

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

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

AFFIDAVIT OF ALBERT G. PRODELL

Albert G. Prode11, being duly sworn, says as follows:

1. I, Albert G. Prode11, reside at Remsen Road, Wading-River, New York 11792 which is about two miles from the Shoreham Nuclear Power Station ("Shoreham Plant"). I have owned this property for thirty years. Thus, I live within the 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 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 Shoreham-Wading River Central School District ("School District") covers an area of about twelve square miles and the Shoreham Plant is within the boundaries of the School District. Thus, both I and the School District's students and employees regularly spend a considerable amount of time within

the geographical zone utilized by NRC to determine whether a party is sufficiently threatened by the accidental release of fission products and/or the adverse environmental effects of the proposal 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 School District's position has been that the decision to license the Shoreham Nuclear Power Station was a Federal decision and that if the NRC determined that safety standards were met and a license issued, the District would support the decision that the Shoreham Plant should operate. The decision to intervene and request a hearing in this matter is in furtherance of that decision.

7. I also authorize the School District to represent my personal 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.

8. I am concerned that the Confirmatory Order constitutes another step in the decommissioning process presently underway at Shoreham in violation of my rights, and those of the School District's students and employees, 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. The School District submitted a Section 2.206 request in July of 1989 when the destaffing and plant disassembly activities had only just been announced and were yet to be implemented. That 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.

9. I do not believe that any steps in furtherance of 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.

10. The Confirmatory Order also represents a threat to my, and the School District's students' and employees', personal radiological health and safety and to my and the School District's real and personal property in violation of my and their 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.

11. As a Long Island resident, I am 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, the School District, 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, 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 and the facilities needed to supply them with fuel will have a significant adverse impact on the local environment which includes pristine marshes and beaches. They will also 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 that of the School District's students and employees and on the quality of the natural environment in which I and they live day-to-day. This calls for serious consideration of the alternatives to decommissioning.

12. 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.

13. 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").

14. I understand that the School District has been joined by SE<sub>2</sub> 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 constitutes 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 SE<sub>2</sub>. 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.

Albert G. Prodell  
Albert G. Prodell

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

ELIZABETH BRIGGS  
NOTARY PUBLIC, State of New York  
NO. 5449850  
Qualified in Suffolk County  
Commission Expires April 30, 1992

Eliza B. Briggs  
Notary Public  
My Commission expires: 4/30/92

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

FILED  
UNHC

Before Administrative Judges:

'91 FEB -6 P2 53

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

OFFICE OF SECRETARY  
DOCKETING & SERVICE  
BRANCH

In the Matter of

LONG ISLAND LIGHTING COMPANY

(Shoreham Nuclear Power Station,  
Unit 1

) Docket No. 50-322-OLA

) ASLBP No. 91-621-01-OLA

) (Confirmatory Order  
) Modification)

CERTIFICATE OF SERVICE

I hereby certify that copies of the Amendment to Its Request for Hearing and Petition to Intervene and affidavit of Dr. Albert G. Prodell, in the above-captioned matter by Shoreham-Wading River Central School District were served upon the following by first-class mail, postage prepaid on this 4th day of February, 1991:

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U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

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Atomic Safety and Licensing Board  
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Washington, D.C. 20555

Administrative Judge  
Jerry R. Kline  
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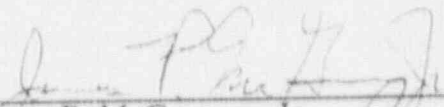
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February 4, 1991

  
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for Secure Energy, Inc.