

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)

Shoreham Nuclear Power)
Station, Unit 1))

Docket No. 50-322-OLA-2

(Possession Only License)

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 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, 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 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.

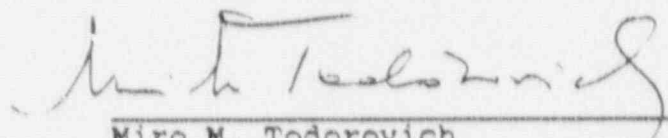
8. SE₂ is concerned that the decommissioning of Shoreham is presently underway despite the lack of prior safety or environmental review evaluating the safety or environmental impacts of, and alternatives to, the decommissioning proposal as required by the National Environmental Policy Act ("NEPA"). SE₂ 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 proposed license amendment to convert LILCO's license to a possession only license. 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 twenty months ago, SE₂ submitted a request for NRC action under the provisions of Section 2.206 of the NRC regulations which has been denied. 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 (including any possession only license amendment) 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.

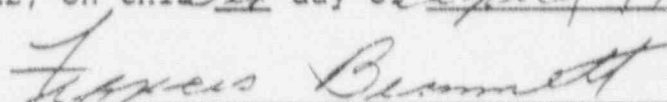
10. And if the scope of this proceeding is narrowed to its relationship to the choice among the alternatives for decommissioning mode, I believe the health, safety and environmental interests of the SE₂ members we are authorized to represent would be harmed by any actions inconsistent with mothballing 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 a number of license amendments and other actions affecting Shoreham. 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.

SP₂ 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 5th day of April 1991.
1991.


Notary Public

My Commission expires: August 30, 1991

FRANCIS BENNETT
Notary Public, State of New York
No. 31-4847001
Qualified in Queens County
Commission Expires Aug. 30, 1991