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UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
ATOMIC SAFETY AND LICENSING BOARD PANEL  
WASHINGTON, D.C. 20555

1987 JUL 14 AM 121

July 13, 1987

SERVED JUL 14 1987

MEMORANDUM FOR: Docketing and Service Branch  
FROM: Kathaleen Kerr *pk*  
Secretary to Judge Morton B. Margulies  
SUBJECT: LONG ISLAND LIGHTING COMPANY  
(Shoreham Nuclear Power Station, Unit 1)  
Docket No. 50-322-OL-3

Please serve the attached letters on the parties in the  
Shoreham/Emergency Planning proceeding, Docket No. 50-322-OL-3:

1. Letter dated July 1, 1987 to Honorable Judges, Federal Atomic Safety and Licensing Board from Bert H. Wallace;
2. Letter dated July 1, 1987 to Administrative Law Judges, Atomic Safety and Licensing Board from Thomas S. Gulotta;
3. Letter dated July 7, 1987 to Honorable Administrative Judges, Atomic Safety and Licensing Board with attachments from Dolores Fredrich;
4. Letter undated to Administrative Law Judges Margulies, Shon and Kline with attachments from the Long Island Coalition for Safe Living; and
5. Letter dated July 13, 1987 to Bert H. Wallace from Judge Morton B. Margulies.

Attachments  
As Stated

8707150433 870713  
PDR ADDCK 05000322  
G PDR

D502

*Bert H. Wallace, P.E.*

1261 BIRCH STREET

• UNIONDALE, LONG ISLAND, NY 11553

• TELEPHONE (516) 481-9250

July 1, 1987

The Honorable Judges  
Federal Atomic Safety and Licensing Board  
Court Of Claims  
State Office Building  
Veterans Memorial Highway  
Hauppauge, New York 11787

Subject: Hearings on Lilco's latest Emergency Evacuation Plan

Honorable Judges:

On the basis of a Newsday article of Monday, June 29, announcing hearings on the above subject matter, and in line with the sense of civic duty of a concerned citizen, and also because I feel that my professional expertise might be of help to you in the overall evaluation of the testimony, and finally, because I live almost exactly in the epicenter of the Roslyn-Hicksville-Belefonte triangle, I decided to take part in yesterday's hearings.

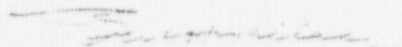
I discovered soon after my arrival in the hearing room that only attorneys were to be heard, and that my role was limited to that of a listener.

During the approximately 2 hours of listening, however, several thoughts and observations came to my mind, and I would like to share them with you, if you please:

1. There has been a continuous shift in criteria on the part of the NRC as to the question of approving a start-up of operations, from the internal reliability of the Shoreham plant, to its location in a densely populated area, the road capacities available for an emergency evacuation and, finally, the feasibility of 3 Lilco-owned facilities about 30 miles from the plant site for an emergency evacuation.
2. There has been a deplorable and consistent failure on the part of the NRC to follow basic Court routines in establishing the facts by availing themselves of the expertise in the particular field, to wit: the Engineer. Instead you listen to some attorneys who by their specific professional training and preoccupation are not qualified in these technical areas, and do not know the right questions to ask and the right answers to give. This is not in any way to cast any aspersions on these individuals, but rather to ask you (!) why you don't arrange for the expert witnesses to come forth? This violation of the rules of Court Procedure makes these proceedings a travesty and highly suspect. Why do you do it?
3. In all the previous hearings in which I participated, I found that there was such a preponderance of opposition to the Shoreham Project on all conceivable levels, and almost invariably by conspicuously intelligent people, that any attempt to disregard their weighty testimony, is not only a great insult to the participants, but flies in the face of any number of constitutional injunctions, the right to petition...and the corollary obligation to respond, is only one, that you must be aware that, under the circumstances, you are part of a conspiracy to flout the overwhelming will of the people.

I would appreciate your views on these matters.

Sincerely,



THOMAS S. GULOTTA  
COUNTY EXECUTIVE



OFFICE OF THE EXECUTIVE  
NASSAU COUNTY EXECUTIVE BUILDING  
ONE WEST STREET  
MINEOLA, N.Y. 11501

July 1, 1987

Administrative Law Judges  
Atomic Safety and Licensing Board  
U.S. Nuclear Regulation Commission  
Washington, D.C. 20555

Dear Administrative Law Judges:

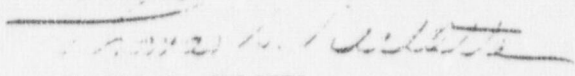
As the Federal Atomic Safety and Licensing Board is now conducting hearings on the Long Island Lighting Company's emergency evacuation plan, I must point out that the latest revised plan still contains assumptions relative to Nassau County facilities that must be corrected.

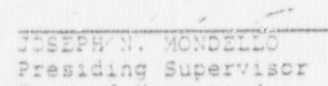
In its resolution of June 16, 1986, the Nassau County Board of Supervisors resolved that no county facilities are to be available for the use by LILCO as part of its emergency plan, "unless prior approval by resolution is first obtained from the Nassau County Board of Supervisors."

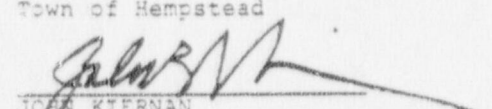
LILCO has not received permission from the Nassau Board of Supervisors to include any county facilities in its emergency plan and, to my knowledge, has not even requested any specific approval.

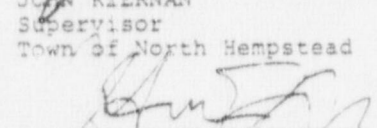
I respectfully request, therefore, that the Nassau County Police Department and the Nassau County Medical Center be removed from the plan.

