

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

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| In the Matter of |) | Docket No. 50-322 |
| LONG ISLAND LIGHTING COMPANY |) | (License Transfer |
| (Shoreham Nuclear Power |) | Application) |
| Station, Unit 1) |) | (56 Fed. Reg. 11781, |
| |) | March 20, 1991) |

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 both the ten and fifty mile geographical zones 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 to transfer the Shoreham Plant license ("transfer") to the Long Island Power Authority ("LIPA").

4. I am concerned that the transfer 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 transfer 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, which has been denied, 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 transfer would also set the stage for yet other actions in furtherance of decommissioning. The transfer would be a further step in removing the plant from service which is part of "decommissioning" as defined by the NRC regulations.

6. The transfer 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, among other things, LIPA lacks the financial, technical and management qualifications to become the transferee of the Shoreham Plant license. Thus, transfer of the license to LIPA would unreasonably endanger my health and safety.

7. As a Long Island resident, I will be injured if the Shoreham Plant license is transferred to LIPA because LIPA is statutorily barred from operating that plant and thus I will be denied the benefit of that plant as an electric generating facility in violation of the purpose of its license. I am further 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. I am also concerned about the adverse economic consequences which will automatically flow from the decommissioning of the Shoreham Plant and injure me. These injuries include depriving me of a reliable electrical supply with ensuing damage to my health, loss of economic growth in the area and hence damage to my property values. Also, under the terms of the existing Agreement between LILCO and the State of New York, the cost of electric energy will probably double over the next ten years. In addition to these outrageous electric rate increases, the transfer to LIPA would involve a drastic reduction in real property tax income for the Town of Brookhaven (about 28%) and the County of Suffolk (about 10%) injuring me both by a precipitous decline in government services for me and by imposing significant real estate tax increases on me.

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 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 17th 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. 62-4848230
Qualified in Suffolk County
Commission Expires September 30, 1991