

Miro M. Todorovich, being duly sworn, says as follows:

1. I, Miro M. Todorovich, am the Executive Director of Scientists and Engineers for Secure Energy, Inc. ("SE₂"). I reside at Ravina Road, Rt. 1, Box 321, Patterson, New York 12563. I was a founding member of SE₂ in 1976 and have been the duly elected Executive Director since that time. As Executive Director, I: collect data and information about events of interest to SE₂'s members; receive and summarize members' views on matters of common concern covered by the charter and bylaws of the organization; help formulate positions reflecting the knowledge, views and sentiments of SE₂ members; engage the

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organization in educational, informational, litigation or other activities implementing the wishes of the membership and SE₂'s Board of Directors for actions in the public interest. In this instance, I have been directed to seek intervenor status for SE₂ in the various segmented NRC proceedings related to the decommissioning of the Shoreham Nuclear Power Station ("Shoreham") so that SE₂ can fulfill some of its authorized purposes by representing its organizational interests and the health, safety and environmental interests of its members in those proceedings as authorized by those members.

2. SE₂ is a not-for-profit organization formed under the laws of the State of New York and qualified under IRC § 501(c)(3). The organization's membership includes over 1200 scientists and engineers. SE₂ also receives additional support from layperson sponsors who support to organization's mission.

3. SE₂ is a group of professionals, all experts in their chosen fields, who are dedicated, among other things, to the correction of the alarming degree of misunderstanding that permeates national energy debate. Through public forums, interaction with government leaders, internal communication about technical issues and active liaison with the nation's journalists, SE₂ seeks to show that a majority of responsible scientists support the value of technical innovation in all fields and, particularly, in energy.

4. The use of electricity continues grow. Non-renewable fossil-fuels face inevitable depletion and their combustion contributes to acid rain, the greenhouse effect, apparent changes in our weather pattern, and air pollution generally. Thus, SE₂ supports the utilization of atmospherically clean and domestically secure nuclear power to safely meet our electric energy needs.

5. In the Northeastern part of the United States the increasing demand for electricity has been thus far met by increased reliance on imported oil and hydro and nuclear electricity imported from Canada. The adjacent Canadian provinces have responded to the American appetite for electrical power by planning construction of ten more nuclear power plants in Ontario and at least two others in Quebec. If Shoreham is not put on line, the Canadians will be able to further increase the U.S. foreign trade imbalance. This increase is likely to be particularly dramatic because the cost of Canadian electricity export is tied to the average cost of American oil-produced electricity and that cost is expected to continue to rise. In short then, while our neighbors to the north are expanding their nuclear power production, we in the power-thirsty Northeast are not only bent on dismantling a perfectly operable, state-of-the-art, nuclear power installation but also contemplate, according to the current New York State agreement, replacing it by a

combination of new U.S. fossil-fuel plants and purchases from Canada. This plan will foul our atmosphere, increase the average cost of electricity, and provide the Canadian economy with a windfall profit. In the view of SE₂ members, this course of action with the Shoreham plant makes neither health, safety, environmental nor economic sense.

6. Since its inception, SE₂ has participated extensively in the debate of issues in the nuclear industry. Besides having been invited to advise administrators, legislators and agency and commission officials throughout the country on such issues as the Three Mile Island cleanup, nuclear insurance programs, reprocessing of spent fuels, waste disposal, materials transportation, the breeder reactor program, nuclear licensing delays and regulatory reform of the licensing process, SE₂ has previously participated in stages of nuclear power plant licensing proceedings in favor of the utilization of nuclear power for the safe and economical production of electricity. In particular, SE₂ has been a participant in the ongoing debate on various issues in connection with Shoreham and has continually favored utilization of the facility.

7. Given the organizational interests described above, SE₂ is naturally interested in and concerned about the present proposal to decommission the recently licensed, brand new, state-of-the-art Shoreham.