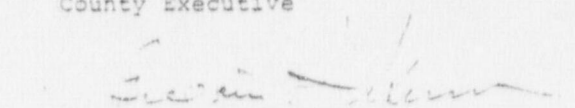
Sincerely,

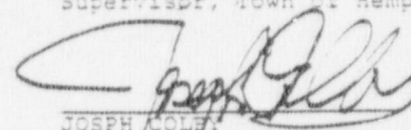
  
THOMAS S. GULOTTA  
County Executive

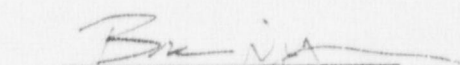
  
JOSEPH W. MONDELLO  
Presiding Supervisor  
Town of Hempstead

  
JOHN KIERNAN  
Supervisor  
Town of North Hempstead

  
VINCENT SUCCI  
Supervisor, City of Glen Cove

  
GREGORY PETERSON  
Supervisor, Town of Hempstead

  
JOSEPH COLE  
Supervisor  
Town of Oyster Bay

  
BRUCE NYMAN  
Supervisors, City of Long Beach

ESG:lgw:ch  
cc: Mr. William Carabornas  
Charles E. Carabornas, Executive Director  
New York State Office of Nuclear Energy  
New York State Office of Environmental Conservation  
New York State Office of General Services  
New York State Office of Parks, Recreation and Historic Sites  
New York State Office of Public Works



FARRELL, FRITZ, CAEMMERER, CLEARY, BARNOSKY & ARMENTANO

PROFESSIONAL CORPORATION

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ROBERT V. GUIDO  
STEVEN L. HERRICK  
BARRY R. SHAPIRO  
ANDREW J. SIMONS  
CHARLES M. STRAIN  
WILLIAM D. WALL

JAMES A. BRADLEY  
MAUREEN DOUGHERTY  
SUSAN A. FLANAGAN  
DOLORES FREDRICH  
THOMAS D. HUGHES  
LAURA LAFACE-SAPIENZA  
PAUL M. LEONE  
NATHAN LEVNER  
LILA A. LOMBARDO  
JOHN F. NYDOR, JR.  
JOHN R. MORREN  
WILLIAM S. PAPAIZIAN

JOHN D. CAEMMERER  
1928-1982  
FRANK A. FRITZ, JR.  
1924-1982

COUNSEL  
SAMUEL S. TRIPP  
DAVID B. CAMPBELL  
J. KEMP HANNON  
RICHARD KLUGHERZ  
LEONARD LAZARUS  
JAMES A. MOYER

July 7, 1987

OUR FILE NO. 1058-101

Honorable Administrative Judges  
Atomic Safety and Licensing Board  
United States Nuclear Regulatory Commission  
Washington, D. C. 20555

Re: In re Long Island Lighting Company  
(Shoreham Nuclear Power Station, Unit 1)  
Docket No. 50-322-OL-3 (Emergency Plan)

Honorable Administrative Judges:

We are counsel to the Town of North Hempstead. We enclose a certified copy of Town Board resolution No. 318-1987, objecting to use of LILCO's facility located at Willis Avenue on the South service road of the Long Island Expressway in Roslyn, within the Town of North Hempstead, as a reception and decontamination center in connection with the above-referenced licensing proceeding. Could you please make the certified resolution and the enclosures to that resolution part of the record in the above-referenced matter.

Very truly yours,

*Dolores Fredrich*

Dolores Fredrich

DF/djs  
Enclosure



Councilman Cunningham offered the following resolution and moved its adoption, which resolution was declared adopted after a poll of the members of this Board:

RESOLUTION NO. 312-1987

A RESOLUTION RATIFYING AND REAFFIRMING THE TOWN OF NORTH HEMPSTEAD'S LETTER TO THE ATOMIC SAFETY AND LICENSING BOARD DATED DECEMBER 11, 1986, AND A LETTER DATED JANUARY 16, 1987, TO THE LONG ISLAND LIGHTING COMPANY

WHEREAS, the Town has expressed its opposition to the proposed use of the Long Island Lighting Company's (LILCO) yard at Willis Avenue in Roslyn as an evacuation and reception center in the event of a radiological accident at the Shoreham Nuclear Power Center; and

WHEREAS, the Town previously communicated its objection to the proposed use through a letter to the Atomic Safety and Licensing Board dated December 11, 1986, (a copy of which is attached hereto) as violative of the Town Codes; and

WHEREAS, the Town through a letter (a copy of which is attached hereto) sent by Supervisor Kiernan dated January 16, 1987, to William Catacosinos, Chairman of LILCO, informed LILCO that the Town Zoning Code did not permit the use of the Willis Avenue yard as an evacuation and reception center and that the proposed use would violate local zoning laws and requested LILCO to refrain from representing that the Willis Avenue yard could be legally used as an evacuation and reception center; and

WHEREAS, the Town Board wishes to ratify and reaffirm the objections and statements contained in the two aforementioned letters.

NOW, THEREFORE, BE IT

RESOLVED that the objections and statement made in the letters of December 11, 1986, and January 16, 1987, relating to the proposed use of the LILCO Willis Avenue, Roslyn, facility as an evacuation and reception center are hereby ratified and reaffirmed; and be it further

RESOLVED that the Town Attorney is hereby  
authorized and directed to transmit a copy of this resolution  
together with copies of the respective letters to the Town's  
Safety and Licensing board.

Dated: Manhasset, New York  
June 30, 1987

The vote on the foregoing resolution was recorded as  
follows:

Ayes: Councilman Cunningham, Fuschillo, Guarino,  
Ponessa and Supervisor Kiernan

Nays: None.

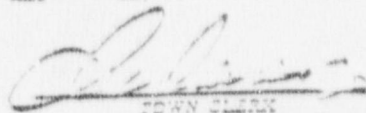
Copy to: Town Attorney (2)  
Comptroller

STATE OF NEW YORK,  
COUNTY OF NASSAU, } ss.:  
TOWN OF NORTH HEMPSTEAD

I, JOHN S. DAVANZO, TOWN CLERK of the TOWN OF  
NORTH HEMPSTEAD and custodian of the records of said Town,  
DO HEREBY CERTIFY that I have compared the annexed with the  
original on file in my office, and that  
the same is a true transcript thereof, and the whole of said original.

