

COUNTY OF SUFFOLK



OFFICE OF THE COUNTY EXECUTIVE

PETER F. COHALAN
SUFFOLK COUNTY EXECUTIVE

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CHIEF DEPUTY

June 7, 1983



Nunzio J. Palladino, Chairman
Commissioner Victor Gilinsky
Commissioner James K. Asselstine
Commissioner John F. Ahearne
Commissioner Thomas M. Roberts
U.S. Nuclear Regulatory Commission
1717 H Street, N.W.
Washington, D.C. 20555

DOCKET NUMBER 50-322

Dear Members of the Commission:

In your Order of May 12, 1983, the Commission ruled that it is "obligated to consider a utility plan submitted in the absence of State and local government-approved plans" The Commission further stated,

The licensee will bear the burden of showing that its plan can meet all applicable regulatory standards. We express no opinion at this juncture whether it will be possible for the utility to meet this burden; there is no evidentiary record before us upon which to provide any such opinion.

I now wish to bring to the Commission's attention that what the Long Island Lighting Company ("LILCO") has filed is not the requisite "utility plan" which the Commission had presumably contemplated in issuing its May 12 Order. Indeed, as described below, the LILCO "utility plan" is no plan at all. It is simply a compendium of speculative and hypothetical alternatives which are inherently incapable of being implemented.

Now that LILCO's "utility plan" is available, I believe it highly-desirable that the Commissioners take a fresh look at the impact of the Commission May 12 Order. In fact, LILCO's so-called "utility plan" takes gross liberties with what Congress intended in Section 5 of the NRC Authorization Act and what the Commissioners contemplated in Section 50.47(c)(1) of the NRC's regulations. Thus, LILCO has submitted five plans, four of which designate the NRC, FEMA, the State of New York, and Suffolk County to perform the essential

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command and control functions that implement the "plans." But, the County has already categorically resolved that it will not do so. And, neither the NRC, FEMA, nor the State has agreed to do so. The result is that LILCO has submitted so-called "plans" which in those four instances amount to no plans at all.

The fifth LILCO "plan" proposes that all functions, including command and control, be performed by LILCO personnel with no participation of governmental entities. This "plan" similarly fails the Commission's standard of what constitutes a "utility plan" under the language of Commissioner Gilinsky's May 12 Separate Statement:

Can there be adequate emergency preparedness (as distinct from planning) if neither the State nor the County Governments will participate?

The answer is clearly, No. There cannot be adequate emergency preparedness for the surrounding population without the participation of a responsible government entity. And, however they may qualify their views now, I do not believe that a single Commissioner would actually approve the operation of the plan without such participation.

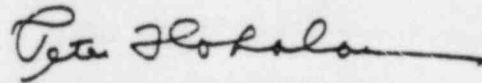
In light of the foregoing, I hereby request that the Commission summarily reject LILCO's so-called "utility plan" as being unresponsive to legal requirements. As described in the attached County Motion, any effort to litigate LILCO's five "non-plans" would result in a tortuous forum of absurdity where nothing productive would result.

If the Commission directs a hearing on LILCO's so-called "utility plan," the Commission will actually create a regulatory monster in which millions of dollars will be squandered in reaching the inevitable conclusion that offsite emergency preparedness is impossible on Long Island. The Commission took its earlier action in directing a hearing, however, before seeing what LILCO was planning to submit. Now that the LILCO submittal is before the NRC, it is essential that the Commission take a fresh look at the fruitless hearing which it has unwittingly condoned.

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Accordingly, it is my hope that the Commission will reconsider its ruling and finally face the fact that there can be no requisite emergency preparedness under LILCO's purported "utility plan," and that Shoreham should not operate. I request that you give this matter your urgent attention.

Sincerely yours,

A handwritten signature in cursive script, appearing to read "Peter F. Cohalan", followed by a horizontal line.

Peter F. Cohalan
Suffolk County Executive

cc: Service List