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# United States Senate

WASHINGTON, D.C. 20510

February 4, 1986



Dear Mr. Chairman:

For some time I along with many others have been urging on you my view that the exercise of the emergency plan for the Shoreham nuclear plant, scheduled for February 13, 1986, in collaboration with the Long Island Lighting Company, would be profoundly unwise, probably illegal, and a waste of public funds. I have argued particularly, though not exclusively, against the "simulation" by federal officials of hypothetical behaviors of state and local officials responsible for the health and safety of Suffolk residents. This purported substitute for local participation is extravagantly ill-conceived.

Perhaps you are being advised that the local opposition to the Shoreham plant threatens the future of nuclear power in this country. May I respectfully offer my judgement that the reverse is more nearly true. If anything like the future of nuclear power in the United States is at stake, the cause is the actions of befuddled administrators who are forcing this ill-conceived exercise on the people of Long Island while they hope no one else is watching. They are wrong. As a member of the Nuclear Regulation Subcommittee of the Committee on Environment and Public Works, I can assure you that this fiasco will be taken as prima facie evidence of elemental incompetence on the part of those responsible for nuclear regulation in the Federal Government.

Put plain, if you believe that the extraordinary simulation planned for February 13 is a real test of a real question, then the you will believe anything. If this is true then the nation is in danger as well as the people of Long Island, then we had best close the Commission down.

I beg of you to consider how much is at issue. Considering the potentially enormous stakes, one would have hoped that the exercise planned for February 13 would have yielded by now to some more sensible course.

Since that hope has been disappointed thus far, I write to advise you that I am in the process of having embodied in a formal Declaration and Remonstrance setting out the legal and prudential considerations that should inform the ultimate exercise of judgment. The document should be ready for submission to you and others no later than February 10, 1986. While it might prove to reveal no surprises, it will at least marshal in one package the relevant considerations, submitted in the understanding that those who govern judiciously accept the

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obligation to weigh and reconsider critical issues. You may wish in the meantime at least to postpone the February 13 exercise. Or you may be persuaded even now that the exercise is a serious mistake. In any event, I believe this Declaration and Remonstrance should be lodged with you for your convenience and as a record of the matters you have been called upon to consider.

Sincerely,

A handwritten signature in black ink, appearing to read "D. P. Moynihan", with a stylized flourish at the end.

Daniel Patrick Moynihan

Honorable Nunzio J. Palladino  
Nuclear Regulatory Commission  
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