IN TESTIMONY WHEREOF,  
I have hereunto signed my name  
and affixed the official seal of  
said TOWN.

this day of 19

  
TOWN CLERK



OFFICE OF THE SUPERVISOR  
TOWN OF NORTH HEMPSTEAD  
TOWN HALL, MANHASSET, N. Y. 11030

JOHN B. KIERNAN  
SUPERVISOR

January 16, 1987

Mr. William J. Catacosinos,  
Chairman and Chief Executive Officer  
Long Island Lighting Company  
175 East Old Country Road  
Hicksville, New York 11801

Dear Mr. Catacosinos:

The Town Board of North Hempstead is concerned that LILCO is representing its property located at 250 Willis Avenue, Roslyn Heights, to be a "reception center" as part of LILCO's emergency plan for the Shoreham nuclear power station.

We are taking this initiative to write in order to prevent any misunderstanding as to the use of the subject property. As of today, the subject property at 250 Willis Avenue, Roslyn Heights is zoned Business A. This classification permits the property to be used as it has been: an operations center. The present zoning does not permit the property to be used in a new and expanded way as a "reception center." Accordingly, any representation by LILCO of the subject property as being a "reception center" or as permitting the new and expanded use described in LILCO's recent Revision 8 of its emergency plan is contrary to the present zoning classification. Any attempt by LILCO to use the Roslyn Heights facility in this manner would violate local zoning laws.

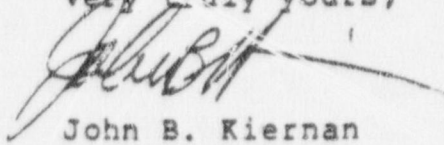
As you probably know, we have previously outlined our position on this matter with the Nuclear Regulatory Commission, and a copy of our letter of December 11, 1986, was sent to Mr. Ira Frielicher of your company. However, it appears that despite prior notification of the Town's position, LILCO has continued to represent to the Nuclear Regulatory Commission that the operations center could be used as part of the evacuation plan. Therefore, on behalf of myself and the other members of the Board, Councilman



Mr. William J. Catacosinos  
January 16, 1987  
Page Two

Weinstein, Councilman Cunningham, Councilman Fuschillo and Councilman Guarino, you are hereby requested to refrain from any further representation that this site can legally be used as a reception center and to further refrain from any further representation that it is available as a reception and evacuation center.

Very truly yours,



John B. Kiernan  
Supervisor

JBK:lg

cc: Nuclear Regulatory Commission  
Hon. Jerome J. Weinstein  
Hon. Gerard W. Cunningham  
Hon. Charles J. Fuschillo  
Hon. Joseph A. Guarino  
Robert F. Dolan, Esq.  
Mr. Bert J. Cunningham

JOHN B. KIERNAN  
SUPERVISOR



OFFICE OF THE SUPERVISOR  
TOWN OF NORTH HEMPSTEAD  
TOWN HALL, MANHASSET N Y 11030

TELEPHONE (516) 627-0590

December 11, 1986

Honorable Administrative Judges  
Hon. John Frye, III, Chairman  
Atomic Safety and Licensing Board  
United States Nuclear Regulatory Commission  
Washington, D.C. 20555

Honorable Administrative Judges:

Please be advised that the Town of North Hempstead objects to the designation and proposed use of the Long Island Lighting Company's (hereinafter called LILCO) facility at Willis Avenue and the south service road of the Long Island Expressway in Roslyn as a reception and decontamination center as part of an evacuation plan in the event of a radiological accident at the Shoreham Nuclear Power Station. Under no circumstances should this facility be approved or designated as an evacuation center. Indeed, we believe that the traffic problems, environmental dangers, the size of the facility itself and local zoning laws render such a proposed use illegal and inappropriate.

The property was acquired by LILCO on March 17, 1923. Since that time, the property has been used only for the normal business operations of LILCO--general operations yard, office building and substation. From time to time, from the 1920's to the 1950's there was also a farm stand operated on part of the property. It has never been used for anything approaching an evacuation center in the event of a radiological accident. Such a use is not an ordinary use by a public utility and is not a permitted use under the zoning code of the Town of North Hempstead.

The property was rezoned by the Town on August 16, 1955, from Residence C to Business A. Although LILCO has not submitted any applications to the Town for a zoning code change or variance or any detailed plans for the proposed evacuation and reception center, the Town has reviewed a drawing indicating how the site would be used. LILCO

proposes to store equipment and decontamination trailers in the northeast corner of the property. The storage of such trailers is not a permitted use under the Business A zone and would violate the Town Zoning Code.

Moreover, LILCO's proposal to use trailers for monitoring and decontamination brings into play some other provisions of the Town's Zoning Code. Section 70-203 states in part as follows:

Section 70-203. Public health, safety and general welfare.

- A. No trade, industry, purpose or use shall be conducted in such a manner as to create corrosive or toxic fumes, gas, smoke or odors, obnoxious dust, vapor or wastes, offensive noise or vibration, which may be detrimental to the public health, safety and general welfare.

It is our position that any decontamination activity on the site would violate this section.

Our examination of LILCO's drawing also indicated that the site itself is totally inadequate to accommodate the proposed use and handle the expected volume of people and automobiles. Our records indicate that the site is approximately 600,000 square feet (or about 7.3 acres), and approximately 35 percent of the site is presently covered with buildings or landscaping. That would leave about 390,000 square feet left for the evacuation center activity. It is our further understanding that LILCO's proposed plan would direct approximately 40,000 people to this site. Putting aside for a moment the other traffic problems in the area, we believe that a conservative estimate would be that some 13,000 cars would be directed to this site (12,100 is the number contained in LILCO's traffic study).

