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* ADMITTED IN N.Y. & FLA.

September 24, 1981



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

Re: NEPA Review of LILCO's Application
For An Extension To The Shoreham
Construction Permit

Dear Mr. Denton:

On November 26, 1980 the Long Island Lighting Company ("LILCO") requested that the Nuclear Regulatory Commission ("NRC") grant an extension to the latest completion date in its permit for the construction of the Shoreham Nuclear Power Station, Unit 1.

The decision by the NRC on LILCO's application is subject to the requirements of the National Environmental Policy Act, 42 U.S.C. Section 4021 et seq. ("NEPA"), which supplements the NRC's other statutory obligations.* Pursuant to the regulations of the Council on Environmental Quality governing the procedural implementation of NEPA, agencies must implement the NEPA review process as early as possible in the course of decisionmaking.

Hearings on LILCO's application for an extension to the construction permit ("CP") are about to begin, yet

*The NRC conducted a NEPA review in connection with LILCO's prior request for an extension of the Shoreham CP, dated December 18, 1978.

no NEPA document has been circulated in connection with this action. SOC urges you to fulfill your responsibilities under 10 CFR Section 51.50 without further delay.*

Scope of the NEPA Review

Without an extension to the CP, LILCO will forfeit all rights under the permit to complete construction of the reactor.

SOC believes that an extension of the Shoreham CP would constitute a major federal action necessitating the compliance with NEPA's requirement for the preparation of an environmental impact statement ("EIS") which fully considers all factors including relevant new developments and information. See 40 CFR Section 1502.9(c). The Council on Environmental Quality ("CEQ") has previously interpreted NEPA to require an EIS for such an NRC decision. Copies of the opinion of CEQ's General Council and letter to the Attorney General of the State of Illinois, dated August 12, 1980, are attached. At a minimum, SOC believes that the EIS supplement must address such issues as the safety and environmental impacts of Class 9 accidents; the impact of releases to the liquid pathway; reevaluation of the suitability of the Shoreham site; and alternatives to the proposed action, among others.

Many months have already been lost since last November, when LILCO applied for the CP extension. Further delay in implementing NEPA for this action will in turn delay the other proceedings on LILCO's extension application and could affect as well commencement of proceedings on LILCO's application for an operating license.

SOC will take whatever steps are necessary to insure meaningful and timely compliance with NEPA's procedural requirements. However, the Coalition wishes to avoid initiating unnecessary action, if possible. We would, therefore, appreciate a response from you within two weeks indicating what plans and schedule, if any, you have for implementing NEPA in connection with the CP extension application.

Sincerely,

Stephen B. Latham

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*SOC raised the NEPA compliance issue in connection with LILCO's application for a CP extension in its petition, dated January 23, 1981. However, the matter has never been addressed by your office.