

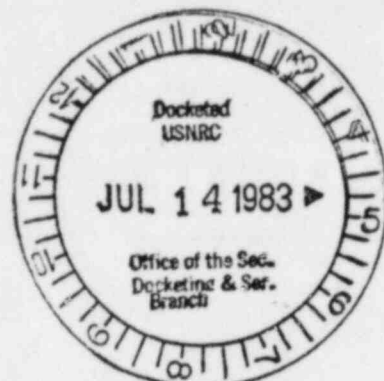
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STATE OF NEW YORK  
EXECUTIVE CHAMBER  
ALBANY 12224

MARIO M. CUOMO  
GOVERNOR



July 11, 1983

Dear Mr. Cotter:

The safety of our residents has been and continues to be my principal concern in the evaluation of nuclear power plant operations in New York.

I was, therefore, shocked last week by the Nuclear Regulatory Commission's (NRC) opinion which states that the Long Island Lighting Company (LILCO) is "entitled" to a low-power license "despite existing uncertainties about off-site emergency planning". The determination that the Shoreham reactor could be allowed to fuel was made in the absence of an acceptable evacuation plan and in the face of the real possibility that the plant may never be permitted to operate commercially at full power.

I believe the NRC action makes apparent for all to see the absurdity and inconsistency of current federal regulations governing nuclear power operations. The NRC's action demonstrates again the crying need for clarification of the federal government's responsibility and accountability to those who must bear the burden of its regulatory scheme.

The NRC's action is especially distressing in light of the initiative I have undertaken with the appointment of a Special Fact-Finding Panel to evaluate all of the safety and economic issues associated with the future of the Shoreham facility. Both the NRC and FEMA (the Federal Emergency Management Agency) have been participating in the Panel's deliberations. The NRC has seen fit to make a premature judgement concerning the ultimate ability of State and local governments to implement an emergency plan for Shoreham. While the magnitude of risk associated with low-power testing may be less than that for full-power operation, there is nevertheless a substantial new measure of risk which should have been but was not addressed by the NRC.

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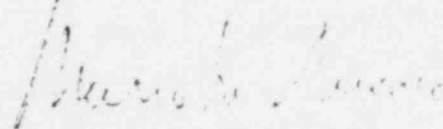
I am relieved, however, that the Commission did not actually direct its Atomic Safety and Licensing Board to issue a low-power license for Shoreham. I believe further that the Board has acted prudently in seeking reasonable assurance from the utility that an emergency off-site plan would be approved before fuel loading was permitted to begin.

Accordingly, I ask that the Atomic Safety and Licensing Board now refrain from recommending the issuance of a low-power license, at least until the Shoreham Fact-Finding Panel has completed its work. In any event the Board's action will not prevent the Panel from conducting a complete and thorough examination of the safety, economic and energy issues surrounding Shoreham.

In implementing any authorization to operate at low power, I echo the NRC's dicta that LILCO's management would do so entirely at its own risk. There may be significant costs associated with low-power testing and operations. The allocation of these costs is entirely a matter for determination by the Public Service Commission. The PSC would have jurisdiction to examine the propriety of a management decision to load fuel and conduct low-power testing in the face of, to use NRC's own words, "substantial uncertainties about full power operation of the plant".

I urge your most careful consideration of this important question.

Sincerely,



Honorable Paul Cotter  
Chairman  
Atomic Safety and Licensing Board  
East-West Towers Building  
4350 East-West Highway  
Bethesda, Maryland 20555

cc: Dr. Nunzio J. Palladino, Chairman, Nuclear Regulatory Commission  
Mr. Charles R. Pierce, Chairman and Chief Executive Officer,  
Long Island Lighting Company