In discussions with both our Planning Department, Building Department and our Board of Zoning and Appeals personnel, it is our calculation (using parking space sizes and aisle and exit lane dimensions below our Code standards) that LILCO will not be able to handle more than 1,100 cars at any one time on the site. In fact, we believe that is a generous estimate. Clearly, given the confusion and fear which would accompany an actual evacuation and the time necessary to check each vehicle and the occupants, this site just is not big enough to handle the projected volume. It should be noted that the Nassau Veterans Memorial Coliseum parking area designated in the previous LILCO plan is approximately 53



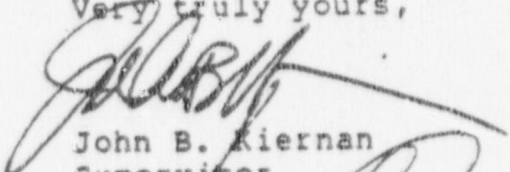
Administrative Judges  
December 11, 1986  
Page Three

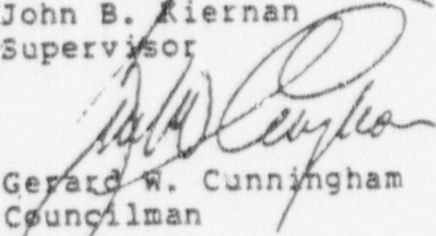
acres. Many critics of this earlier plan using the Coliseum thought that the site was inadequate. Therefore, we would request that you carefully consider whether the three new LILCO sites are sufficient to meet the projected demand. The Town is concerned that there would be thousands of cars backed up on line waiting to gain entrance to the site or that there would be cars driving through the surrounding neighborhood trying to gain an alternate access route to the site.

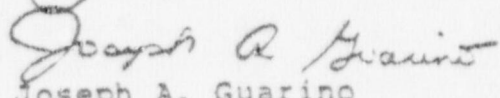
We have reviewed the traffic report prepared by KLD Associates in connection with LILCO's proposed plan. The Town does not share the view that the traffic could be properly handled. The exit from the westbound Long Island Expressway for Willis Avenue is one of the worst in the County. Under normal rush hour conditions there are traffic tie ups at this exit. We urge you to carefully review the traffic report and to make an independent assessment of the traffic conditions. The Willis Avenue/Long Island Expressway intersection is one of the most important for north-south travel in the Town of North Hempstead.

Finally, the Town is concerned about the effect that the use of this facility for decontamination purposes could have on the quality of our groundwater supply. The contamination of the groundwater from wastewater runoff could threaten the health and safety of our residents. This issue should not be treated lightly. As you know, Long Island has no alternate source of drinking water and the possible dangers to our groundwater must be given paramount consideration. We respectfully request that you reject the use of the Roslyn facility as part of the LILCO evacuation plan.

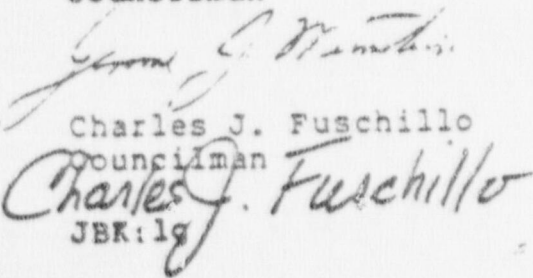
Very truly yours,

  
John B. Kiernan  
Supervisor

  
Gerard W. Cunningham  
Councilman

  
Joseph A. Guarino  
Councilman

Jerome J. Weinstein  
Councilman

  
Charles J. Fuschillo  
Councilman

JBR:lg

# Long Island Coalition For Safe Living

Box 1355,  
Massapequa, N.Y. 11756

Administrative Law Judges  
Margulies, Shon & Kline  
Atomic Safety and Licensing Board  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

Dear Administrative Judges:

We are citizens of Nassau and Suffolk Counties. We are writing to you to ask that the reception center hearings be stopped.

You are spending time on details of the proposed Bellmore, Roslyn, and Hicksville centers. We have listened to the hearings and believe that the information which has been discussed so far supports the view that the centers are not adequate.

But we would like to know why you are bothering with these details. LILCO cannot use these facilities as reception centers. Each Town with jurisdiction over zoning and land use has made this clear. We enclose Resolutions from the Towns of Hempstead and Oyster Bay (North Hempstead Resolution to be forwarded). Each Town specifies that it would be ILLEGAL for LILCO to include the use of these facilities in the LERO plan.

Zoning and land use planning is a local function. The NRC cannot second guess these Towns - the NRC must accept these determinations and accept that this proceeding is a waste of time and taxpayers money. LILCO's reception centers CANNOT be approved.

We request that unless you choose to be a party to the violation of State's rights and local law, you will acknowledge the inescapable fact that these three facilities are no longer in the LILCO plan and terminate these hearings forthwith.

Sincerely,

LONG ISLAND COALITION FOR SAFE LIVING

Signatures on other side

---

## **Supporting Groups in Progress:**

Long Island Rate Payers Association  
Long Island Coalition for Safe Living  
People's Action Coalition  
Safe Energy Alliance of Long Island  
Peace Smith House

Long Island Progressive Coalition  
Long Island Citizens in Action  
Nurses Environmental Health Watch  
Mother's Alliance for Peace  
N.Y. Community Action Network

North Shore Coalition for Safe Energy  
Women Opposed to the Nuclear Threat  
Concerned Mothers of Nassau  
L.I. Network for Peace & Justice  
(in progress...)

CASE NO. 18473

RESOLUTION NO. 624-1987

Adopted: June 9, 1987

Mr. Sagarino offered the following resolution  
and moved its adoption:

RESOLUTION DECLARING THE OPPOSITION OF THE  
TOWN BOARD TO LILCO'S PROPOSAL TO USE LILCO  
PROPERTY AT 2400 SUNRISE HIGHWAY, BELLMORE,  
TOWN OF HEMPSTEAD, NEW YORK, AS A RECEPTION  
CENTER FOR PERSONS OR ITEMS EXPOSED TO RADIOACTIVE  
CONTAMINATION FROM THE SHOREHAM NUCLEAR PLANT,  
INsofar AS SAID USE IS CARRIED OUT IN VIOLATION  
OF THE BUILDING ZONE ORDINANCE OF THE TOWN  
OF HEMPSTEAD.

