

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. 50-322-OLA

) ASLBP No.

) 91-621-01-OLA

AFFIDAVIT OF DR. JOHN R. STEHN

Dr. John R. Stehn, being duly sworn, says as follows:

1. I, John R. Stehn, reside at 8 Harbor Hills Drive, Port Jefferson, New York 11777 which is about ten miles from the Shoreham Nuclear Power Station ("Shoreham Plant"). I have owned this property for twenty-nine 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 a proposal to establish the requisite interest and standing for intervention as of right.

2. Before I entered semi-retirement in 1974, I worked as a Physicist for sixteen years at the Brookhaven National

Laboratory. At Brookhaven, I was part of a team of roughly twelve physicists in the National Nuclear Data Center. The team regularly obtained information from scientists who were making measurements of the nuclear properties of materials, especially those materials important to the design of nuclear reactors, in order to improve the quality and efficiency of nuclear power plants. Before my tenure at Brookhaven, I spent sixteen years doing very similar work at the General Electric Knolls Atomic Power Laboratory. Although I am presently retired, I enjoy a continuing appointment at Brookhaven as a Guest Scientist. As a Guest Scientist, I am able to both follow recent developments in my field and to continue research on a project that was incomplete at the time I retired. Brookhaven is located about seven miles from Shoreham and, thus, I am within the geographical zone of interest not only while I am at home, but also while I am working.

3. I began my career in graduate school by obtaining a Ph. D. in Nuclear Physics at the University of Wisconsin. This training, together with my thirty-two years of experience practicing as a nuclear reactor physicist and nuclear engineer at two major research laboratories, has allowed me to appreciate the technology developed during and after World War II to use the immense possibilities offered by nuclear energy to help mankind generate electrical energy more cleanly, cheaply, and safely. I know very well how nuclear power plants are designed to work and, from my contacts with others in the field, how it is possible for

mishaps to occur. I strongly support the use of nuclear power to meet our nation's energy needs in a safe, economical, and environmental design manner. When Shoreham was being built, I was delighted to see evidence that I would be able to retire on Long Island with the prospect of there being ample supplies of inexpensive electricity to make living here both pleasant and inexpensive. Now that I am almost completely retired, I find myself threatened by the rising costs of electrical power. The terms of the agreement between LILCO and Governor Cuomo which allow LILCO to increase its rates by 5% per year for the next ten years, so long as it does not operate Shoreham as a nuclear plant, will be especially burdensome to me as a retired person.

4. I have been a member of Scientists and Engineers for Secure Energy, Inc. ("SE<sub>2</sub>") since 1982. I authorize SE<sub>2</sub> 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 SE<sub>2</sub> 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<sub>2</sub>. Consolidation would be the most efficient and expeditious way to proceed for all concerned.

*John R. Stehn*

\_\_\_\_\_  
Dr. John R. Stehn

SUBSCRIBED AND SWORN BEFORE ME, on this 2 day of February, 1991.

KATHLEEN FALLON  
Notary Public, State of New York  
NY 4788300

Commission Expires: Jan 1992

*Kathleen Fallon*  
\_\_\_\_\_  
Notary Public

My Commission expires: 1992

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION  
ATOMIC SAFETY AND LICENSING BOARD

DUCKETED  
USNRC

'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)
	)	
_____	)	

CERTIFICATE OF SERVICE

I hereby certify that copies of the Amendment to Its Request for Hearing and Petition to Intervene and affidavits of Professor Miro M. Todorovich, Dr. John L. Bateman, Eena-Mai Franz, Andrew P. Hull, Dr. Stephen V. Musolino, Joseph Scrandis, and John R. Stehn, in the above-captioned matter by Scientists and Engineers for Secure Energy, Inc. were served upon the following by first-class mail, postage prepaid on this 4th day of February, 1991:

Atomic Safety and Licensing Appeal Board  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

Administrative Judge  
Jerry R. Kline  
Atomic Safety and Licensing Board  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

Edwin J. Reis, Esq.  
Deputy Assistant General Counsel  
for Reactor Licensing  
Mitzi A. Young, Esq.  
Senior Supervisory Trial Attorney  
Office of the General Counsel  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

Administrative Judge  
Morton B. Margulies, Chairman  
Atomic Safety and Licensing Board  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

Administrative Judge  
George A. Ferguson  
ASLBP  
5307 A1 Jones Drive  
Columbia Beach, Maryland 20764

Michael R. Deland, Chairman  
Council on Environmental Quality  
Executive Office of the President  
Washington, D.C. 20500

Stanley B. Klimberg, Esq.  
Executive Director and General Counsel  
Long Island Power Authority  
Suite 201  
200 Garden City Plaza  
Garden, City, New York 11530

Carl R. Schenker, Jr., Esq.  
O'Melveny & Myers  
555 13th Street, N.W.  
Washington, D.C. 20004

Stephen A. Wakefield, Esq.  
General Counsel  
U.S. Department of Energy  
Washington, D.C. 20585


Donald P. Irwin, Esq.  
Hunton & Williams  
P.O. Box 1535  
Richmond, Virginia 23212

Gerald C. Goldstein, Esq.  
Office of General Counsel  
New York Power Authority  
1633 Broadway  
New York, New York 10019

Samuel A. Cherrick, Esq.  
NYS Department of Law  
Bureau of Consumer  
Frauds and Protection  
120 Broadway  
New York, New York 10271

Nicholas S. Reynolds, Esq.  
David A. Repka, Esq.  
Winston & Strawn  
1400 L Street, N.W.  
Washington, D.C. 20005

February 4, 1991

  
James P. McGranery, Jr.  
Counsel for Petitioner-Intervenors  
Shoreham-Wading River Central School  
District and Scientists and Engineers  
for Secure Energy, Inc.