

VILLAGE OF SAG HARBOR



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April 6, 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:

I am the Mayor of the Village of Sag Harbor on eastern Long Island, which lies East of LILCO's Shoreham Nuclear Power Plant. The Village of Sag Harbor is home to more than 2800 year-round residents, and in the summer, our population swells to more than 5000 people. It has come to my attention that the construction permit for Shoreham is due to expire on March 31, 1983 unless extended by your office. This letter is to urge you to deny LILCO's request to continue construction at Shoreham and to prevent the further wasteful expenditure of tens of millions of dollars on that project.

As you know, Suffolk County has determined, on the basis of many months of intensive examination by experts, that the safe evacuation of Suffolk County residents, particularly those who reside in eastern Long Island, cannot be accomplished. Accordingly, Suffolk County 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 can see no reason why your office should permit construction at Shoreham to continue.

I have also been made aware of comments attributable to NRC

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Mr. Harold R. Denton

April 6, 1983

Page Two

spokesmen in Long Island's daily newspaper, Newsday, which suggests that less than serious attention will be given to Suffolk County's request that construction at Shoreham be halted. For example, James Fitzgerald, an assistant general counsel at the NRC, reportedly stated "I don't think you need an evacuation plan during the construction phase," while NRC spokesman Frank Ingram is alleged to have said "Requests to extend plant construction dates are a dime a dozen." (See attached Newsday article.) These comments do nothing to instill confidence in the integrity of the NRC decision-making process, and I trust that they are not indicative of the attention that you will devote to this matter.

It is my belief that the County's determination that there can be no safe evacuation of Suffolk County residents is dispositive of the question of whether Shoreham will be permitted to operate. In view of that controlling fact, it would be irresponsible for your office to continue to permit LILCO to expend millions of dollars in funds for construction. I strongly object to any action (or inaction) by the NRC that would permit Shoreham's cost to unnecessarily escalate even further.

I urge you to give Suffolk County's opposition to the extension of LILCO's construction permit your immediate and thoughtful attention. I look forward to hearing your response to my concern.

Very truly yours,

Fred Runco

Fred Runco, Mayor

James Brannen

James Brannen, Trustee

Jane Van Kovics

Jane Van Kovics, Trustee

Patrick Kern

Patrick Kern, Trustee

Ed Gregory

Edward Gregory, Trustee

FR/cs

Enclosures: Newsday article

cc: Chariman Palladino

Commissioners

Martin Lang, Supervisor

Town of Southampton

3/18/83

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.