WHEREAS, the Long Island Lighting Company ("LILCO")  
has designated its property located at 2400 Sunrise Highway,  
Bellmore (the "property"), Town of Hempstead (the "Town"),  
to be a reception center at which LILCO intends to conduct  
monitoring and, if necessary, decontamination of many thousands  
of people and vehicles in the event of a radiological emergency  
at Shoreham; and

WHEREAS, LILCO has represented to the Nuclear  
Regulatory Commission and others that the property will  
be available for use as such a reception center; and

WHEREAS, the property, further identified as Section  
56, Block W, Lot 1295 on the Land and Tax Map of Nassau  
County, is located partly in a "Business" zone, and partly  
in a "Residence B" zone, pursuant to the Building Zone  
Ordinance of the Town of Hempstead; and

WHEREAS, the Building Zone Ordinance, under Articles  
VII and XVI thereof, expressly delineates those limited  
activities for which the property, as currently zoned,  
would lawfully be used; and

WHEREAS, LILCO's proposed usage of the property  
as a reception center, as aforesaid, would constitute a  
violation of the provisions of Articles VII and XVI in  
that said activity is not a use which is expressly permitted  
thereby; and

WHEREAS, this Town Board advised the Nuclear Regulatory  
Commission, in writing, in the form of a copy of a letter  
to LILCO from this Board, dated January 6, 1987, that LILCO's  
representations were inconsistent with the Town's zoning  
laws; and

WHEREAS, LILCO was advised by letter dated January 6,  
1987 from Presiding Supervisor Thomas S. Golotta and signed  
by all members of the Town Board, that any attempts to  
use the property as a reception center would violate the  
Town's zoning laws, and LILCO was therein requested to  
refrain from any further representations that it could  
so use the property; and

WHEREAS, LILCO has not responded to the Town Board's  
January 6, 1987 letter, and has continued to represent  
that the property is available for use as a reception center  
in the event of a radiological emergency at Shoreham; and

WHEREAS, LILCO has not in any way sought an amendment  
to the zoning provisions applicable to the property or



otherwise sought to obtain the necessary permission to use the property as a reception center; and

WHEREAS, this Board has authority to determine which uses are permissible under the Town's zoning laws; and

WHEREAS, the Town Attorney has advised the Town Board that a resolution formally declaring the position of the Town Board, as set forth in the aforesaid letter dated January 6, 1987, will facilitate the evidentiary presentation of the position of this Board before any appropriate hearing body or judicial tribunal having jurisdiction over LILCO's proposal to utilize the property as a reception center;

NOW, THEREFORE, BE IT CONFIRMED AND RESOLVED THAT:

1. LILCO's proposed use of the property, identified as Section 56, Block W, Lot 1295 on the Land and Tax Map of Nassau County, and further known as 2400 Sunrise Highway, Bellmore, Town of Hempstead, New York, as a reception center as hereinbefore described, is wholly violative of the provisions of the Building Zone Ordinance, as aforesaid; and

2. The adoption of this resolution shall, in accordance with the provisions of Section 4340(a) of the Civil Practice Law and Rules of the State of New York, and in accordance with the provisions of Rule 803(8) of the Federal Rules of Civil Procedure, be deemed prima facie evidence of all statements of fact contained herein, which facts have been ascertained and adduced by this Town Board, pursuant to evidence submitted and testimony received in due course and as provided by law, and

3. The Town Attorney, and any other individuals or associations interested in or potentially aggrieved by LILCO's proposed use of the property as a reception center, are hereby authorized to present a certified copy of this declaratory resolution before any commission, hearing board, or other judicial tribunal having jurisdiction to consider and/or regulate LILCO's proposed activity as aforesaid; and

4. The Town Clerk is hereby authorized and directed to transmit a certified copy of this resolution to the federal Nuclear Regulatory Commission and to LILCO.

The foregoing was adopted upon roll call as follows:

AYES: SEVEN (7)

NOES: NONE (0)

COUNCILMAN BERNSTEIN ABSTAINED FROM VOTING.

Meeting of June 23, 1987

WHEREAS, the Long Island Lighting Company ("LILCO") has designated its property located at 175 East Old County Road, Hicksville (the property), Town of Oyster Bay (the Town), Nassau County, New York, to be a reception center at which LILCO intends to conduct monitoring and, if necessary, decontamination of many thousands of people and vehicles in the event of a radiological emergency at Shoreham; and

WHEREAS, LILCO has represented to the Nuclear Regulatory Commission and others that the property will be available for use as such a reception center; and

WHEREAS, the property, further identified as Section 46, Block Q, Lots 13, 242, 243 and 247 on the Land and Tax Map of Nassau County, is located in an "H" Industrial District (Light Industry), pursuant to the Building Zone Ordinance of the Town of Oyster Bay; and

WHEREAS, the Building Zone Ordinance, under Division 4, Sections 507 and 508 thereof, expressly delineates those limited activities for which the property, as currently zoned, would lawfully be used; and

WHEREAS, LILCO's proposed usage of the property as a reception center, as aforesaid, would constitute a violation of the provisions of Division 4, Sections 507 and 508 in that said activity is not a use which is expressly permitted thereby; and

WHEREAS, this Town Board advised the Nuclear Regulatory Commission, in writing, in the form of a copy of a letter to LILCO from this Board, dated January 28, 1987, that LILCO's representations were inconsistent with the Town's zoning laws; and

WHEREAS, LILCO was advised by letter dated January 28, 1987 from Supervisor Joseph Colby and members of the Town Board, that any attempts to use the property as a reception center would violate the Town's zoning laws; and

WHEREAS, LILCO has not responded to the January 28, 1987 letter, and has continued to represent that the property is available for use as a reception center in the event of a radiological emergency at Shoreham; and