8. SE₂ is concerned that the decommissioning of Shoreham is presently underway despite the lack of prior safety or environmental review evaluating the safety or environmental impacts of, and alternatives to, the decommissioning proposal as required by the National Environmental Policy Act ("NEPA"). SE₂ has a right to comment upon an environmental impact statement ("EIS") to be prepared on the decommissioning proposal before that proposal is implemented or before steps are taken which tend to limit the choice of alternatives to that proposal. The actions taken by Shoreham's licensee, the Long Island Lighting Company ("LILCO"), and permitted by the Nuclear Regulatory Commission ("NRC"), to date have already begun to seriously prejudice consideration of the alternative of operating Shoreham. The most recent actions in the steadily lengthening chain of actions in furtherance of, or premised upon, decommissioning, include the NRC's issuance an immediately effective Confirmatory Order and proposed license amendments allowing LILCO to reduce its commitments to physical security and to cease its offsite emergency preparedness activities. Both the NRC and LILCO are content to ignore the mandate of NEPA and thereby deny SE₂ its right to participate in the decisionmaking process. Over seventeen months ago, SE₂ submitted a request for NRC action under the provisions of Section 2.206 of the NRC regulations. SE₂ is left with no alternative but to pursue its organizational

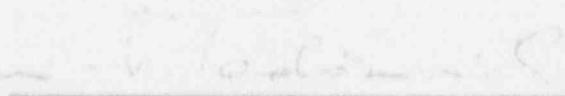
interests through administrative hearings offered on the segmented decommissioning actions.

9. SE₂ also has an organizational interest in eliciting information on the decommissioning of Shoreham for the benefit of its members who live and/or work near the plant so that they can carry out SE₂'s mission on a local level by informing the local governmental leaders and the other interested individuals and groups in the Shoreham area of the environmental implications of the proposal to decommission Shoreham.

10. 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 ("SAFSTOR").

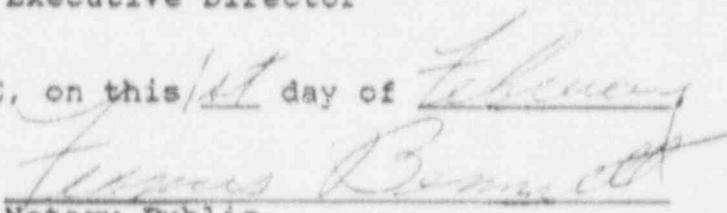
11. SE₂ has joined the Shoreham-Wading River Central School District ("School District") in seeking to intervene in hearings to be held on the Confirmatory Order and the license amendment requests affecting both Physical Security and Offsite Emergency Preparedness. The issues raised by all of these actions significantly overlap due to the fact that they all are either in furtherance of the decommissioning proposal or depend on that proposal for their justification. SE₂ favors the consolidation

of these three proceedings as the most efficient and expeditious way to consider the issues raised by the School District and SE₂. SE₂ also submits 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.



Miro M. Todorovich
Executive Director

SUBSCRIBED AND SWORN BEFORE ME, on this 1st day of February 1991.



Notary Public

My Commission expires: 8-30-91

FRANCIS BENNETT
Notary Public, State of New York
No. 31-4817001
Qualified in Queens County
Commission Expires Aug. 30, 1991

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 Company:
Consideration of Issuance of Amendment
To Facility Operating License and
Proposed No Significant Hazards
Consideration Determination and
Opportunity for Hearing
(Emergency Preparedness Activities)
(55 Fed. Reg. 12076 March 30, 1990)

)
) Docket No. 80-322-OLA

) ASLBP No.
) 91-621-01-OLA

AFFIDAVIT OF JOHN L. BATEMAN, M.D.

John L. Bateman, M.D., being duly sworn, says as follows:

1. I, John L. Bateman, reside at 10 Cameron Drive, Huntington, New York 11743 which is just over twenty-eight miles from the Shoreham Nuclear Power Station ("Shoreham Plant"). I have owned this property for over ten 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.

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2. I also own a thirty-seven foot O'Day center cockpit sloop (sailboat) moored in Huntington Harbor, New York 11743 which is just over twenty-eight miles from the Shoreham plant and is, therefore, also within the geographical zone of interest.

