



CHAIRMAN

UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D. C. 20555

PDR

October 1, 1984

Mr. George J. Hochbrueckner
Member of the Assembly
P.O. Box T
Port Jefferson Station, NY 11776

Dear Assemblyman Hochbrueckner:

In your letter of May 22, 1984, you asked me to disqualify myself from any further activity in the decisionmaking process concerning the Shoreham proceeding.

On June 5, 1984, Suffolk County and the State of New York, parties to the Shoreham licensing proceeding, filed a "Request for Recusal and, Alternatively, Motion for Disqualification." The request asked that I recuse myself from participating in the Shoreham proceeding. A response to the points raised in your letter would have been inappropriate while the June 5 request remained pending.

On September 21, 1984, in response to the June 5 request, I made a decision not to recuse myself. A copy of my decision is attached for your information.

Sincerely,

Nunzio J. Palladino

Enclosure: As stated

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PDR COMMS NRCC
CORRESPONDENCE PDR

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THE ASSEMBLY
STATE OF NEW YORK
ALBANY

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Open Letter to Nunzio Palladino, Chairman, U.S. Nuclear Regulatory
Commission from New York State Assemblyman George Hochbrueckner,
Long Island

May 22, 1984

Nunzio Palladino, Chairman
U.S. Nuclear Regulatory Commission
1717 H Street, NW
Washington, D.C. 20555

Dear Mr. Palladino:

I am a New York State Assemblyman who represents 117,000 people, most of whom live within 10 miles of the Long Island Lighting Company (LILCO) Shoreham nuclear power plant.

I attended the May 17, 1984, hearing of the Congressional Subcommittee on Energy and the Environment, regarding the licensing procedure at the Shoreham plant, and I listened very carefully to your testimony and that of others. Based on that hearing and your testimony indicating the manner in which you attempted to expedite the Shoreham licensing hearings in an unprecedented way, I hereby request that you disqualify yourself from any further activity in the decision-making process concerning the Shoreham plant.

The basic reason that I am making this request is my belief that we in government must use our power and position appropriately and must always avoid any action which could be perceived to be improper. It would be inappropriate for me to judge whether your Shoreham-related actions occurred due to your concern as an administrator trying to expedite the licensing process or as a regulator who appears to be predisposed toward licensing of Shoreham. Only you know the real answer. Based on the recent sequence of events, however, the perception of people on Long Island, regardless of their position on opening Shoreham, is that you have already concluded that Shoreham must be activated as quickly as possible.

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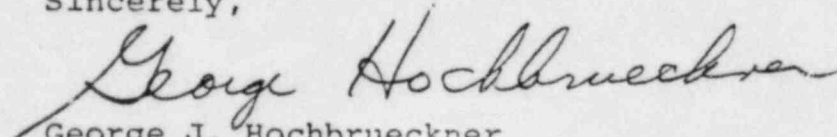
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Chairman, U.S. NRC
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Certainly we all agree that justice delayed is justice denied, but justice without due process is also justice denied. Your unprecedented action to expedite the Shoreham licensing process without consulting your NRC colleagues has placed your credentials as an objective and unbiased regulator in very serious doubt.

In order to maintain the integrity of the NRC for future decisions it must make regarding other nuclear plants, it is absolutely essential that you withdraw from any further decision-making relating to the Shoreham licensing process.

Thank you for your consideration. I anxiously await your response.

Sincerely,



George J. Hochbrueckner
Member of the Assembly

GH:ej

cc: U.S. President Ronald Reagan
U.S. NRC Commissioners
U.S. Senators Moynihan and D'Amato
Nassau-Suffolk Congressional and State Delegations
Governor Mario Cuomo
Media