

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

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 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 school and work hours. Thus, intervention in this proceeding to protect those interests is germane to the School District's purposes.

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 also 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 to transfer the Shoreham Plant license ("transfer") to the Long Island Power Authority ("LIPA"). And I assert that neither the claims asserted nor the relief requested requires my individual participation in the proceeding.

8. I am concerned that the transfer would constitute another step in the decommissioning process presently underway at Shoreham in violation of my rights, and those of the School District and its students and employees, 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. 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, 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. On behalf of the School District and myself, I separately reaffirm that principle with respect to the transfer.

9. 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 also sets 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.

10. The transfer also represents a threat to me, and the School District and its 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, among other things, LIPA lacks the financial, management, and technical qualifications to become the Shoreham Plant license transferee.

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 flow from the decommissioning of the Shoreham Plant and injure me, the School District and its students and other employees. These injuries



include depriving us of a reliable electrical supply with ensuing damage to our health, economic growth and hence our 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. These outrageous rates combined with a drastic reduction in tax income (the taxes levied on the Shoreham Plant currently constitute approximately 90% of the School 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 School District residents, such as myself.

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 Scientists and Engineers for Secure Energy, Inc. ("SE<sub>2</sub>") 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 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.

Albert G. Prodell  
Albert G. Prodell

SUBSCRIBED AND SWORN BEFORE ME, on this 18 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



# Heat on LI Power Authority

By Kinsey Wilson  
STAFF WRITER

Like the nuclear power plant it helped consign to oblivion, the Long Island Power Authority is coming under fire from critics who question whether it should be a permanent fixture on the local political landscape.

The criticism has come from all quarters — from longtime opponents who feel the authority never should have been created, as well as allies who worry that LIPA has become little more than an arm of the governor's office.

In January, Senate Republicans suggested the Legislature should take another look at LIPA's role. In February, both *Newsday's* editorial page and a collection of local business leaders called for LIPA's outright abolition.

And even some staunch anti-Shoreham activists have admitted having doubts. "I don't want to demean the valuable role that LIPA could play," said Murray Barbash, a businessman who helped lead the crusade against the plant. "But LIPA has absolutely no power. So what good is it?"

Established in 1986 to stage a hostile takeover of the Long Island Lighting Co., LIPA instead settled for a deal that virtually guaranteed LILCO's profitability as an investor-owned utility and left the authority with the job of disposing of an idled nuclear plant.

LIPA officials say it's a crucial job, but one that has left the authority limited time to promote a more sensible energy policy for Long Island.

As a result, the authority's mission

## Agency's existence questioned

remains ambiguous, its long-term political future uncertain. Lacking either the clout of a mature state authority or the populist mandate of a grass-roots organization, LIPA remains largely dependent on the goodwill of the governor and the state legislators who created it.

And while no one in Albany appears ready to pull the plug, the divergent political interests that united to create the authority five years ago have conflicting views about its future.

State Sen. James Lack (R-East Northport), one of the authority's early supporters, says that while LIPA could continue to serve a useful function, no government program can be regarded as sacrosanct at a time when the state is facing a \$6-billion deficit. "It's not the first agency I want to get rid of," Lack said recently. "But if we have to rob Peter to pay Paul, so be it."

Gov. Mario Cuomo says his support is firm, but Cuomo didn't give LIPA a penny in his proposed 1991-92 budget, a move that Assemb. Lewis Yevoli (D-Old Bethpage) says is "tantamount to saying you don't think they should stay in existence."

And Assemb. Paul Harenberg (D-Bayport), who was instrumental in establishing LIPA, says he will introduce legislation later this year postponing the first scheduled election of LIPA trustees until at least November, 1992 — a tactical retreat at least partly

aimed at averting a battle with state lawmakers who view LIPA as a potential breeding ground for political rivals.

While tending to Shoreham, LIPA also has attempted to cast itself as a watchdog over local energy matters — a voice of the people in an arena where the public seldom exercises direct influence.

It is spending more than \$500,000 to determine whether Shoreham should be converted to a natural gas-fired power plant. It commissioned a \$300,000 study that examined the potential for cost-effective energy savings on Long Island and was used to prod LILCO into undertaking more aggressive conservation programs. It has earmarked another \$600,000 for energy-efficiency demonstration projects in public buildings on Long Island. It also has promised to oppose LILCO's recent request for successive 5 percent electric rate increases, though the full extent of LIPA's objections have not been spelled out.

Finally, LIPA has clung to the notion that it might one day mount a takeover of LILCO, though having failed when LILCO stock was selling for \$9-a-share, few think LIPA could pull it off with the stock now at \$22. "Someone would have to take up full-time residence in the twilight zone to think there is a remote threat of a takeover," said former Suffolk Legis. Wayne Prospect, who once advocated a public takeover of LILCO.

