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January 22, 1988

Edwin J. Reis, Esq.
U.S. Nuclear Regulatory Commission
One White Flint North
11555 Rockville Pike
15th Floor
Rockville, Maryland 20852

Dear Ed:

This letter concerns our conversation of January 20, in which you informed me that the Staff refuses to prepare a written summary describing what was discussed during the Staff's private meeting with LILCO representatives on January 14. I requested that such a document be prepared in my letter to you dated January 15.

The Staff has provided no reason for refusing to prepare such a record of the meeting. You simply say that the Staff is not required to do so. That begs the issue: the Staff met secretly with four high-level LILCO representatives; the Staff consciously decided not to invite the Governments to attend; and, after the fact, the Staff refuses even to summarize for the record what in fact transpired at the meeting. The inference is inevitable: the Staff is trying to hide something from the Governments.

The Governments reiterate that in the circumstances of this case, the secret meeting of four Staff lawyers (who are pivotal players in a strategy that has over the Shoreham proceeding seen the Staff in a cozy relationship supportive of LILCO's ends) with four senior LILCO representatives (who were there to promote that cozy relationship) was highly inappropriate. You summed up LILCO's presentation at last week's meeting as follows: "We [LILCO] want your continued support, Staff." Obviously, LILCO's purpose was to lobby you and your colleagues with alleged facts and hyperbolic arguments. There is no justification for your refusing to tell the Governments what was said by LILCO and by the Staff during your secret meeting. The Governments are directly affected, and your resistance to revealing what trans-

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pired is proof-positive of the Staff's single-minded loyalty to LILCO.

The Staff has abdicated any pretense of independence in this proceeding. The calculated decision to exclude the Governments from what you doubtless knew to be a LILCO lobbying session, combined with your acknowledgment that the Staff remains committed to the operation of the program, has serious ramifications on the Staff's role in the fact of the Shoreham litigation.

Finally, apart from your acknowledgement that the January 14 meeting was a session in which LILCO lobbied for Staff support, the following other matters also came to light in our telephone calls.

1. The January 14 meeting came about at the request of one of LILCO's attorneys, Don Irwin. You told me that Don asserted that LILCO had a right as a citizen of the United States to make its views known to its government and that LILCO thus sought a meeting with NRC personnel to do so. LILCO's purported "request" involves an obvious subterfuge -- LILCO was not seeking to speak to the "government" as a "citizen"; LILCO, a party in the highly contested Shoreham proceeding, wanted to lobby the Staff on critical issues in litigation and the Staff, being in support of LILCO, was willing to accommodate LILCO. Moreover, Don's silly assertion cuts two ways. Indeed, the Governments and their millions of citizens have a "right" to be represented at a meeting that so deeply affects their interests.

Your assertion to me that it is proper for Staff attorneys to meet with attorneys for other parties is no explanation at all. First, this was not just an "attorney" meeting. LILCO's representatives included LILCO's Executive Vice President (Tony Earley) and a chief LILCO spokesperson on public relations (Ira Frielicher).

Second, it is clear that the Staff did not treat the meeting as merely a routine meeting of lawyers. That might have been the case if only you and George Johnson had been present for the Staff, or if the subject had been different. But you also included higher level Staff attorneys, Bill Almstead and Joe Scinto, who have had no day-to-day role on Shoreham and have never even entered appearances. They are, respectively, the Head and Deputy Head of the NRC's Hearing Division -- managerial positions on the Staff. There was no need for their presence if this was just a benign "lawyers" meeting, or if it's intended purpose had been an innocent discussion of procedural or logistical matters.

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2. You told me: (a) that before January 14 you had considered inviting the Governments to the meeting; (b) that you knew the Governments would have wanted to be at the meeting if they had known of it; but (c) that you decided it would be "better" to have a meeting with LILCO alone, with the Governments "invited" to a separate meeting only after the secret LILCO meeting had occurred. Why would it have been "better" for the Governments? It would not have, and you knew that. It would have been better only for LILCO, so that the meeting could be held without others knowing the facts.

