

TOWN OF EAST HAMPTON

159 Pantigo Road
East Hampton, New York 11937

RONALD GREENBAUM
SUPERVISOR

(516) 324-4140

April 11, 1983

Chairman Nunzio J. Palladino
Commissioner Victor Gilinsky
Commissioner John F. Ahearne
Commissioner Thomas M. Roberts
Commissioner James K. Asselstine
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Re: Shoreham Nuclear Power Station
Docket No. 50-322; Suffolk County
Motion to Terminate Shoreham
Licensing Proceeding

Dear Sirs:

The Town of East Hampton, on eastern Long Island, lies east of LILCO's Shoreham Nuclear Power Plant, and I am the Supervisor of the aforementioned town. East Hampton is home to more than 15,000 year-round residents, and during the summer, the population swells to more than 45,000 people. I am writing this letter to support Suffolk County's Motion to Terminate the Shoreham Operating License Proceeding (dated February 23, 1983), and its Motion for Certification which seeks a prompt resolution by the Commission on the issues raised by its motion. In view of the overwhelming and controlling significance of the legal questions raised by the County's Motion and the need for a quick resolution of the present Shoreham dispute by the residents and ratepayers of eastern Long Island, I urge you to devote your immediate attention to the County's Motion and to terminate the Shoreham proceeding without further delay.

My support for Suffolk County is based upon a number of factors, in

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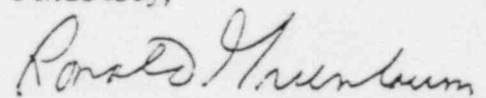
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particular, the determination by Suffolk County that the safe evacuation of eastern Long Island (as well as other areas of Suffolk County) is impossible and my belief that the Shoreham Nuclear Plant is not safe enough to operate. I support the exhaustive effort made by Suffolk County officials and experts to determine the feasibility of safely evacuating Suffolk residents and the subsequent decision of the Suffolk County Legislature, on the basis of that investigation, that safe evacuation is not possible. Accordingly, I share Suffolk County's view that Shoreham cannot be permitted to operate and that this legal issue must be resolved immediately by the Commission itself.

As you can appreciate, the future of Shoreham is of utmost concern to all of Long Island, and the present uncertainty regarding its future and the continued expenditure of tens of millions of dollars to complete a plant which legally cannot be permitted to operate is wasteful and irresponsible. I strongly believe that the public interest would not be served by further months of debate and litigation in the NRC licensing hearings and that the matter requires your direct intervention.

I urge that you devote your immediate attention to resolving the present legal dispute surrounding the Shoreham project by granting Suffolk County's Motion to Terminate the Operating License Proceedings without further delay.

Sincerely,


RONALD GREENBAUM
Supervisor

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East Hampton, New York 11937

RONALD GREENBAUM
SUPERVISOR

(516) 324-4140

April 11, 1983

Mr. Harold R. Denton, Director
Nuclear Reactor Regulation
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Re: Shoreham Nuclear Power Station
Construction Permit #CPPR-95

Dear Mr. Denton:

The Town of East Hampton, on eastern Long Island, lies east of LILCO's Shoreham Nuclear Power Plant, and I am the Supervisor of the aforementioned town. East Hampton is home to more than 15,000 year-round residents, and in the summer months the population swells to more than 45,000 people. It has been brought to my attention that the construction permit for Shoreham expired on March 31, 1983, unless otherwise extended by your office. This letter is to urge that you deny LILCO's request to continue construction at Shoreham and to prevent further wasteful expenditure of tens of millions of dollars on the project.

On the basis of many months of intensive examination, Suffolk County has determined that the safe evacuation of its residents, and those on eastern Long Island in particular, could not be accomplished. Accordingly, Suffolk has urged the NRC to terminate the Shoreham operating license proceedings in view of the fact that approval and implementation of a Suffolk County off-site emergency plan is a requirement for the issuance of an operating license. I agree with the County's determination and see no reason why construction at Shoreham should be permitted to continue.

I have also been made aware of comments attributable to NRC spokesmen in *NEWSDAY*, suggesting that less than serious attention will be given to the County request that construction be halted. As an example, James Fitzgerald, assistant general counsel at the NRC, reportedly stated "I don't think you need an evacuation plan during construction", while NRC spokesman Frank Ingram is alleged to have remarked, "Requests to extend plant construction dates are a dime a dozen". (See enclosed copy of article.) These comments do not instill confidence in the integrity of

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THE REGION

Permit Extension For N-Plant Fought

By Robert Fresco

In an unusual move aimed at preventing the opening of the Shoreham nuclear plant, Suffolk County has asked the federal Nuclear Regulatory Commission to block a routine extension of the plant's construction permit.

The county contends in its request that because it has not approved an emergency evacuation plan for the plant, Shoreham cannot open, and as a result, construction should not proceed.

But the legality of the county action was immediately questioned by a top NRC attorney. James Fitzgerald, an assistant general counsel, said he doubted the county's objection had any legal basis. "I don't think you need an evacuation plan during the construction phase," he said.

And NRC spokesman Frank Ingram said that "requests to extend plant construction dates are a dime a dozen." And, he added, the commission routinely grants them.

"His attitude doesn't surprise me," Deputy County Executive Frank Jones said of Fitzgerald's comment. "The Nuclear Regulatory Commission consistently falls on the side of the nuclear-power advocates."

LILCO's construction permit expires March 31. On Feb. 25, the company submitted a request for a nine-month extension. LILCO spokeswoman Judith Brabham said that the utility is not changing its previously announced plan to load fuel into the reactor by the end of June and begin commercial production of electric power there in early 1984. She said an extension beyond June was requested to allow "minor construction work" such as painting in the "non-nuclear" area of the plant.

LILCO's construction permit for the \$3.2-billion plant has already been extended twice, Brabham said. The original permit was granted in April, 1973, and expired in May, 1979. Brabham said it was "customary" for utilities to ask for extensions.

But the county's lawyer, Herbert Brown, wrote in a letter Wednesday to the NRC, "We submit that the LILCO request [for the extension] can't lawfully be granted." This, he argued, is because, "no operating license for the Shoreham plant can lawfully be issued," since there is no emergency evacuation plan for the plant. "Suffolk County has resolved that it will not adopt or implement" such a plan, he added.