WHEREAS, LILCO has not in any way sought an amendment to the zoning provisions applicable to the property or otherwise sought to obtain the necessary permission to use the property as a reception center; and

WHEREAS, this Board has authority to determine which uses are permissible under the Town's zoning laws,

NOW, THEREFORE, BE IT RESOLVED, that LILCO's proposed use of the property, identified as Section 46, Block Q, Lots, 13, 242, 243 and 247 on the Land and Tax Map of Nassau County, and

Approved as to form  
Asst. Town Attorney  
[Signature]

Further known as 113 East Old County Road, Hicksville, Town of Oyster Bay, New York, as a reception center as hereinbefore described, is wholly violative of the provisions of the Building Zone Ordinance, as aforesaid; and be it further

RESOLVED, That the adoption of this resolution shall, in accordance with the provisions of Section 4540(a) of the Civil Practice Law and Rules of the State of New York, and in accordance with the provisions of Rule 803(8) of the Federal Rules of Civil Procedure, be deemed prima facie evidence of all statements of fact contained herein, which facts have been ascertained and adduced by this Town Board, pursuant to evidence submitted and testimony received in due course and as provided by law; and be it further

RESOLVED, That the Town Clerk is hereby authorized and directed to transmit a certified copy of this resolution to the federal Nuclear Regulatory Commission and to LILCO.



Offices and Plant Located at Willmott Plaza

1461 Old Country Rd. (Rte. 38), Riverhead 369-0800

Classified Ads 369-0820

Mail Address P.O. Box 167, Riverhead, N.Y. 11901-0102

## Raking In The Bucks

The Nuclear Regulatory Commission has long been the target of charges that it is far too cozy with the nuclear industry. The basis of these charges are the "many" decisions favorable to the health of the nuclear industry at the expense of the safety of the public. It has also been charged that there is a serious conflict of interest in the fact that the NRC enhances its own future by enhancing the growth of nuclear power. But the problem is even more serious than that. It's a matter of

bucks, with the dollars coming from the nuclear industry to support the existence of the NRC.

In 1986, congress passed and the president signed a law which permits the NRC to charge nuclear plants an annual fee. That annual fee is—are you ready for this?—\$950,000 on each operating power reactor, regardless of differences in the size of the reactor. In addition, power reactor licensees must still pay fees imposed under the Independent Offices Ap-

Continued on page 4

propriation Act of 1972. That act permits the NRC to assess fees based upon the value to the licensee of any "special benefits" rendered to the licensee by the NRC.

In reality, do you know who really pays these fees? The utility's customers. That's you. And us.

The NRC estimates it will collect approximately \$96 million (about 24 percent of its annual budget) from annual charges under the law passed last year, and another \$37 million (about 9 percent of the budget) from fees assessed under the IOAA, resulting in a total of \$133 million, or 33 percent of the NRC's budget during the fiscal year 1987.

That's for starters. Now it is proposed by the federal Office of Management and Budget and the NRC to raise the percentage of the NRC's operating budget recovered through fees from 33 to 50 percent.

Think about that. Every time the NRC approves a license for a nuclear power plant it can depend on getting a fee of almost a million bucks a year, every year. Isn't that an incentive to be insensitive about public safety? The more plants the more bucks. Thirty-three percent this year, 50 percent next, and who knows what the year after.

When will this insanity stop? How long will our federal government continue to sell off the safety of the public? With a million plus bucks a year at stake, and more as the fee schedule is hiked in the future, is it any wonder the NRC changes the rules almost on a daily basis to help out more plants on line?

For those of us here on Long Island, the news is even worse. Now

the NRC wants to require those licensees who require the greatest expenditure of NRC resources to pay the greatest annual fee, rather than having all power reactors pay a uniform fee. If the NRC approves a license for Shoreham, we're in big trouble. That monstrosity is going to cost us billions of dollars a year just for user fees alone! And with such a financial boondoggie available to pump funds into their treasury, it becomes increasingly clear why the NRC puts public safety and evacuation issues aside and continues to rush headlong toward putting Shoreham on line.

There's been a lot of talk about corruption in New York City and in Albany. But what's happening in Washington puts the question of ethics in those areas in the kindergarten category.

The problem is in congress where, just as in the back rooms of the NRC, financial gain takes precedence over public safety. The nuclear lobby supplies the bucks for campaigns, and God knows what other kinds of goodies, and many congressmen—Congressman Norman Lent in Nassau County is an example—supply the votes.

This is the year we celebrate the 200th anniversary of our Constitution. It would be a good time to put "We the People" back in that document, by taking the corruption out of government. You can be a part of that effort by speaking out. To your congressman. Your senator. To the president. Let them know that you are damn mad and you're not going to take any more.

And, why not?

# The New York Times

SUNDAY, JULY 5, 1987

Continued From Page 1

## Lilco and Foes Harden Views On Crisis Response

By JOHN RATHER

**D**IVERGENT views on how the Long Island public would respond to news of an accident at the Shoreham nuclear power plant were offered last week by the Long Island Lighting Company and officials of Suffolk County and New York State.

The hardened positions touch on the central issue in the Shoreham case: the power of local governments to pass binding judgments on whether emergency plans for nuclear plants will work. Many expect that the issue will be resolved only by Federal court decisions.

According to company testimony, prudent dissemination of emergency information and steps outlined in a company emergency plan would insure that only those residents who faced potential risks would evacuate from within the 10-mile radius around the Shoreham plant.

But a recent survey done for Suffolk County predicts that half the population of Long Island, or about 1.3 million people, would travel to company evacuation centers to be checked for radiation exposure if there were a radioactive release during an accident at the plant.

The survey results, and opinions of experts for the state and county that even a fraction of such a turnout would overwhelm the company emer-

gency reception centers — which they call ill equipped to handle a far smaller number of people and cars — are part of the testimony the state and county will present this month in Federal hearings on the adequacy of a Lilco emergency plan for the Shoreham plant.

The hearings, which are expected to last through the month, opened in Hauppauge last week before three Nuclear Regulatory Commission administrative judges.

