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June 6, 1988

VIA TELECOPY

Lando W. Zech, Jr., Chairman
Nuclear Regulatory Commission
One White Flint North
11555 Rockville Pike, 15th Floor
Rockville, Maryland 20852

Re: Docket No. 50-322-OL-3

Dear Mr. Chairman:

On behalf of our client, Suffolk County, and with authorization of the State of New York, we request the Commission's immediate intervention in a matter of legal consequence.

Tomorrow, June 7, FEMA is conducting an exercise of LILCO's emergency plan for the Shoreham plant. This exercise is being held at the Commission's direction, as evidenced most recently by your June 3 letter to FEMA's Director. The Governments of Suffolk County and New York State, in their capacity as intervenors in the NRC's Shoreham proceeding, have been seeking to observe the exercise in the same manner they observed LILCO's February 1986 exercise. However, both LILCO and FEMA will not permit the Governments to do this. Instead, LILCO and FEMA last Friday imposed arbitrary and unreasonable restrictions that obstruct and hamper the Governments' ability to observe the exercise meaningfully.

For example, unlike the 1986 exercise, FEMA will not give the Governments FEMA's "controller messages" when generated during the exercise, even though such messages are essential to the Governments' ability to observe field activities of LILCO's response organization. Also, LILCO has barred the Governments' observers from the emergency operations facility, and has insisted that the Governments place no more than one observer at each staging area, rather than two observers as in February 1986.

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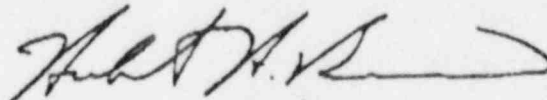
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If any change were appropriate in the present circumstances, it would be to increase the number of such observers commensurate with the substantial increase in the number of evaluators that FEMA will have present.

Given that the exercise amounts to what your June 3 letter terms "a critical element of the [NRC's] decision process," we ask that the Commission immediately direct LILCO and FEMA to permit the Governments to observe the exercise in at least the same manner as they did during the February 1986 exercise.

There is need for Commission action as early as possible today, lest the exercise proceed tomorrow under circumstances that obstruct the Governments' ability to gain timely and meaningful access to critical information and that impair their due process rights.

Sincerely,



Herbert H. Brown

cc: Commissioner Frederick M. Bernthal
Commissioner Thomas M. Roberts
Commissioner Kenneth M. Carr
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