3. I am presently employed by V.A. Medical Center (115) in Northport, New York 11768 as the Associate Chief of Nuclear Medicine Service (diagnostic radioisotope imaging and therapy). The Medical Center is located about twenty-three miles from the Shoreham Plant. I have worked there as a physician for almost sixteen years. Thus, the majority of my time, whether I am at work, at home, or relaxing on my boat, is spent within the geographical zone of interest established by the NRC. Prior to taking my current position at the V.A. Medical Center, I spent more than thirteen years in fast neutron and photon radiation biology/medical research at the Medical Research Center at Brookhaven National Laboratory, Upton, New York 11973. As a nuclear medicine physician, 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. In this era of escalating energy need and fossil-fuel pollution of our environment, including the disastrous effects of acid rain, it is critical that efficient non-polluting sources of energy, like nuclear energy, be encouraged and supported.

4. I have been a member of Scientists and Engineers for Secure Energy, Inc. ("SE₂") since early in 1990. I authorize SE₂ 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 existing license conditions while the reactor is in the "defueled state." This license amendment, when coupled with related pending requests for permission from the NRC, would allow LILCO to cease its emergency preparedness activities altogether.

5. 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.

6. 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.

7. 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.

8. 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 ("SAFSTOR").

9. I understand that SE₂ has been joined by the Shoreham-Wading River Central School District ("School District") 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 SE,. Consolidation would be the most efficient and expeditious way to proceed for all concerned.

John L. Bateman
John L. Bateman, M.D.

SUBSCRIBED AND SWORN BEFORE ME, on this 15th day of February, 1991.

Frank E. [Signature]
Notary Public

My Commission expires: July 27, 1991

FRANK E. [Signature]
NOTARY PUBLIC, State of New York
No. 48857
Qualified in E. York County
Commission Expires July 27, 1991

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

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In the Matter of)	
Long Island Lighting Company:)	Docket No. 50-322-OLA
Consideration of Issuance of Amendment)	ASLBP No.
To Facility Operating License and)	91-621-01-OLA
Proposed No Significant Hazards)	
Consideration Determination and)	
Opportunity for Hearing)	
(Emergency Preparedness Activities))	
(55 Fed. Reg. 12076 March 30, 1990))	
_____)	

AFFIDAVIT OF EENA-MAI FRANZ

Eena-Mai Franz, being duly sworn, says as follows:

1. I, Eena-Mai Franz, reside at 25 Josephine Boulevard, Shoreham, New York 11786 which is less than two miles from the Shoreham Nuclear Power Station ("Shoreham Plant"). I have owned this property for thirteen 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 as a radio and nuclear chemist for the past twenty-eight years at Brookhaven National Laboratory,

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Upton, New York 11786, located about seven miles from the Shoreham plant. I have spent eighteen years doing basic research in nuclear chemistry and an additional ten years in applied research in low-level nuclear waste management. As a nuclear chemist, 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 early in 1990. I authorize SE₂ 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 existing license conditions while the reactor is in the "defueled state." This license amendment, when coupled with related pending requests for permission from the NRC, would allow LILCO to cease its emergency preparedness activities altogether.

4. 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.

5. 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.

6. As a Long Island resident, I am also interested in actions which will have a direct effect on the availability of reliable and environmentally benign electric generation 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 demand of the area. Thus, in order to avoid brownouts or blackouts, either the Shoreham Plant 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 the Shoreham Plant thereby increasing our reliance on foreign oil and thus reducing the security of our energy supply, among other things. These plants, in turn, will emit pollution lowering air quality in the region and contributing to global warming and acid rain. These effects of the Shoreham Plant's decommissioning will have detrimental effects on my health and on the quality of the natural environment in which I live day-to-day. In addition, Long Island ratepayers, like myself, will not only be forced to pay the costs associated with building and decommissioning Shoreham, but also the costs of building replacement oil-burning plants. Under the terms of the "deal"

between New York State and LILCO, electric rates will probably increase by 10% per year (while before the deal the rates increased a total of about 3% in three years). These rate increases will lead to a weakened Long Island economy and real estate market. The businesses will have to increase their prices which I will have to pay. Many businesses and residents are already leaving Long Island. Those remaining will have to pay higher taxes. Part of these tax increases will go to pay for the Long Island Power Authority, a useless agency. This calls for serious consideration of the alternatives to decommissioning. I personally believe that the solution would be to have the New York Power Authority operate Shoreham. This would make rate increases unnecessary and Long Island's electric supply would be secured.

