



WILLIAM R. PELL III
SUPERVISOR

MAIN ROAD
SOUTHOLD, L.I., N.Y. 11971

TELEPHONE
(516) 765-1800
(516) 765-1939

May 11, 1983

Mr. Harold R. Denton
Director
Nuclear Reactor Regulation
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Re: Shoreham Nuclear Power
Station Construction
Permit #CPPR-95

Dear Mr. Denton:

I am the Supervisor of the Town of Southold on eastern Long Island, which lies east of LILCO's Shoreham Nuclear Power Plant. The Town of Southold is home to more than nineteen-thousand (19,000) year-round residents, and in the summer, our population swells to more than thirty thousand (30,000) people. It has come to my attention that the construction permit for Shoreham is due to expire on March 31, 1983 unless extended by your office. This letter is to urge you to deny LILCO's request to continue construction at Shoreham and to prevent the further wasteful expenditure of tens of millions of dollars on that project.

As you know, Suffolk County has determined, on the basis of many months of intensive examination by experts, that the safe evacuation of Suffolk County residents, particularly those who reside in eastern Long Island, cannot be accomplished. Accordingly, Suffolk County has urged the NRC to terminate the Shoreham operating license proceedings in view of the fact that approval and implementation of the Suffolk County off-site emergency plan is a requirement for the issuance of an operating license. I agree with the County's determination and can see no reason why your office should permit construction at Shoreham to continue.

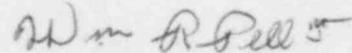
Boo!

I have also been made aware of comments attributable to NRC spokesmen in Long Island's daily newspaper, Newsday, which suggests that less than serious attention will be given to Suffolk County's request that construction at Shoreham be halted. For example, James Fitzgerald, an assistant general counsel at the NRC, reportedly stated "I don't think you need an evacuation plan during the construction phase," while NRC spokesman Frank Ingram is alleged to have said "Requests to extend plant construction dates are a dime a dozen." (See attached Newsday article). These comments do nothing to instill confidence in the integrity of the NRC decision making process, and I trust that they are not indicative of the attention that you will devote to this matter.

It is my belief that the County's determination that there can be no safe evacuation of Suffolk County residents is dispositive of the question of whether Shoreham will be permitted to operate. In view of that controlling fact, it would be irresponsible for your office to continue to permit LILCO to expend millions of dollars in funds for construction. I strongly object to any action (or inaction) by the NRC that would permit Shoreham's cost to unnecessarily escalate even further.

I urge you to give Suffolk County's opposition to the extension of LILCO's construction permit your immediate and thoughtful attention. I will look forward to hearing your response to my concern.

Sincerely yours,



William R. Pell III
Supervisor

cc: Chairman Palladino
Commissioners

Governor Plans Analysis Of Shoreham Controversy

By Rick Brand

Newsday Albany Bureau

Albany — Gov. Mario Cuomo plans to begin a "fact-finding process" into the ongoing controversy concerning the Shoreham nuclear plant as soon as the state budget wins approval, a top Cuomo aide said yesterday.

Frank Murray, a program associate to the governor, said there has been no decision on what form the inquiry will take, but he said the idea of a commission is under consideration. "We've gotten literally hundreds, even thousands of letters from people expressing confusion and concern about the situation . . . right now we don't have all the facts. What we're saying is that there needs to be a forum to get all the facts out," Murray said.

Cuomo made his vow to take a longer look at Shoreham in a 90-minute meeting yesterday with former Labor Secretary Peter Brennan, president of the New York Building Trades Council, former Rep. John Wydler (R-Garden City) and Arthur Hug Jr., president and chairman of LITCO Bankcorporation of New York Inc., all of whom support the opening of the \$3.2-billion plant.

"We went in asking for immediate action to break the impasse," said Wydler after the meeting, "and I think he clearly indicated that he intends to get more actively involved."

Cuomo declined last month to impose an emergency plan for the plant on Suffolk County after County Executive Peter F. Cohalan and the County Legislature said no plan was feasible and called for the plant to be abandoned. Since then, Long Island Lighting Co. officials and business leaders have pressed for Cuomo's intervention, claiming abandoning Shoreham

would drastically raise utility rates and ruin the Long Island economy.

Murray emphasized that Cuomo feels that the federal government still has a prime role in the Shoreham issue, as was indicated in a state response Monday to a Nuclear Regulatory Commission inquiry on the plant.

Deputy Suffolk County Executive Frank Jones said, "The county would be happy to supply the governor with information on how we reached our conclusion that no safe evacuation is possible . . . we are confident that the governor agrees that safety is the paramount issue." He also asked Cuomo to get the Public Service Commission to hold hearings on the effect of abandoning Shoreham.

Valerie Scibilia, a LILCO spokeswoman, said the utility is pleased by Cuomo's decision. "We've been looking forward to his involvement since he said he was willing to act as a mediator Feb. 17."

Earlier in the day, Lt. Gov. Alfred DelBello said that the federal government should set up a utility superfund so that ratepayers do not have to pay the costs if Shoreham does not open because of safety reasons. DelBello said the federal fund should be created because the NRC has held exclusive jurisdiction on approval of plants. Although Cuomo has taken no position on such a fund, Murray said DelBello's idea "is absolutely consistent with the governor's call for federal involvement."

Meanwhile, the Long Island Regional Planning Board offered yesterday to mediate the dispute over an emergency plan. The informal consensus of the board was that it should evaluate all studies relevant to the dispute and volunteer to be a fact-finder and adviser in case of a prolonged stalemate.

3/18/83

THE REGION

Permit Extension For N-Plant Fought

By Robert Fresco

In an unusual move aimed at preventing the opening of the Shoreham nuclear plant, Suffolk County has asked the federal Nuclear Regulatory Commission to block a routine extension of the plant's construction permit.

The county contends in its request that because it has not approved an emergency evacuation plan for the plant, Shoreham cannot open, and as a result, construction should not proceed.

But the legality of the county action was immediately questioned by a top NRC attorney. James Fitzgerald, an assistant general counsel, said he doubted the county's objection had any legal basis. "I don't think you need an evacuation plan during the construction phase," he said.

And NRC spokesman Frank Ingram said that "requests to extend plant construction dates are a dime a dozen." And, he added, the commission routinely grants them.

"His attitude doesn't surprise me," Deputy County Executive Frank Jones said of Fitzgerald's comment. "The Nuclear Regulatory Commission consistently falls on the side of the nuclear-power advocates."

LILCO's construction permit expires March 31. On Feb. 25, the company submitted a request for a nine-month extension. LILCO spokeswoman Judith Brabham said that the utility is not changing its previously announced plan to load fuel into the reactor by the end of June and begin commercial production of electric power there in early 1984. She said an extension beyond June was requested to allow "minor construction work" such as painting in the "non-nuclear" area of the plant.

LILCO's construction permit for the \$3.2-billion plant has already been extended twice, Brabham said. The original permit was granted in April, 1973, and expired in May, 1979. Brabham said it was "customary" for utilities to ask for extensions.

But the county's lawyer, Herbert Brown, wrote in a letter Wednesday to the NRC, "We submit that the LILCO request [for the extension] can't lawfully be granted." This, he argued, is because, "no operating license for the Shoreham plant can lawfully be issued," since there is no emergency evacuation plan for the plant. "Suffolk County has resolved that it will not adopt or implement" such a plan, he added.