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To: Chairman Palladino, Commissioners Roberts, Asselstine  
 Bernthal and Zech

Samuel J. Chilk, Secretary of the Commission

Judges Rosenthal, Edles and Wilbur

Judges Brenner, Morris and Ferguson

Judges Margulies, Kline and Shon

Judges Kelley, Bright and Johnson

Docket No. 50-322-OL

(Shoreham Nuclear Power Station, Unit 1)

Notice of Issuance of Suffolk County Executive Order 1985-1

The Suffolk County Executive yesterday issued the attached Executive Order 1-1985, directing the Suffolk County government to review the Shoreham Emergency Response Plan now before the NRC and FEMA and to conduct an exercise of that plan in conjunction with LERO, with the County assuming command-and-control functions. Related articles appearing in this morning's Newsday are also attached.

The issuance of Executive Order 1-1985 is clearly an event of significance for this proceeding. It is too early to tell the exact contours of its effects. LILCO will endeavor to keep all parties notified and will request any appropriate schedule or other modifications.

Respectfully submitted,

*Donald P. Irwin*  
*cur*

Donald P. Irwin,  
 One of Counsel for  
 Long Island Lighting Co.

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 PDR ADOCK 05000322  
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COUNTY OF SUFFOLK



PETER F. COHALAN  
SUFFOLK COUNTY EXECUTIVE

OFFICE OF THE COUNTY EXECUTIVE

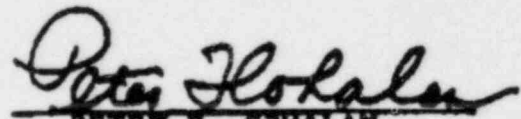
JOHN C. GALLAGHER  
CHIEF DEPUTY COUNTY EXECUTIVE

EXECUTIVE ORDER NUMBER 1 - 1985

By the power vested in me under Article II-B of the New York State Executive Law and §302 of the SUFFOLK COUNTY CHARTER, I hereby determine that it is necessary for me to cause to be reviewed and evaluated the Local Emergency Response Plan for Suffolk County presently before the United States Nuclear Regulatory Commission and the Federal Emergency Management Agency.

I therefore direct the Commissioner of Police and Commissioner of the Suffolk County Planning Department to use whatever resources of the government of the County of Suffolk are necessary in order to complete a review and evaluation of the above Local Emergency Response Plan and carry out and cause to be conducted a test and exercise of the above said Plan in conjunction with the Local Emergency Response Organization (LERO). I further direct that agents of the County of Suffolk assume the function of command and control with implementation of the police powers of the County of Suffolk over the conduct of said test and exercise.

IN WITNESS WHEREOF, I hereby set my hand this 30<sup>th</sup> day of May, 1985.

  
PETER F. COHALAN  
SUFFOLK COUNTY EXECUTIVE

## Cohalan Drops Shoreham Fight

The unique local conditions of Long Island make it impossible to protect the public safety if there were a serious accident at the Shoreham plant ... In short, there can never be emergency preparedness to protect our citizens.'



Cohalan during interview yesterday

'I am directing the county to participate in emergency planning ... If a review of the emergency plan is found to be favorable then I'm not opposed to the operation of the plant.'

### Orders County Evacuation Drill; LILCO to Pay \$130M in Back Tax



**'There is no competing value, be it political, economic or otherwise, that could justify our giving the public's safety any priority other than the very highest.'**

— Feb. 16, 1983, Cohalan announcing his position on emergency preparedness for Shoreham

**'The county government will not become LILCO's pawn, and we will not be pushed by LILCO into compromising the truth ... Suffolk County will not walk away from the fact that Shoreham cannot operate.'**

— March 8, 1983, in a *Newday* op-ed essay

**'The most damning thing I can say about Pat, and it's the truth, is his lack of consistency and political integrity.'**

— Nov. 1, 1983, attacking Assemb. Patrick Halpin's shift to support of Shoreham

**'... New faces and new ideas present us with new opportunities to reach a solution on the economics of Shoreham.'**

— Jan. 31, 1984, Cohalan on the naming of William Catacoanos as LILCO's chairman

**'We have not publicly changed our position on Shoreham. We still have two concerns, emergency planning and safety ... these people in the opposition ... think the only problem is Shoreham. There are other problems out there including fiscal stability of the county.'**

— May 7, 1985, reacting to criticism he had softened his position.