7. 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 ("SAFSTOR").

8. I understand that SE₂ has been joined by the Shoreham-Wading River Central School District ("School District") 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 SE₁. Consolidation would be the most efficient and expeditious way to proceed for all concerned.

Eva-Mai Franz

SUBSCRIBED AND SWORN BEFORE ME, on this 5th day of February, 1991.

Ruth Ann Lutz
Notary Public

My Commission expires: 9-30-91

RUTH ANN LUTZ
Notary Public, State of New York
No. 52-4649230
Qualified in Suffolk County
Commission Expires September 30, 1991

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

ATOMIC SAFETY AND LICENSING BOARD

Before Administrative Judges:

Morton B. Margulies, Chairman
Dr. George A. Ferguson
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In the Matter of

Long Island Lighting Company:
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(Emergency Preparedness Activities)
(55 Fed. Reg. 12076 March 30, 1990)

Docket No. 50-322-OLA

ASLBP 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

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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 Long Island Lighting Company's ("LILCO") proposed license amendment adding a license condition which negates application of several existing license conditions while the reactor is in the "defueled state." This license amendment, when coupled with related pending requests for permission from the NRC, would allow LILCO to cease its emergency preparedness activities altogether.

4. 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.

5. 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.

6. 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.

7. 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 ("SAFSTOR").

8. I understand that SE₂ has been joined by the Shoreham-Wading River Central School District ("School District") 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.

Andrew P. Hull
 Andrew P. Hull

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

Susan T. Carlsen
 Notary Public

My Commission expires: 8/31/91

SUSAN T. CARLSEN
 Notary Public
 Suffolk County, N.Y. 9/
 4854226 August 31, 19

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 Company:)
Consideration of Issuance of Amendment)
To Facility Operating License and)
Proposed No Significant Hazards)
Consideration Determination and)
Opportunity for Hearing)
(Emergency Preparedness Activities))
(55 Fed. Reg. 12076 March 30, 1990))

) Docket No. 80-322-OLA

) ASLBP No.)
) 91-621-01-OLA

AFFIDAVIT OF STEPHEN V. MUSOLINO, Ph.D.

Stephen V. Musolino, Ph.D., being duly sworn, says as follows:

1. I, Stephen V. Musolino, reside at 6 Middle Cross, Shoreham, New York 11766 which is about two miles from the Shoreham Nuclear Power Station ("Shoreham Plant"). I have owned this property for five 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 twelve years at Brookhaven National Laboratory, Upton, New York 11786, located

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about five miles from the Shoreham plant. For the past nine years, I have worked as a Health Physicist. I am Assistant for Safety to the Project Head of the Relativistic Heavy Ion Collider Project, including radiation, industrial, industrial hygiene, and cryogenic safety. I am also a member of the Brookhaven Emergency Planning Staff. I earned my BSET at Buffalo State, my Masters in Nuclear Engineering at Polytechnic Institute of New York, and my Ph.D. in Health Physics at Georgia Institute of Technology. I am past President of the New York Chapter of the Health Physics Society. Through both my training and work experience, 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 January 3, 1989. I authorize SE₂ 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 existing license conditions while the reactor is in the "defueled state." This license amendment, when coupled with related pending requests for permission from the NRC, would allow LILCO to cease its emergency preparedness activities altogether.

4. 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.

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.

7. 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 ("SAFSTOR").

8. I understand that SE₂ has been joined by the Shoreham-Wading River Central School District ("School District") 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.

5. 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.

6. 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

Consolidation would be the most efficient and expeditious way to proceed for all concerned.

Stephen V. Musolino

Stephen V. Musolino, Ph.D.

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

Bonnie E. Sherwood

Notary Public

My Commission expires: Feb 28 1992

BONNIE E. SHERWOOD
Notary Public, State of New York
No. 4844908
Qualified in Suffolk County
Commission Expires Feb. 28, 1992

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

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) Docket No. 50-532-OLA

) ASLBP No.)
) 91-621-01-OLA

AFFIDAVIT OF JOSEPH SCRANDIS

Joseph Scrandis, being duly sworn, says as follows:

1. I, Joseph Scrandis, have owned my present residence at 10 Walnut Street, Westbury, New York 11590 for twenty-two years, located some 43 miles from the Shoreham Nuclear Power Station ("Shoreham Plant"). 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.

