

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)	Docket No. 50-322-OLA-2
Shoreham Nuclear Power)	
Station, Unit 1))	(Possession Only License)

AFFIDAVIT OF ALBERT G. PRODELL

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

1. I, Albert G. Prodell, 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 Long Island Lighting Company

("LILCO") application for a possession only license amendment ("the amendment") for the Shoreham Plant license.

8. I am concerned that the amendment would constitute 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 amendment would reaffirm and further 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 NRC regulations. 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. On behalf of the School District and myself, I separately reaffirm that principle with respect to the amendment.

9. I do not believe that any steps in furtherance of Shoreham Plant's decommissioning should be implemented until a FEIS evaluating, among other things, the direct and indirect 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 amendment also sets the stage for yet other actions in furtherance of decommissioning. LILCO has applied for a license amendment to transfer of the plant to the Long Island Power Authority. The amendment is a further link in the 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 a further step in removing the plant from service which is part of "decommissioning" as defined by the NRC regulations.

10. The amendment 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, since neither the financial responsibility nor safety planning requirements of the

regulations have been approved although they are prerequisites for the amendment.

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 LILO 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 SE₂ in seeking to intervene in hearings on other issues related to the proposal to decommission the Shoreham Plant. 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 SE₂. Consolidation would be the most efficient and expeditious way to proceed for all concerned. I also submit that such consolidation is demanded by NEPA because all of these segmented proposals and actions are, in fact, part of a single proposal, are cumulatively significant, and have no utility independent of the decommissioning proposal.

Albert G. Prodell
Albert G. Prodell

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

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

BILLIE B. BRIGGS
NOTARY PUBLIC, State of New York
No. 5448850
Qualified in Suffolk County
Commission Expires April 30, 1992

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

Before Administrative Judges:

Morton B. Margulies, Chairman
Dr. George A. Ferguson
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OFFICE OF SECRETARY
DOCKETING & SERVICE
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In the Matter of

LONG ISLAND LIGHTING COMPANY

(Shoreham Nuclear Power Station,
Unit 1)

Docket No. 50-322-OLA-2

(Possession Only License
Amendment)

CERTIFICATE OF SERVICE

I hereby certify that copies of the Amendment to Its Request for Hearing and Petition to Intervene by Shoreham-Wading River Central School District and affidavit of Dr. Albert G. Prodell, in the above-captioned matter were served upon the following by first-class mail, postage prepaid on this 8th day of April, 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

Carl R. Scenker, Jr., Esq.
Counsel, Long Island Power Authority
O'Melveny & Myers
555 13th Street, N.W.
Washington, D.C. 20004

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

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

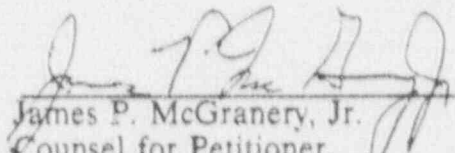
Stephen A. Wakefield, Esq.
General Counsel
U.S. Department of Energy
Washington, D.C. 20585

Donald P. Irwin, Esq.
Hunton & Williams
Riverfront Plaza, East Tower
951 East Byrd Street
Richmond, Virginia 23219-4074

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

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

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


James P. McGranery, Jr.
Counsel for Petitioner
Shoreham-Wading River Central
School District