**'... I'm going to cooperate in the review and evaluation of the plan on the table and carry out a drill, and to that extent you could extrapolate I've dropped my opposition to the plan as long as the results of the drill are positive.'**

— May 30, 1985, after signing the executive order directing county authorities to review LILCO's evacuation plan.

# Cohalan Ends Fight Against Shoreham

By Rick Brand

Suffolk County Executive Peter F. Cohalan yesterday dropped his battle against the Shoreham nuclear plant and directed police and planning officials to run a drill of an emergency-evacuation plan.

Reversing two years of staunch opposition to the opening of the nearly completed plant, Cohalan said in an interview with *Newday* that he was prepared to support Shoreham's opening if the drill proved successful.

Almost immediately, the plant's owner, Long Island Lighting Co., said it would now pay \$130 million in back taxes it has withheld in response to the county's battle against Shoreham. The two developments, which came after weeks of private meetings between Cohalan and LILCO Chairman William Cataconnos, drew quick and sharp criticism from Shoreham opponents.

Cohalan said, "You could extrapolate I've dropped my opposition to the plant as long as the results of the drill are positive." Then he added, "Alas jacta est . . . the die is cast. Those were Caesar's words as he crossed the Rubicon." Cohalan was interviewed after he signed an executive order directing Suffolk Police Commissioner DeWitt Freder and Planning Commissioner Lee Koppelman to prepare for a drill and assume "command and control" over the exercise.

Asked about the executive order at the utility's Hicksville office, Cataconnos said, "This is fantastic, it's great." The two men said that Cohalan had informed the LILCO chairman of his intention to change his position by telephone Wednesday, and Cataconnos agreed to turn over the withheld taxes today on the \$4.2-billion Shoreham plant. "The reason for withholding the taxes no longer exists," he said.

Cohalan's decision shifts the focus of the battle to the county legislature and Gov. Mario Cuomo, who has been allied with Suffolk in fighting the plant. Cuomo has said he would continue the battle even if Suffolk dropped its opposition. Last night, informed of Cohalan's action, Cuomo refused to comment.

"We have not seen any written explanation or justification of the county's change of position," said Michael Del Giudice, secretary to the governor. Cuomo administration officials expressed surprise at the change and said the issue of Shoreham's safety, which Cuomo has called fundamental, has not been addressed at all. They also said they had been working in the past two weeks on a bill that would have helped Suffolk County financially by forcing LILCO to pay its back taxes immediately.

Cohalan has spent two years and more than \$12 million in county funds battling the plant, and used the issue as the centerpiece of re-election campaign. He said, "My position has not changed so much as the facts have changed. I have no problem changing

my position if the facts change."

But public officials who have joined Cohalan in the fight against Shoreham condemned his shift when they were informed about it late last night. Legis. Gregory Bias (R-Jamesport) said, "I think it's the most tragic decision of his administration."

Cohalan said state executive law gave him the power to act unilaterally in ordering county agencies to take part in emergency planning for the plant. But several legislators questioned the legality of Cohalan's move last night.

To operate Shoreham, LILCO must get federal approval for its evacuation plan, conduct a successful drill, obtain a waiver of Nuclear Regulatory Commission regulations to use non-qualified diesel generators for shutting down the plant in the event of an emergency, get its troubled Transamerica Delaval Industries diesel generators certified and receive a full-power license.

But Cohalan's action could remove what has generally been considered the prime obstacle to Shoreham's opening — the lack of county participation in the emergency plan.

"We basically had a lose-lose situation," said Cohalan. "We both had our hands on each other's throats and we were choking each other to death. . . . There could be no winners and there would be three losers — LILCO and the county were two and the other loser was the ratepayer."

Cohalan's shift comes amid a growing chorus of

nuclear opponents who maintain that the county executive has deserted their ranks and is preparing to "sell out the public safety" of county residents. Since last September, the administration has removed fiery field general Frank Jones from overseeing the Shoreham battle, curtailed its lawyers' role and begun consulting on a frequent basis with top LILCO officials.

