

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 EENA-MAI FRANZ

Eena-Mai Franz, being duly sworn, says as follows:

1. I, Eena-Mai Franz, reside at 25 Josephine Boulevard, Shoreham, New York 11786 which is less than two miles from the Shoreham Nuclear Power Station ("Shoreham Plant"). I have owned this property for thirteen 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 the proposal to establish the requisite interest and standing for intervention as of right.
2. I have been employed as a radio and nuclear chemist for the past twenty-eight years at Brookhaven National Laboratory, Upton, New York 11786, located about seven miles from the

Shoreham plant. I have spent eighteen years doing basic research in nuclear chemistry and an additional ten years in applied research in low-level nuclear waste management. As a nuclear chemist, I am familiar with both the benefits and risks of nuclear power plants. I strongly support the use of nuclear power to meet our nation's energy needs in a safe, economical, and environmentally benign manner.

3. I have been a member of Scientists and Engineers for Secure Energy, Inc. ("SE₂") since early in 1990. I authorize SE₂ 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.

4. 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. SE₂ 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.

5. 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.

6. 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.

7. 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.

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 SE₂ 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 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.

Eena-Mai Franz
Eena-Mai Franz

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

Ruth Ann Lutz
Notary Public

My Commission expires: 9.30.91

RUTH ANN LUTZ
Notary Public, State of New York
No. 52-4648230
Qualified in Suffolk County
Commission Expires September 30, 1991