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UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

Before the Commission

DOCKETED  
USNRC

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OFFICE OF SECRETARY  
DOCKETING & SERVICE  
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\_\_\_\_\_)  
In the Matter of )  
 )  
LONG ISLAND LIGHTING COMPANY )  
 )  
(Shoreham Nuclear Power Station, )  
Unit 1) )  
\_\_\_\_\_)

Docket No. 50-322-OL

SUFFOLK COUNTY AND NEW YORK STATE MOTION FOR  
COMMENCEMENT OF INDEPENDENT INVESTIGATION OF DEPARTMENT  
OF ENERGY INFLUENCE ON SHOREHAM PROCEEDINGS

Documents described in the attached New York Times article,  
dated March 27, 1985, disclose efforts of the Department of  
Energy to influence the outcome of NRC proceedings concerning the  
Shoreham Nuclear Power Plant. Among other things, these docu-  
ments reveal DOE's effort to:

- "Lobby NRC and FEMA to amend,  
interpret, issue opinions, or adopt  
presumptions regarding their  
regulations and rules which are  
favorable to DOE's policies."
- "Force NRC and FEMA to accept  
(change rule?) utility exercise of  
EP without local cooperation or  
presumption that local authority  
will act in a real emergency."

Such approaches of DOE to "lobby" and "force" the NRC to  
take actions which affect the outcome of the Shoreham proceeding  
are repugnant to the NRC's adjudicatory process and, particularly,  
are unlawful under the governing Administrative Procedure Act,

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Atomic Energy Act, and NRC regulations. The Shoreham proceeding is an on-the-record adjudication. DOE's off-the-record initiatives with the NRC to alter the established legal framework and to sway the direction and context of NRC decisionmaking are an obstruction of the lawful regulatory processes.

Moreover, the documents described in the Times article reveal DOE's approach to influence actions of the Federal Emergency Management Agency. For example, in a March 8, 1985 letter from DOE Secretary Herrington to FEMA Director Giuffrida, DOE urges FEMA to conduct an exercise of LILCO's offsite emergency plan. The conduct of such an exercise is a contested issue in the Shoreham proceedings. Secretary Herrington does not even reveal that the New York State Supreme Court on February 20, 1985 declared LILCO's plan to be illegal. Thus, DOE is urging FEMA to join with LILCO to attempt to achieve an unlawful objective.

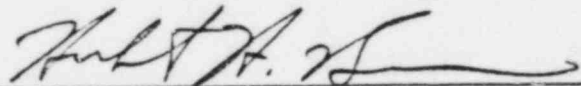
FEMA, as the NRC's evaluator of offsite emergency preparedness, plays a significant role in the adjudicatory process as a purportedly impartial participant. The apparent efforts of DOE behind-the-scenes to influence FEMA's on-the-record representations and opinions undercut the integrity of the Shoreham adjudicatory proceedings. At this point, it is therefore not clear if the NRC and FEMA have been acting for themselves or, at times, as the surrogates of DOE and DOE's undisclosed agenda for the outcome of the Shoreham proceedings.

Accordingly, to bring fully to public light the extent of DOE's involvement at the NRC and the influence of DOE on the content and direction of the NRC's Shoreham proceedings, and to

establish the foundation on which action might be taken to cleanse any taint which has resulted from DOE's activities, Suffolk County and New York State hereby move the NRC immediately to commence an independent investigation of DOE's activities. This investigation should be aimed at disclosing DOE's lobbying, forcing, influencing, or any other actions which might affect or already have affected the content, direction, or outcome of the NRC's Shoreham proceedings.

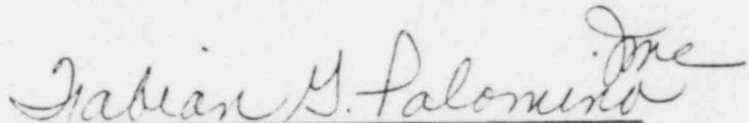
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April 1, 1985

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NUCLEAR REGULATORY COMMISSION

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CERTIFICATE OF SERVICE

I hereby certify that copies of Suffolk County and New York State Motion for Commencement of Independent Investigation of Department of Energy Influence on Shoreham Proceedings have been served on the following this 1st day of April, 1985, by U.S. mail, first class, except as otherwise noted.

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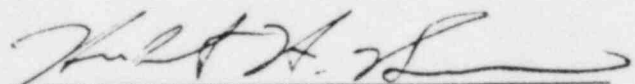
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