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2. I have been employed for the past five years at Aikido Computer Systems, Ltd., 150 Broad Hollow Road, Melville, New York 11747, located thirty miles from Shoreham. My job titles are Director of Maintenance and Installations, and Computer Systems Engineer. I am responsible for developing new computer systems, the duties of a Chief Mechanical Engineer and Senior Electrical Engineer, and maintaining several computer systems for public service agencies. I hold degrees in Electrical Engineering and Physics, and have been an active proponent of science and technology for 30 years via personal efforts and debate, letters to the editor, and organizational affiliations. I am familiar with both the benefits and risks of nuclear power plants and 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 before 1980. I authorize SE₂ 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 existing license conditions while the reactor is in the "defueled state." This license amendment, when coupled with related pending requests for permission from the NRC, would allow LILCO to cease its emergency preparedness activities altogether.

4. 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.

5. 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.

6. As a Long Island resident, I am also interested in actions which will have a direct effect on the availability of reliable, inexpensive, and environmentally benign electric generation to meet my needs and those of my family and the community as a whole. As for reliability, it has been my observation that the quality of electricity supply has seriously degraded on Long Island over the last five years. The office in which I work has recently suffered several brownouts and outages during times of peak electricity usage. Previously these occurrences were quite rare, occurring at a rate of an incident every few years. Although this problem is endemic to the section of Long Island where I live and work, it is not limited to it.

Being responsible for numerous computer systems in the New York City area has made me aware that the whole region is dangerously close to being caught without sufficient electrical power reserves. As a computer engineer, I can testify that these power outages, brownouts and sags can wreak havoc with the continuous and proper operation of computer systems. They have damaged and interrupted computers and can leave them in a chaotic state requiring (brute force) power resets which may result in a loss of data or a more serious loss of control. These conditions are damaging to the economic well being of the people of Long Island and would be greatly alleviated by the operation of the Shoreham plant. As for the consequences of Shoreham's decommissioning on the physical environment, 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 demand of the area. Thus, either the Shoreham Plant 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 the Shoreham Plant thereby increasing our reliance on foreign oil and thus reducing the security of our energy supply, among other things. These plants, in turn, will emit pollution lowering air quality in the region and contributing to global warming and acid rain. These effects of the Shoreham Plant's decommissioning will have detrimental effects on my health and on

the quality of the natural environment in which I live day-to-day. Finally, as for the economic implications of Shoreham's decommissioning, by acceding to the would-be dismantlers of the Shoreham plant, the NRC is wreaking havoc upon the economic well-being of Long Island and, in turn, upon myself. The huge debt incurred in the construction of Shoreham will fall upon the residents and consumers of electricity on Long Island. Just as we are involved in the burden of servicing the debt, so will we have to pay it off, and suffer the indignity of not being able to reap any of the benefits of its use through the generation of much needed electricity. Further, besides suffering the consequences of electricity shortage that Shoreham's non-use shall create, we residents will have to further pay for the construction of new power plants to replace Shoreham's electricity. This will throttle normal growth and expansion, and will make any normal every-day operations involving electricity sporadic and problematic. The value of my home and those of my neighbors will plummet. My property on Long Island will be likened to that of many third world countries: illiquid, devalued and very difficult to sell, radically different from the rest of the United States. All of these negative effects of the decommissioning proposal emphasize the need for serious consideration of the alternatives to decommissioning.

7. And if the scope of this proceeding is narrowed to its relationship to the choice among the alternatives for

decommissioning modes, I believe my health, safety and environmental interests would be harmed by any actions inconsistent with mothballing the plant ("SAFSTOR").

8. I understand that SE₂ has been joined by the Shoreham-Wading River Central School District ("School District") 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.

Joseph Berendis

SUBSCRIBED AND SWORN BEFORE ME, on this 1st day of February, 1991.

Blanche J. Bausbacher
Notary Public

My Commission expires: 12/31/91

BLANCHE J. BAUSBACHER
Notary Public, State of New York
No. 4842837 - Suffolk County
Commission Expires 12/31, 1991