Experts for Lilco have estimated that no more than 48,000 people would arrive at the three designated emergency reception centers in Nassau County after a plant accident. At the centers, which are in Lilco company buildings in Hicksville, Roslyn and Bellmore, Lilco officials would use monitoring devices to check evacuees and their cars for radioactive contamination.

The company predicts that fewer than 500 evacuees would be contaminated enough to need to take showers in trailers at the center, a low estimate according to the state and county experts. They said the center should be prepared to monitor the estimated summertime population within a 10-mile radius of the plant of 160,000 people.

They also attacked Lilco estimates that it will take 100 seconds to monitor each car and its occupants for

Continued on Page 14

contamination upon arrival at the emergency centers.

Two state radiological emergency specialists have said in depositions that it will take two to three minutes to monitor each person and as long as five minutes to monitor a car.

The testimony and arguments addressed the Lilco plan for dealing with the kind of accident at the Shoreham plant that Lilco and the Nuclear Regulatory Commission say would almost certainly never occur.

But the same county survey that showed half of all Long Islanders would seek monitoring at the Lilco centers in the event of an accident found that 58 percent of those ques-

## They disagree on turnout at evacuation centers in case of an accident at Shoreham.

tioned believed that an accident at Shoreham as serious as the April 1986 accident at the Chernobyl nuclear plant in the Soviet Union is possible. Soviet officials sealed off 27 cities and villages around the plant and relocated the residents because of high radiation levels caused by the accident.

The American nuclear industry has said a similar accident would be impossible at a commercial reactor in this country because of design differences and safety features, including containment buildings that hold in radioactive releases.

The county survey, based on the responses of 1,500 Nassau and Suffolk residents, was conducted by social data analysts. It found that a massive evacuation on Long Island would begin immediately if an emergency message similar to the one Lilco prepared during a February 1986 drill of its emergency plan were ever broadcast to the public. The drill message told the public there had been a serious accident at the plant.

However, Lilco experts have discounted such surveys as measures of public response to real emergencies. The key to the public response, according to the Lilco experts, will be content and delivery of emergency information at the time of an accident. There will be no unanticipated evacuation, a Lilco lawyer, James N. Christman, said last week, "if the message is given in the right way."

Despite the refusal of Suffolk and state officials to take part in emergency planning because they believe that safe evacuation from around Shoreham is impossible, Mr. Christman said Lilco expected full cooperation from the government if an accident happened. He said the company also expected that officials in Nassau County would not block Lilco from using its facilities in Hicksville, Roslyn and Bellmore to monitor and decontaminate evacuees during an accident. Officials of the Nassau County Board of Supervisors have said Lilco that

using the company facilities as emergency centers would violate local zoning laws.

"Were we to ask any public official for assistance in an emergency, the officials would all say they would try their best to help people," Mr. Christman said.

He said that the commissioners of the Nuclear Regulatory Commission concluded last year that the government officials, despite assertions to the contrary, would have to turn to the Lilco emergency plan as the best way to help.

As the commission opened last week, an official of Suffolk County joined plant opponents outside the hearing room to call for an end to the proceedings. "We want them terminated," said Frank P. Petrucci,

Deputy Suffolk County Executive who formerly served as a regional director of the Federal Emergency Management Agency. "We know the plan is not going to be able to be implemented."

"These hearings are an attempt by the Nuclear Regulatory Commission to get around, alter or subvert the law," said Peter Maniscalco of the Stop Shoreham Campaign, one of the plant opponents. "The only thing the Nuclear Regulatory Commission would do is uphold the law."

Lilco has complained that the state and local governments have unreasonably withheld support for emergency planning for the \$4.6 billion Shoreham plant. The company cut government support for the Shoreham project before 1983, when Suffolk County Legislature first went on record opposing county participation in emergency planning.

But even under the existing Federal regulations, Lilco is arguing before the Nuclear Regulatory Commission that the company emergency plan meets Federal regulations and qualifies the company for a license to operate the plant at full power.

In Washington, an effort by members of Congress from New York and Massachusetts to enhance the role of state and local governments in nuclear plant emergency planning has support from a powerful committee chairman last week.

Morris K. Udall, the chairman of the House Interior Committee, announced he would support an amendment that would bar the Nuclear Regulatory Commission from changing its rules to ease approval of utility emergency plans. The proposed rule change would apply in cases such as Shoreham, where state and local officials refused to take part in emergency planning.

However, Lilco's chairman, William J. Calverton, has said Lilco will seek approval from the state and local governments under its current plan.



# Newsday

THE LONG ISLAND NEWSPAPER • WEDNESDAY, JULY 1, 1987 • 35 CENTS • NASSAU

## Hearing Begins on Evacuation Plan

By Susan Benkelman

With anti-Shoreham activists quietly holding up protest signs in the back of the courtroom, a federal licensing board began hearing testimony yesterday from Long Island Lighting Co. officials on LILCO's plan to screen thousands of evacuees in the event of an emergency at the nuclear plant.

Lawyers for Suffolk County and the state said they are attempting to show that the number of people LILCO assumes will arrive at evacuation centers is much too small. LILCO's plan assumes that 48,000 people — 30 percent of the 160,000 in the 10-mile emergency zone — would arrive at the centers for monitoring and, if necessary, decontamination.

At a morning news conference at the state office building in Hauppauge, where the hearings are being held, a coalition of Shoreham opponents called on the Nuclear Regulatory Commission to stop the hearings immediately, charging the agency with "running roughshod over local government."

And in Congress, Rep. George Hockbrueckner (D-Coram) called the hearings "disturbing" and pointed out that the three towns where the evacuation centers are located have said LILCO's use of the property for that purpose would violate zoning laws.

LILCO's plan calls for using trailers to conduct medical screening of evacuees who arrive at company facilities in Bellmore, Hicksville and Roslyn.