His switch comes at a time when many Shoreham opponents are saying the county has virtually won its battle against the plant in the courts and with the NRC. Judges and NRC hearing officers have endorsed the county's arguments that LILCO did not have legal authority to implement its emergency plan, which used utility workers in key roles.

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Cohalan said yesterday that new information from national studies has emerged about radiation releases which makes the county's position in favor of a 20-mile evacuation zone no longer necessary. "Ten miles is really the outer limit of what is necessary," he said.

Although the fight has been costly, Cohalan maintained that the expense was worthwhile because of gains he said the county made in getting a safer plant.

The county's opposition, Cohalan maintained, has gotten the NRC to increase its scrutiny of Shoreham to the point where "it's the most inspected plant in the nation," forced LILCO to make wholesale changes to its own evacuation plan, improving its safety; caused an overhaul in LILCO management, including replacement of the company chairman and the hiring of a nuclear vice president with extensive experience in the industry; and resulted in LILCO agreeing to treat its alternate diesel generators as "vital equipment" for security purposes. Such moves, said Cohalan, "are a victory for public safety."

Pointing to LILCO's one-time proposal for a 56.5 percent rate increase for Shoreham, Cohalan also said the county's opposition has forced the utility to stretch out payment for the \$4.2 billion plant. Cohalan, LILCO and Nassau County Executive Francis Purcell have proposed a rate-mitigation plan which, if enacted, would increase rates only 2.2 percent annually for five years. In addition, Cohalan said, since taking his original position, the demand for electricity has grown dramatically and the power from Shoreham is needed to keep the region prosperous.

Cohalan also said LILCO's payment of property taxes will stabilize the county's financial situation and improve its bond rating, now one grade above the speculative category. Until now, he said, the county faced the specter of at least a 25 percent tax increase and layoffs of up to 3,000 employees. With the \$67 million in cash the county expects tomorrow

from back tax payments, along with another \$13 million from the payments LILCO will give to Brookhaven town, Cohalan said the county may be able to reduce taxes in 1986, although he could not say how much.

The county executive's stance is a 180-degree turn from his position in 1983, when Cohalan took the lead in the anti-Shoreham movement and said safe evacuation of the area was impossible. "We must not put into place a 'paper plan' — a sugar coated package of platitudes which serve LILCO's self interest," he said then. "That would only lull the public into believing they are protected, when in fact they are not." The county concluded that evacuation was not feasible after spending \$600,000 on experts who maintained that it would take 90 hours to evacuate the 20-mile zone around the plant because roads would be jammed with traffic.

In his re-election campaign in 1983, Cohalan used the issue to batter his opponent for county executive, Assemb. Patrick Halpin (D-Lindenhurst), who favored the plant's opening. At the time, Cohalan attacked him for lacking "political integrity" and having "the backbone of a chocolate éclair."

The county executive expressed the hope that both the county legislature and Cuomo would follow his lead and back his executive order for a drill. But he conceded that if it were put to a vote of the local lawmakers, he probably would not get their approval.

Although there may be "an avalanche of criticism," Cohalan said, "I may be entering the most exciting part of my public career." At worst, he said, reaction might be "I'm hanged." Last night, after informing seven Suffolk town supervisors, Cohalan claimed that all of them backed his move. Of the officials he called, only Bass and State Sen. Kenneth LaValle (R-Port Jefferson) were critical of the switch.

Cohalan said state executive law gives him the authority to order participation in emergency planning without approval from the county legislature. Under that law, it is state policy that "the local chief executive take an active and personal role in development and implementation of disaster preparedness programs and be vested with the authority . . . to ensure the success of such programs."

Although a 1983 county legislature resolution directs Cohalan not to participate in emergency planning or allow state or federal government to intervene, Cohalan said legally he "is not fettered by that resolution and the executive has the ability to operate independently of that resolution."

Cohalan said his change came after "spending quite a bit of time agonizing over this." He said the idea of modifying his position began to germinate in January and became a more central concern when LILCO succeeded in getting a low-power license for operating the plant. Once the plant would be allowed to operate at low power, he said, "I would be in a quandary; I would be responsible for providing for the public safety."

He said his decision was made about 10 days ago, and in that time he has met once and spoken twice with Catacaminos. Ever since Catacaminos replaced former LILCO chairman Charles Pierce in a boardroom coup in 1984, Cohalan and Catacaminos have met regularly.

