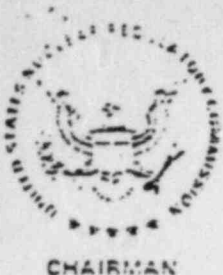


UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D. C. 20555



October 25, 1983

CHAIRMAN

The Honorable Mario M. Cuomo
Governor of New York
Executive Chamber
Albany, New York 12224

Dear Governor Cuomo:

Thank you for your letter of October 4, 1983, regarding the Shoreham emergency plan.

Since the adequacy of that plan is one of the issues now pending before the Atomic Safety and Licensing Board considering the Shoreham operating license application, I am unable to respond at this time to the merits of the issues which you raise. The Commission will not arrive at a position on the adequacy of the plan except in the context of the adjudication, based on the record developed in the proceeding. I have therefore asked Bill Dircks, our Executive Director for Operations, to write to you and advise you of the NRC staff's position with respect to the issues raised in your letter.

Your continuing interest in matters related to nuclear power plants in New York State is appreciated.

Sincerely,


Nunzio J. Palladino

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STATE OF NEW YORK
EXECUTIVE CHAMBER
ALBANY 12224

October 4, 1983

Dear Chairman Palladino:

I understand that at the request of the Nuclear Regulatory Commission (NRC), the Federal Emergency Management Agency (FEMA) is coordinating an eight-agency federal review of an emergency preparedness plan written by the Long Island Lighting Company for the proposed Shoreham nuclear power plant.

While I understand that recent legislation does authorize the NRC to consider a utility developed emergency preparedness plan for a commercial nuclear power plant, I am writing to urge the Commission to reject the LILCO plan for Shoreham.

Suffolk County has clearly stated that it will refrain from implementing a radiological emergency plan at Shoreham because the County believes that it is impossible to safely evacuate or otherwise protect the public in the event of a serious nuclear accident at Shoreham. I have indicated that the State will not impose a radiological emergency preparedness plan on Suffolk County because I do not believe that the State alone has the capability or resources to assure that the public health and safety can be adequately protected.

While I have made no final judgement regarding the possibility of developing and implementing an adequate emergency preparedness plan for Shoreham, I am convinced that a preparedness plan which relies solely and entirely upon private utility workers cannot provide the degree of security necessary to conclude that the public health and safety of the region's residents are adequately protected.

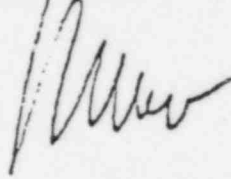
In an emergency situation, even those involving more familiar disasters, one cannot always predict how individuals will react. This is especially true in the case of individuals whose normal responsibilities do not include the protection of public health and safety.

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Is it reasonable to assume that a utility-directed worker will respond in a predesigned manner when his action may involve a choice between evacuating a stranger and perhaps protecting his own family? Is it reasonable to assume that residents will react calmly to directives and mandates from utility workers whose company may be perceived to be the cause of the disaster? Under what authority would utility workers perform functions which may amount to an exercise of governmental power? I am sure this is not the scenario either envisioned or endorsed when the Congress and the NRC reasonably required the development of off-site preparedness plans for nuclear power plants.

I am certain that we all agree that before a new nuclear power plant can operate, there must be reasonable assurances that the public health and safety is adequately protected. I do not believe that an entirely utility-developed, utility-directed, and utility-operated off-site preparedness plan meets this standard.

Sincerely,



Honorable Nunzio J. Palladino
Chairman
Nuclear Regulatory Commission
Metcalf Building
1717 E Street, N.W.
Washington, D.C. 20555



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

November 23, 1983

CHAIRMAN

MEMORANDUM FOR: Commissioner Gilinsky
Commissioner Roberts
Commissioner Asselstine
Commissioner Bernthal

FROM: Nunzio J. Palladino *NJP*

SUBJECT: TELEPHONE CALL FROM CONGRESSMAN STRATTON

I received a telephone call from Congressman Samuel S. Stratton, (NY/D), to express his concern about the situation at Shoreham. He stated that press reports by the New York Times suggest that state and county officials will site idly by and allow the plant to deteriorate. He pointed out that NRC has the authority to grant a license based on utility emergency plans if the Commission finds such plans to be adequate. He also pointed out that the experience at TMI disclosed less iodine is released in an accident than had previously been predicted. As a result, he believes emergency planning by the Commission is conservative.

Congressman Stratton urged that NRC continue to review the Shoreham plant so that a definitive decision can be made based on utility emergency planning if the state and county governments don't propose their own plan. He indicated to me that he would be making a press statement on this matter soon.

cc: OGC
OPE
SECY
OPA
OCA
EDO

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