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4/3/84UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

'84 APR -5 AIO:23

Before the Atomic Safety and Licensing Board

In the Matter of)

LONG ISLAND LIGHTING COMPANY)

(Shoreham Nuclear Power Station,
Unit 1))

Docket No. 50-322-OL

DOCKET NUMBER
PROD. & UTIL. FAC.

50-322-OL-4

SUFFOLK COUNTY'S COMMENTS
ON NOTICE OF ORAL ARGUMENTS

On March 30, 1984, this Board issued a Notice of Oral Arguments, which stated that at the conference to be held on April 4, 1984, the Board will hear the views of the parties as to a schedule for "expedited consideration and determination" of issues raised by LILCO's Supplemental Motion for Low Power Operating License and the responses of the other parties.

Suffolk County questions the basis for the Board's apparent position that the LILCO Motion is entitled to such expedited treatment. LILCO has set forth no valid or legitimate reasons for expedited treatment. To the extent that LILCO's arguments for referral or certification are regarded as arguments for expedited treatment by this Board, the County must have an opportunity to respond to those arguments. See LILCO Motion at 24-26. In this regard, the County submits that there is no basis for any expedited process. The electricity which would be produced by

Shoreham will not be needed for at least 10 years, as LILCO itself has admitted in filings with Governor Cuomo's Shoreham Commission. See Attachment 1.

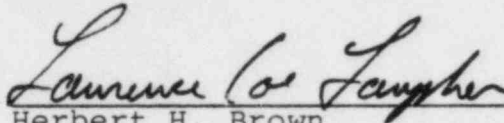
Further, there are numerous factual questions which must be investigated before LILCO's new motion is addressed on the merits. The investigation of such questions, consistent with satisfying the paramount need to protect public safety, will necessarily involve several steps and take commensurate time. as described in the County's Preliminary Views on Scheduling LILCO's New Motion, dated March 26, 1984. For example, the County's opportunity to conduct appropriate and necessary discovery in order to gain the facts that will enable a meaningful response to LILCO's Motion cannot be sacrificed.

The County -- and presumably the other parties as well -- desires a full and fair hearing on LILCO's Motion. Whether there is justification for expediting the Board's treatment of LILCO's Motion depends on whether there are any special circumstances here. The County knows none, but respectfully submits that the Board direct the parties to address this issue at the April 4 oral argument.

Finally, the County has no objection to setting a schedule for the prompt resolution of the threshold issues discussed in the County's Preliminary Views, at 8-12.

Respectfully submitted,

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April 3, 1984

**REPORT OF
THE NEW YORK STATE
FACT FINDING PANEL
ON THE
SHOREHAM NUCLEAR POWER FACILITY**



**Honorable Mario M. Cuomo
Governor**

**Dr. John H. Marburger, III
Chairman**

Stony Brook, New York

December 1983

QUESTION 8 - IS SHOREHAM NEEDED TO MEET THE REASONABLY FORESEEABLE NEEDS OF ELECTRICITY CONSUMERS?

(This response is based upon the Staff Economics Report, Appendix 6(a). Although the Staff Report was discussed in regular meetings of the Panel, the specific form of this response was not.)

None of the projections done by LILCO, Suffolk County or the Commission staff indicate a near term need for Shoreham to meet demand.

LILCO projects that two 400 MW coal units would be necessary, one in 1994 and another in 1996, if Shoreham is abandoned, using their load forecast of approximately 1.6 percent per year growth in peak demand.

ESRG, a consultant to Suffolk County, projects that the first replacement coal unit, presuming Shoreham is abandoned, will not be needed until 1998 using a forecasted peak load growth rate of about 0.8 percent per year.

The staff analysis, which incorporated a forecast of peak load growth rate of approximately 1.25 percent per year with Shoreham operating and 1.1 percent per year with Shoreham not operating, also projects that the first replacement coal unit, if Shoreham is abandoned, will not be required until 1998. It should be noted that the staff projections assume operation of Nine Mile Point 2 and development of alternative energy sources, such as solar, wind, refuse, cogeneration, and landfill gas, as well as reasonably expected penetrations of conservation, both price-induced and regulation-induced. It should also be noted that, without Shoreham, LILCO will be more heavily dependent on oil-fired capacity during the next 15 years.

8. Although the evaluation of off-site emergency preparedness plans is the responsibility of FEMA, the Panel does wish to express reservations about LILCO's ability to implement a plan that achieves an adequate state of preparedness without the assistance of county government. The State's responsibility for emergency preparedness requires that it pay close attention to the subsequent course of the licensing process to satisfy itself that preparedness is adequate according to its own standards should a license be awarded.

9. The projections for Long Island's future electrical energy needs on which the Shoreham construction schedule was originally based were obviously overestimates. The Panel is persuaded that ample LILCO generating capacity currently exists to satisfy probable demand for at least the next decade, and probably longer. Such estimates are of course subject to the same uncertainties that cause the original projections to be so wrong. But at this time, it is difficult to see how the demand for electricity could be so great as to require a Shoreham-sized plant within a decade or more.

10. Finally, if the plant should eventually receive a license to operate, the public would be well served by an objective inspection program by an independent technical firm acceptable to federal, State and local governments, as well as the utility. Public confidence in the quality of the plant is very low, and further inspections will either reveal problems that should be addressed prior to operation or confirm the assertions of previous inspections that found little cause for concern.

V. Views of Panel Members

The following views were prepared by individuals or groups of Panel members after the formal meetings and hearings were completed. None of the following statements is supported by every Panel member, but some are supported by more than one member, as indicated. In some cases, these statements contain phrases such as "the Panel believes" or "the Commission feels that" or "the Commission concludes that"... Such phrases should be interpreted as signifying the views only of those whose names are associated with that statement. The Panel did not operate in such a way as to generate a perceptible common viewpoint on any specific issue, except possible for the carefully worded "General Views" statements in the preceding section.

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Unit 1))
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Docket No. 50-322 O.L.
(Low Power)

CERTIFICATE OF SERVICE

I hereby certify that copies of SUFFOLK COUNTY'S COMMENT ON NOTICE OF ORAL ARGUMENTS, dated April 3, 1984, have been served to the following this 3rd day of April 1984 by U.S. mail, first class, by hand when indicated by an asterisk, and by telecopier when indicated by two asterisks.

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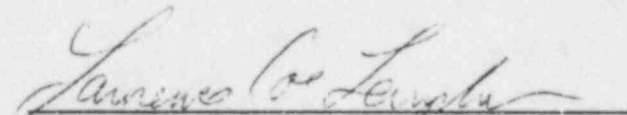
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DATE: April 3, 1984