

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	)	(Possession Only License)
Station, Unit 1)	)	
	)	

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

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mishaps to occur. I strongly support the use of nuclear power to meet our nation's energy needs in a safe, economical, and environmentally benign 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 ("LILCO") application for a possession only license amendment ("the amendment") for the Shoreham Plant.

5. I am concerned that the amendment would constitute another step in the decommissioning process presently underway at Shoreham in violation of my rights 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. SE<sub>2</sub> submitted a Section 2.206 request in conjunction with the Shoreham-Wading River Central School District in July of 1989 when the destaffing and plant disassembly activities had only just been announced and were yet to be implemented. The 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. I separately reaffirm that principle with respect to the amendment.

6. I do not believe that any steps in furtherance of the 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 the plant to the Long Island Power Authority. The amendment is a further link in a chain of actions directed towards decommissioning. 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.

7. The amendment also 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, since neither the financial responsibility nor safety planning requirements of the regulations have been approved although they are prerequisites for the amendment.

8. 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, 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. This calls for serious consideration of the alternatives to decommissioning.

9. 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").

10. 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 hearings on other issues. I also understand that the issues raised by all of these actions significantly overlap due to the fact that each of the actions constitute another step in the decommissioning process underway at the Shoreham Plant. I would favor the consolidation of all of these 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.

*John R. Stehn*

Dr. John R. Stehn

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

KATHLEEN FALLON  
Notary Public, State of New York  
No. 4700905  
Qualified in Suffolk County  
Commission Expires January 31, 1992

*Kathleen Fallon*

Notary Public

My Commission expires: \_\_\_\_\_