The North Hempstead town board yesterday approved a resolution ratifying a letter from Supervisor John Kiernan to LILCO Chairman William Catacoscinos in which Kiernan said that zoning for LILCO's Roslyn facility prohibits long-term storage of certain equipment, such as vehicles or trailers.

The town of Hempstead on June 9 adopted a similar resolution regarding LILCO's use of its Bellmore facility; Oyster Bay approved on June 23 a resolution ratifying the NRC that use of LILCO's Hicksville operations center for evacuees would violate that town's zoning laws.

Sharleene Sherwin, head of the Long Island Coalition for Safe Living, said the group demanded the cessation of hearings because of the towns' objections.

Christopher McMurray, a lawyer representing Suffolk County, said that although the licensing board is not considering the towns' objections in the hearings, the county and state will bring them to the NRC's attention. LILCO believes the towns would allow use of the facilities for evacuation in an emergency, a lawyer for the company said.



# Newsday

THE LONG ISLAND NEWSPAPER • THURSDAY, JUNE 25, 1987 • 35 CENTS • NASSAU

## Stance on Evacuation

Reaffirming its position against Long Island Lighting Co.'s plan to use its Hicksville headquarters as an emergency evacuation area in case of an accident at the Shoreham nuclear power plant, the Oyster Bay Town Board has passed a resolution outlining its objections.

The resolution states that LILCO's intended use of the utility's headquarters at 175 East Old Country Rd. "is wholly violative of the provisions of the Building Zone Ordinance . . ."

Councilman Angelo Delligatti said that the board passed the resolution Tuesday at the request of the Long Island Coalition for Safe Living, a group opposed to opening of Shoreham. "They felt it would be evidence of a stronger position on our part," Delligatti said after the vote. In January, the board had sent a letter to LILCO indicating that use of the property as an evacuation area would violate zoning laws.

LILCO spokesman James Lois said, "LILCO clearly respects the local laws, and we will not take any action that violates local ordinances."

# Shoreham Opponents Protest Hearings

By Lisa Casey  
 Opponents of the Shoreham Nuclear Power Plant requested a termination of the Nuclear Regulatory Commission (NRC) hearings on a proposed evacuation plan at a press conference last week.

Local officials and leaders of several environmental coalitions, protesting the month-long hearings, gathered outside the hearing room at the State Office Building in Hauppauge on Tuesday. The NRC, through the Atomic Safety Licensing Board, must approve the Long Island Lighting Company's (LILCO) evacuation plan before it will grant the Suffolk County power plant an operating license.

Sherwin, representing the Long Island Coalition for Safe Living, demanded a "cessation" of the hearings on the proposed evacuation plan. The plan proposes that up to 150,000 people be sent to three Nassau County LILCO operations centers in the event of an accident at the Shoreham power plant. LILCO's plan maintains that the evacuees can be transported to the Roslyn Heights, Bellmore and Hicksville stations.

The coalition, an umbrella group representing about 20 Long Island civic, environmental and community action organizations, charged that the NRC was "running roughshod" over local government. Sherwin said the coalition charges LILCO and the NRC with making a "mockery of local zoning laws."



Protesters gather outside the NRC hearing. (Photo by L. Casey) The town would do everything in its power to prevent the utility from using its Hicksville station as a decontamination center. Despite local protest to the plant, the Town of North Hempstead has not yet passed a resolution opposing the utility's proposal. However, LILCO spokesman, Jim

Lois, explained that the NRC will not be addressing local zoning laws during its hearings. The present hearings, which may be concluded by July 30, concentrate on the adequacy of the reception centers. "The plan is unworkable for Suffolk County and for Nassau County," said Over Bay town council member Kevin Galloway, administrative assistant to the

Frank Perrow, assistant to Acting Suffolk County Executive Michael LoGrande. "There is no need to have the hearings," he added, concluding that if the NRC continues with its hearings, the county is prepared to go into court to stop the proceedings.

"Why are you going on with this charade?" questioned Suffolk County Legislator Steven Levy. He claims that LILCO's plan is nothing more than a "paper plan" since the utility would not be able to relocate victims out of Suffolk County in case of a nuclear mishap.

Pete Maniscalco, spokesman for the Stop Shoreham Campaign, commented that the NRC may be manipulating and undermining the law. "These hearings are an attempt by the NRC to get around, alter or subvert the law," he said. "The only thing the NRC will not do is uphold the law."

Perry Cohen, spokesman for the Long Island Progressive Coalition, said the members of the community, who are the "risk takers" in the event of a nuclear accident, are not provided with any responsibility in making decisions. "I think this threatens our fundamental principles," Cohen added.

Lois said that LILCO will not do anything illegal. He added the utility anticipates future communications with local municipalities to discuss the importance of the evacuation plan. "We feel that the government leaders will not avoid their responsibility," Lois said.





UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
ATOMIC SAFETY AND LICENSING BOARD PANEL  
WASHINGTON, D.C. 20555

July 13, 1987

Bert H. Wallace, P.E.  
1261 Birch Street  
Uniondale, Long Island, NY 11553

RE: Long Island Lighting Company  
(Shoreham Nuclear Power Station, Unit 1)  
Docket No. 50-322-OL-3

Dear Mr. Wallace:

This is in response to your letter of July 1, 1987, in which you request the views of the Board that go to the merits of the above titled proceeding. For the Board to discuss issues with you, in this ongoing adjudicatory proceeding, would be improper and violative of the Commission's Rules of Practice and other codes of conduct.

This Board issued two written reports in this proceeding that contained its conclusions on the litigation. The first was a Partial Initial Decision of April 17, 1985 and a Concluding Partial Initial Decision of August 26, 1987. At the conclusion of this phase of the evidentiary hearing, the Board will also issue a written decision that contains its findings of fact and conclusions of law in the matter.

Very truly yours,

A handwritten signature in cursive script, reading "Morton B. Margulies", is written over the typed name.

Morton B. Margulies, Chairman  
Administrative Law Judge

cc: Shoreham/Emergency Planning Service List  
Docket No. 50-322-OL-3