

COUNTY OF SUFFOLK



DAVID J. GILMARTIN
COUNTY ATTORNEY

DEPARTMENT OF LAW

DOCKET NUMBER

PROPOSED RULE

PR-50,51
(45 FR 40101)

August 14, 1980

Secretary of the Commission
U. S. Nuclear Regulatory Commission
Washington, D.C. 20555

Attention: Docketing & Service Branch

Re: Proposed Annex to Appendix D
of 10CFR Part 50

Dear Sir:

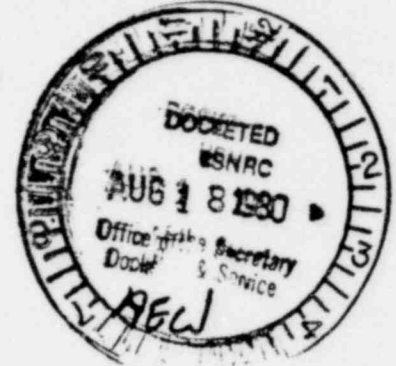
On behalf of the County of Suffolk, a neutral intervenor in the NRC Nuclear Licensing Proceedings for the LILCO nuclear facility at Shoreham, Case 50-322, I would like to address the following comments to the proposed Rule:

- 1) The distinction between construction permit and operating license applications contained in the proposed regulation is superfluous for purposes of determining the NEPA duties that attach to an agency at a given time. If the analysis concerning the possible environmental impact related to Class 9 accidents needs to be done, there should be no time limit attached thereto. It is the County's contention, therefore, that the Rule change should not automatically exempt applications in the OL stage.
- 2) Should the distinction continue, each individual case should be considered. Consequently, in the case of Shoreham, the status of the applicant should not be placed technically in the OL exempt stage because the SER has yet to be issued, and the operation date is almost 3 years away. In fact, both dates for said events are not yet firm.
- 3) There are significant factors relating to the Shoreham nuclear power plant that qualify it for consideration of Class 9 Accidents, including the following:

Acknowledged by card

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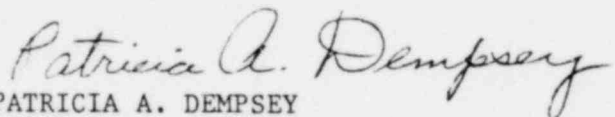
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- a) The age of the Shoreham NSSS and plant design;
- b) The failure of the plant to be designed for a Class 9 Accident;
- c) Groundwater problems;
- d) Emergency Planning problems relating to the plant's siting on the east end of an island;
- e) The failure to account for the unique meteorology of the coastal site;
- f) The possible detrimental impact of an accident on the local economy, specifically agriculture and tourism, and the economic and sociological impact of the clean-up of the disabled plant.

Since the proposed Rule change is now based on a recommendation that Class 9 Accidents are possible, for all of the foregoing reasons, Shoreham is an appropriate plant for consideration of the possible consequences of a Class 9 Accident in the context of its Environmental Impact Statement.

Very truly yours,



PATRICIA A. DEMPSEY
Assistant County Attorney

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