If, despite such efforts, LIPA has

failed to attract a following, some board members say it is mainly because it has spent the last two years preparing the legal and regulatory groundwork for the decommissioning of Shoreham. "That's not an issue that is a headline grabber," said LIPA Chairman Richard Kessel, a close associate of the governor who acts as the authority's chief spokesman. "Yet, if we didn't make that our main objective, it would wind up costing ratepayers millions of dollars."

Other board members say LIPA has failed to promote its mission as an agency devoted to helping electric ratepayers save money. "We have to stress more strongly the economic importance of LIPA," said board member Irving Like. "We've not given enough attention to getting that message across."

Longtime critics say the problem is not publicity, but the lack of a clear mission. Although the Long Island Association has not taken a formal position on LIPA's fate, LIA President James Larocca, says the authority's various functions could easily be assumed by the agencies such as the New York Power Authority, the Public Service Commission, the State Energy Office, the New York State Energy Research and Development Authority, the state Consumer Protection Board, the consumer division of the state Attorney General's Office and the proposed Consumer Utility Board.

"There are literally a baker's dozen," Larocca said. "I think one of the prob-

Please see LIPA on Page 25

# LIPA's Continued Existence Questioned

LIPA from Page 6

lems LIPA has had, is defining its role among and between these agencies."

While LIPA has come to expect such criticism, it has also come under fire from some of its natural allies, including activists at the forefront of the fight to close Shoreham.

Pete Maniscalco, a longtime anti-Shoreham campaigner, says the authority has compromised itself by attempting to be too many things to too many people.

On the one hand, Maniscalco said, LIPA is promoting a bold conservation program that has the potential to cut electric bills significantly while reducing the need for new power plants. On the other hand, in talking up the prospects of a nuclear-to-gas conversion, LIPA has raised the prospect of building an enormous new power plant that would almost certainly undercut any serious conservation effort.

"They have a split personality," Maniscalco said. "They are talking out of both sides of their mind."

Maniscalco fears that LIPA might convert Shoreham simply to give itself an independent source of revenue — a motive board members deny. "And from the governor's point of view, it would look good if you took a facility that had been closed and turned it into something useful," Maniscalco said.

LIPA also has seemed torn in its dealings with LILCO.

Although it touts itself as a guardian of ratepayer interests, LIPA reacted cautiously to LILCO's recent request for annual 5 percent rate increases over the next three years.

Kessel says LIPA will oppose LILCO's rate request. Yet when federal regulators asked LILCO officials at a recent meeting in Washington whether anyone had opposed the company's rate hike request, Kessel, who

was seated next to LILCO's lawyers, said nothing, an omission he explains by noting that the question was not directed at him. "There are times when you walk a very difficult line," Kessel said. "And that was one of them."

The difficulty is compounded by the fact that LIPA has had to develop a close working relationship with LILCO to make headway on decommissioning, and by the fact that an outright attack on LILCO's rate case could expose flaws in the financial assumptions underlying the Shoreham settlement, which envisioned annual increases of up to 5 percent.

Yevoli, while supporting LIPA's continued existence, says he's concerned that the authority hasn't been keeping a sharp enough eye on LILCO. "They should be more forceful in these rate applications," Yevoli said. "It's one thing to send a perfunctory letter. It's another to come up with specifics."

Kessel, though, grows defensive when confronted with such criticism. "If there are people out there who think we should be doing less or doing more, let them run for the LIPA board," he said recently.

If LIPA has an enduring role, says Warren Liebold, president of the Albany-based environmental planning lobby, it may be as an advocate of conservation and as a "least-cost planning agency" devoted to finding the cheapest means of supplying electricity to an area that has the highest rates in the nation.

It's a concept endorsed by state Sen. Kenneth LaValle (R-Port Jefferson), a sponsor of the original LIPA legislation.

"I think their role has to be defined narrowly as an advocate for the region," LaValle said recently. "To secure cheap energy sources for Long Island. I think that's the important job ahead for LIPA."

BEFORE THE UNITED STATES  
NUCLEAR REGULATORY COMMISSION

'91 APR 22 P4:10

In the Matter of )

LONG ISLAND LIGHTING COMPANY )

(Shoreham Nuclear Power Station,  
Unit 1) )

USNRC Docket No. 50-322

License No. NPF-82

(Application for  
License Transfer)

CERTIFICATE OF SERVICE

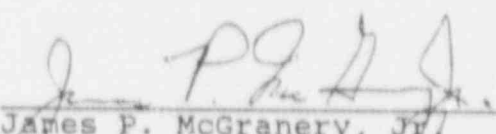
I hereby certify that one copy of the Shoreham-Wading River Central School District's Comment on Proposed No Significant Hazards Consideration and Petition for Leave to Intervene and Request for Prior Hearing is being served upon the following by first-class mail, postage prepaid on this 19th day of April, 1991:

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