

OFFICE OF THE COUNTY LEGISLATURE

COUNTY OF SUFFOLK

DOCKETED
USNRC



'82 NOV 16 P1:12

OFFICE OF SECRETARY
DOCKETING & SERVICE
BRANCH

50-322-01

WILLIAM H. ROGERS
CLERK
JULIETTE A. KINSELLA
CHIEF DEPUTY CLERK
JOYCE F. ROSKO
DEPUTY CLERK

November 9, 1982

The Honorable Nunzio J. Palladino
U. S. Nuclear Regulatory Commission
Washington, D. C. 20555

Dear Chairman:

Enclosed is Resolution No. 1018-1982 adopted on this date by the Suffolk County Legislature and signed by the County Executive of Suffolk County.

If you have any questions, please feel free to contact my office.

Yours truly,

William H. Rogers
Clerk

WHR:cg
Enc.

8211170347 821109
PDR ADOCK 05000322
G PDR

DS03

RESOLUTION NO. 1018-1982, AUTHORIZING THE COUNTY EXECUTIVE TO TAKE ANY APPROPRIATE ACTION NECESSARY TO ENSURE THAT THE NRC'S SHOREHAM HEARINGS ARE PROCEDURALLY FAIR AND IN ACCORDANCE WITH DUE PROCESS OF THE LAW AND INVITING NRC OFFICIALS TO APPEAR BEFORE THE SUFFOLK COUNTY LEGISLATURE

WHEREAS, the Suffolk County Legislature is concerned that the Nuclear Regulatory Commission's operating license hearings on the safety of the Shoreham Nuclear Power Plant may be marred by the procedural irregularities of the NRC's Atomic Safety and Licensing Board; and

WHEREAS, the County Executive has written to the Chairman and Commissioners of the NRC to express the County's concern with the Licensing Board's procedural actions; and

WHEREAS, the Licensing Board has proposed to dispense with normal adjudicatory public hearings in the Shoreham proceedings by the substitution of a new invention of so-called "evidentiary depositions"; and

WHEREAS, the County Executive has requested the Chairman and Commissioners of the NRC to ensure that fair and normal public hearing procedures and due process of law be followed in the Shoreham hearing; and

WHEREAS, other actions of the Atomic Safety and Licensing Board and the NRC raise serious questions concerning their impartiality, including the September 30, 1982 statement of the NRC Chairman that the Licensing Board is "attempting" to issue a low power license to LILCO, and to do so by the arbitrary deadline of March 30, 1983; and

WHEREAS, for its own convenience the Licensing Board is continuing to hold hearings in Bethesda, Maryland, rather than in the community where the nuclear power plant is located, in accordance with normal procedure; and

WHEREAS, the Licensing Board has imposed arbitrary and unnecessary time constraints to stop the County's counsel from completing their cross-examination of quality assurance testimony of LILCO; now, therefore, be it

RESOLVED, that the Suffolk County Legislature does hereby approve and endorse the action of the County Executive in writing to the Chairman and Commissioners of the Nuclear Regulatory Commission; and be it further

RESOLVED, that the Suffolk County Legislature of its own accord does hereby express its objection to the procedural irregularities adopted or proposed by NRC's Atomic Safety and Licensing Board; and be it further

RESOLVED, that the County Legislature encourages the County Executive to take any and all other actions that are necessary and appropriate to ensure that the NRC's Shoreham hearings are procedurally fair and in accordance with due process of law; and be it further

RESOLVED, that the County Executive establish continuing liaison with appropriate Offices of the Nuclear Regulatory Commission so as to ensure that

there be no further instances of procedural irregularity in the NRC's Shoreham hearings; and be it further

RESOLVED, that the Suffolk County Legislature, hereby invites the Members of the Atomic Safety and Licensing Board, and other NRC officials as appropriate, to appear before the County Legislature and explain the reasons for the Licensing Board's actions to which the County Executive and County Legislature have objected.

RESOLVED, that the Clerk of the Suffolk County Legislature transmit a copy of this resolution to the Chairman and Commissioners of the NRC and other persons as appropriate.

DATED: November 9, 1982

APPROVED BY:

[Signature]
County Executive of Suffolk County

Date of Approval: *11/9/82*

SUFFOLK COUNTY
County Legislature
RIVERHEAD, N. Y.

This is to Certify That I, William H. Rogers, Clerk of the County Legislature of the County of Suffolk, have compared the foregoing copy of resolution with the original resolution now on file in this office, and which was duly adopted by the County Legislature of said County on *11/9/82* and that the same is a true and correct transcript of said resolution and of the whole thereof.

In Witness Whereof, I have hereunto set my hand and the official seal of the County Legislature of the County of Suffolk.

[Signature]
Clerk of the County Legislature