

PETER F. COHALAN
SUFFOLK COUNTY EXECUTIVE

OFFICE OF THE COUNTY EXECUTIVE

OFFICE OF SECRETARY
DOCKETING & SERVICE
BRANCH

April 27, 1984

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

DOCKET NUMBER
PROC 2076 78

Dear Chairman and Commissioners:

On April 11, the Suffolk County Executive wrote to the Chairman requesting, among other things, that the Commission promptly take action to disestablish the Licensing Board convened to hear LILCO's Supplemental Motion for a low power license. The Chairman has not responded, and in the interim the United States District Court has acted at the request of Suffolk County and New York State to restrain the NRC from proceeding with the unconstitutional hearing schedule which that Licensing Board imposed. The County is again asking that the Commission immediately act to disestablish that Licensing Board or, if not, to give clear reasons why the Commission believes in the present circumstances it serves the public interest to have that Licensing Board continue to preside.

Second, in view of the improper personal involvement of the Chairman and Judge Cotter that preceded the actions of Judges Miller, Bright, and Johnson, Suffolk County hereby requests that the Commissioners, other than the Chairman, promptly meet and vote to disqualify Chairman Palladino, Judge Cotter, and Judges Miller, Bright, and Johnson from participating in any Shoreham-related matters.

8405010018 840427
PDR ADCK 05000322
G PDR

DS03

Page 2

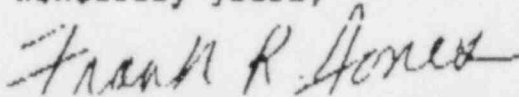
April 27, 1984

In the alternative, we ask that each of such named individuals voluntarily act to recuse himself or herself from such participation. As a follow-up to this request, on which the County urges prompt Commission action, the County's counsel have been instructed to serve on the named individuals additional formal papers.

Finally, the Commission's order of yesterday afternoon directed the County to appear before Judges Miller, Bright, and Johnson concerning the establishment of a new hearing schedule. It is entirely inappropriate for those Judges, who are Defendants in the District Court action and presently under an order of restraint, to be involved in a conference of the parties to resolve questions related to that litigation. Accordingly, the County asks that you delete from your order the direction that Judges Miller, Bright and Johnson participate in a conference of the parties.

Again, the County urges in the strongest possible terms that the Commission act promptly on the County Executive's written request of April 11 and the matters raised herein. On two occasions during the past week, the Commission has swiftly acted to meet and issue orders on Shoreham-related matters. We ask for similar promptness here.

Sincerely yours,



Frank R. Jones /
Deputy County Executive

FRJ/tk

cc: Judges, Cotter, Miller,
Bright and Johnson
Service List