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and Authorities

CHAIRMAN

Sub-Committee on Marine Resources

I. WILLIAM BIANCHI, JR.
Assemblyman 3rd District

25 Orchard Road
East Patchogue, L.I., N.Y. 11772
(516) 654-0414

Room 939
Legislative Office Building
Albany, New York 12248
(518) 455-4901

September 23, 1986

Hon. Morton B. Margulies
Chairman of the Shoreham Board
Atomic Safety and Licensing Board
Washington, D.C. 20555

Re: Shoreham Nuclear Power Station
EP Exercise
Docket # 50-322-OL-5

Dear Judge Margulies:

I appreciate the opportunity to submit a statement concerning the evacuation plan for the Shoreham nuclear power plant. As a State legislator representing a part of Suffolk County, I do not have any legislative authority regarding the laws which the NRC and this Board operate under. As we all know, the Congress makes the laws concerning how nuclear power plants are licensed. The law on licensing nuclear power plants specifically calls for local participation in evacuation plans.

My purpose in being here is to point out that it appears to me, as a State legislator, that the NRC is not following this law mandated by Congress. When an agency does not follow the administrative procedure set up by a legislative body, it is a violation of due process, and I believe that is what is occurring today. An agency, whether federal or state, cannot make one set of rules for a nuclear power plant in California and another set of rules for a nuclear power plant here on Long Island. It is unfortunate that legal action will most likely be the result of these hearings, which attempt to circumvent the laws set up by Congress.

The second point that I wish to make has to do with the new law establishing the Long Island Power Authority. As a sponsor of this law, I was pleased to support this legislation which not only seeks to stabilize electric rates on Long Island, but reflects the will of the people of Long Island that Shoreham not

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Hon. Morton B. Margulies

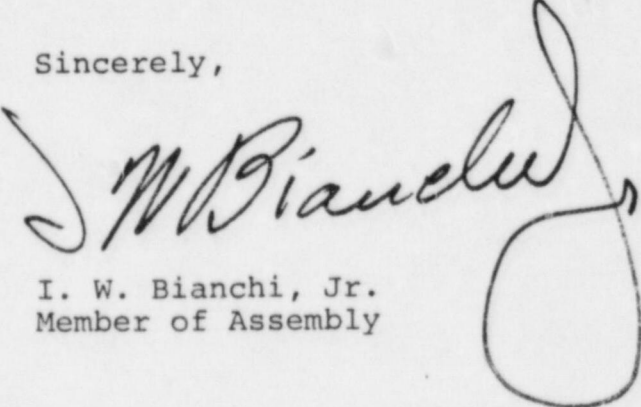
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September 23, 1986

open. The legislators on Long Island have spoken for the people. We ask you to respect the statement made by the New York State Legislature and the Governor of the State by not approving a license for Shoreham since our State law will close Shoreham.

We have spoken as a State. I am asking you, as a representative of the federal government, to respect our decision in this matter.

Sincerely,

A handwritten signature in cursive script, reading "I. W. Bianchi, Jr.", with a large, stylized loop at the end.

I. W. Bianchi, Jr.
Member of Assembly

cj

VALLEY STREAM UNION FREE SCHOOL DISTRICT THIRTEEN

James A. Dever School

Corona Avenue

Valley Stream, New York 11582

825-8545

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OFFICE OF CLERK
DOCKETING & SERVICE
BRANCH

September 24, 1986

Ms. Sharleene Sherwin
L.I. Coalition for Safe Living
60 Lagoon Blvd.
Massapequa, NY 11758

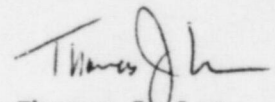
Dear Ms. Sherwin:

The State Supreme Court has ruled that LILCO's emergency plan for Shoreham is illegal. The State and Suffolk County have declined to implement any such plan for Shoreham. The Governor takes the position that Shoreham cannot and should not be licensed to operate. This School District, as an arm of the Legislative Branch of the State of New York, feels itself bound by the decisions of the State Supreme Court and by the opinions of the Governor.

Accordingly, and in view of the above, this School District wants you to know that our agreement with the American Red Cross, dated 12/22/85, for the use of our Wheeler Avenue School as a mass care shelter in case of an emergency, does not apply to a radiological emergency originating out of LILCO's facility at Shoreham. Should such a disaster occur, at any time in the future, the Board of Education of this School District will consider a request, de novo, at that time.

Of course, with the exception detailed above, our school facility stands ready to assist in any community emergency.

Yours truly,



Thomas J. Lee
Superintendent

TJL:dlt

cc: Atomic Licensing Board
The Honorable Judge Margulies
The Honorable Judge Klein
Dr. Shon