3. You told me that LILCO made a "big pitch" regarding its 25% power motion and the need for the electricity from Shoreham. Why did the Staff even listen to the "big pitch" about economic matters, when you know that those matters are outside NRC's expertise and jurisdiction? The Gleason Board's 25% power order of January 7 made clear that the alleged power shortages on Long Island are beyond the NRC's jurisdiction. And yet, one week later, the Staff was willing to sit through LILCO's "big pitch" on just such a matter.

4. You stated that LILCO also made a "big pitch" for a new exercise. It is improper even to suggest that a new exercise be discussed prior to receipt of Rev. 9 of LILCO's Plan and prior to issuance of the Frye Licensing Board's second Exercise decision. It is also absurd to discuss such an exercise absent resolution of the many outstanding issues in the Shoreham proceeding.

5. You stated that you believe that the Staff has decided to forward Rev. 9 of the LILCO Plan to FEMA for review when Rev. 9 is received. How could the Staff reach a decision to take such action in the absence of even having received such a plan, much less having reviewed it on a preliminary basis? It clearly is premature -- and/or an act of favoritism toward LILCO -- to be making any kinds of decisions relating to an exercise.

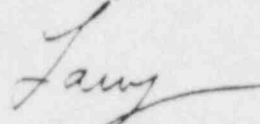
You stated that the Staff was willing to provide Suffolk County and the other Governments an opportunity for a meeting similar to that which was provided to LILCO. We are considering this "offer" and will let you know of our views in the future.

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In the meantime, however, I reiterate the request that the Staff prepare a complete record of the secret January 14 meeting.

Sincerely,

A handwritten signature in cursive script, appearing to read "Law", with a long horizontal flourish extending to the right.

Lawrence Coe Lanpher

cc: Fabian G. Palomino, Esq.
Stephen B. Latham, Esq.
William R. Cumming, Esq.
✓ Donald P. Irwin, Esq.

OFFICE OF THE COUNTY LEGISLATURE

COUNTY OF SUFFOLK



Legislator Fred W. Thiele, Jr.
Suffolk County 16th District
P.O. Box 599
Sag Harbor, New York 11963

January 13, 1988

Mr. Joseph Burton
W G L I
120 Peconic Avenue
Babylon, NY 11702

Dear Mr. Burton:

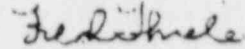
I am the newly elected County Legislator from the 16th District in Suffolk County covering East Hampton, Southampton, Shelter Island, and part of Brookhaven. I am contacting you to ask you to reconsider your station's decision to participate as a secondary emergency broadcaster for LILCO's Shoreham evacuation plan.

As you know, the State, County, and local governments of Suffolk have as a stated policy that it is impossible to safely evacuate Long Island in the case of a nuclear accident at Shoreham. Under the police powers reserved to the state and its political subdivisions, it is the exclusive purview of government to provide for the protection of the public health, safety and welfare, not private corporations. Nevertheless, LILCO has continued its efforts to attempt to subvert the legitimate exercise of the police power by government. Suffolk County is engaged in both administrative and judicial actions to insure that the public is protected from LILCO's ill conceived attempts to open Shoreham without an adequate emergency plan approved by state and local government.

LILCO is presently engaged in an attempt to convince the Nuclear Regulatory Commission should license Shoreham without such an approved evacuation plan. Your radio station's agreement to participate in a plan that can not possibly work serves to undermine the police power authority of government and indirectly assist LILCO's effort to license Shoreham and threaten the public safety. In short, your station, perhaps unwittingly, is assisting LILCO in its battle to open Shoreham in the face of the opposition of state, county, and local governments as well as the overwhelming opposition of the residents of Suffolk County.

I believe it is the goal of your station to provide public service. I urge you to reconsider your station's decision to participate in LILCO's plan. The best service you can provide to the community is to join in a united front that will insure that LILCO's reckless actions will not endanger the future welfare of our citizens.

Sincerely,



Fred W. Thiele, Jr.
Suffolk County Legislator
16th District

FT/mcb