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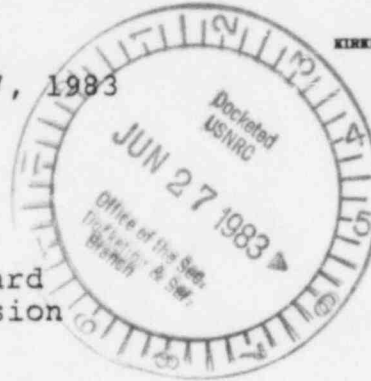
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June 27, 1983



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U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

Dr. James L. Carpenter  
Administrative Judge  
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Dr. Peter A. Morris  
Administrative Judge  
Atomic Safety and Licensing Board  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

Re: Long Island Lighting Company;  
(Shoreham Nuclear Power Station,  
Unit 1); Docket No. 50-322 O.L.;  
Opposition to Motion for Low  
Power License

Gentlemen:

Enclosed is the "Answer and Opposition of Suffolk County to LILCO's Motion for a Low Power License," which Suffolk County is filing today. The County opposes LILCO's motion and urges that it be denied for the following reasons.

First, based upon its doubts as to whether offsite emergency preparedness for Shoreham will ever be adequate, this Board certified to the Commission the question whether 10 C.F.R. § 50.47(d) should be applied. Several recent events

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reinforce the likelihood that offsite emergency preparedness will never be sufficient to support a full power operating license for Shoreham:

(a) The offsite emergency plan (the "LILCO Transition Plan") submitted by LILCO and to be implemented solely by LILCO, without the participation of any government entities, is currently the only plan subject to litigation in the emergency planning proceeding.<sup>1/</sup> See Opposition at 3-5.

(b) Four NRC Commissioners recently testified that adequate offsite preparedness without local and state governmental participation (as in the LILCO Transition Plan) is either impossible or very difficult. See Opposition at 6-9.

(c) FEMA has found 34 "inadequacies" in the LILCO Transition Plan, some of which are basic and appear to be incurable.<sup>2/</sup> For example, FEMA found that LILCO's legal authority to implement its plan is inadequate:

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<sup>1/</sup> Four other alternative plans have been found to be outside the scope of the proceeding. Order Limiting Scope of Submissions (June 10, 1983).

<sup>2/</sup> The County has filed a 169 page document with the emergency planning Licensing Board detailing by draft contentions serious deficiencies in the LILCO Transition Plan.

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[F]irst, the legal authority cited in Attachment 1.4.1 to the plan (10 C.F.R. 50.47) does not specifically grant the necessary police powers to a licensee to implement those aspects of an off-site emergency response requiring the exercise of governmental authority. Second, the underlying assumption of both FEMA and NRC off-site emergency preparedness regulations is that the responsibility for responding to a radiological emergency at a commercial nuclear reactor rests cooperatively with State, local, and federal governments. Part I.F. of NUREG-0654/FEMA-Rep-1, Rev. 1, states at p. 22-23 that "NRC and FEMA recognize that plans of licensees, State and local governments should not be developed in a vacuum or in isolation from one another. Should an accident occur, the public can be best protected when the response by all parties is fully integrated." Part I.H. emphasizes at p. 25 that "NRC and FEMA agree that the licensees of nuclear facilities have a primary responsibility for planning and implementing emergency measures within their site boundaries" (emphasis in original). In designating an emergency response organization relying exclusively on LILCO employees, this plan contravenes these standards.

See Opposition at 9-11.

Second, the LILCO motion is premature because the Board cannot now or in the immediate future issue the initial decision on controverted matters, and the NRC cannot now or in the immediate future make the finding, required under 10 C.F.R. § 50.57(c) for a low power license. Among other things,

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certain contentions on the Shoreham emergency diesel generators are still to be litigated, and the County anticipates that the Board will give it a fair opportunity to review and perhaps litigate the contents of the Teledyne report. See Opposition at 12-15.

Third, LILCO has not met the requirements of 10 C.F.R. §§ 50.57(c) and 50.47(d) with respect to onsite emergency preparedness. The County is filing a motion with the emergency planning Licensing Board for leave to file contentions on certain offsite elements of LILCO's revised onsite emergency plan, which demonstrate that the plan is inadequate. These contentions could not have been litigated during the Phase I emergency planning proceeding, because at that time all parties erroneously assumed that Suffolk County would participate in offsite preparedness -- a factor upon which the revised onsite plan continues to rely. If the contentions are admitted, the Board may not issue a low power license until an initial decision is rendered. In any case, the NRC cannot properly make a favorable finding regarding onsite preparedness in light of the substance of the County's draft contentions and of FEMA's findings of inadequacies. See Opposition at 16-24.

Fourth, because all of the foregoing developments provide new and significant evidence that the Shoreham plant

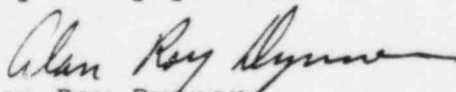
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is likely never to obtain a full power license and will be abandoned after any permitted low power testing, a low power license may not be issued without prior required environmental analyses. Specifically, a supplement is required to the Final Shoreham Environmental Impact Statement to consider the costs and benefits of low power operation followed by abandonment. Such a study is likely to show no benefits, and significant costs arising from irradiation of fuel, contamination of the facility, decommissioning costs, and potential worker exposure to radiation. See Opposition at 24-32.

Because LILCO sent a copy of its motion, with a cover letter, to the NRC Commissioners and to the emergency Licensing Board, we are sending copies of this letter and the Opposition to the Commissioners and that Board, as well as to the persons on the service list.

Very truly yours,

  
Alan Roy Dynner

ARD/dk  
cc: NRC Commissioners  
James A. Laurenson  
Dr. Jerry R. Kline  
Dr. M. Stanley Livingston  
Service List