Cohalan said he plans to alert all the county legislators and other officials starting at 6 a.m. today. He then will meet with Truder and Koppelman's top aide Arthur Kuntz to begin preparations for the drill. Cohalan said he also plans to contact Samuel Speck, associate director of the federal agency that supervises nuclear evacuation planning, to seek his assistance in preparing for the drill. He said he hopes a meeting with Speck could be arranged for next week.

Cohalan also said he plans to meet with Washington lawyer Herbert Brown, who has led the county's legal fight against Shoreham, to review current litigation in the case. Chief Deputy County Executive John Gallagher said decisions will be made whether to continue various parts of the Shoreham litigation on a "case by case basis." Cohalan said it will be up to Brown and his firm whether they still want to represent the county in the case, given Cohalan's shift.



# Cohalan's Shift: Signs Were There

By Jonathan Landman

The anti-Shoreham people saw it coming.

Just three weeks ago, Leon Campo, one of Suffolk's leading anti-nuclear activists, wrote off the man who had been his key ally for two years.

"I am one of those who believe that Peter Cohalan is now negotiating to sell out the public safety of the people of Suffolk County," Campo said at the time.

Cohalan's political and intellectual journey away from his Shoreham opposition progressed slowly and subtly, but the signs were there.

As Suffolk County executive, Cohalan was once the symbol of uncompromising hostility to Long Island Lighting Co. and a hero to the local anti-Shoreham people. The reversal comes from a man who left no room for a change of heart. For it was Cohalan, who declared war against LILCO in 1982, who made free use of the words "never" and "impossible" and vowed that nothing could change his judgment that nuclear power could not be made safe for Long Island.

At a Feb. 16, 1983, press conference Cohalan said: "Radiological emergency preparedness for Shoreham is the most significant issue of public safety that this county government has faced. There is no competing value, be it political, economic or otherwise, that could justify our giving the public's safety any priority other than the very highest."

By his own account, however, Cohalan's attitude toward nuclear power on Long Island has changed at least three times. As Islip Town supervisor in 1978, he took the anti-Shoreham side in a debate with then-County Executive John V.N. Klein. Later, under pressure from construction unions for whom Shoreham meant jobs, Cohalan retreated and fired Irving Like, a lawyer representing the county in battles with LILCO. By 1982, however, following electoral victories by several Shoreham foes, Cohalan was a determined enemy of nuclear power again.

The first public sign of his latest retreat came in September.

Without warning, Cohalan abruptly replaced Deputy County Executive Frank Jones as field general of the county's efforts to block Shoreham's operation. Jones, a big, bearded man with a voice like a cannon and an appetite for combat to match, made way

for Chief Deputy County Executive John Gallagher, a former college administrator with a soft voice and mild demeanor.

Cohalan insisted that the move had no significance, that Jones' doctor had simply ordered his patient to rest. But that explanation cut no ice with partisans on either side of the Shoreham issue. "It's a good sign," Legis. Lou Howard (R-Amityville), the presiding officer and sole Shoreham supporter in the Suffolk County legislature, said at the time.

But the move jolted Shoreham opponents, who had been given ample reasons for confidence in their alliance with the county executive. While signs of Cohalan's ebbing enthusiasm for the Shoreham crusade stayed submerged until the autumn of 1984, some insiders suggest that the process

began with a political shock nearly a year earlier.

Running for re-election on an anti-Shoreham platform in 1983, Cohalan, an incumbent Republican in an overwhelmingly Republican county, eked out a 22,000-vote victory over Assemb. Patrick Halpin (D-Lindenhurst), a 30-year-old Democrat little known in the county outside his Babylon assembly district.

Some Republican strategists drew the moral that despite various public opinion polls showing overwhelming opposition to the Shoreham plant, the issue cut both ways in the political arena and may have helped Halpin.

Two months after the election, Cohalan's once unyielding opposition to LILCO began showing hairline cracks.

In January, 1984, he welcomed LILCO's new chairman, William Catocinos, by saying, "New faces and new ideas present us with new opportunities to reach a solution on the economics of Shoreham." Although he continued to call for LILCO to abandon Shoreham, it was his first conciliatory gesture toward the company he called an "outlaw utility" 19 days before.

The following summer, funds for the legal fight against Shoreham became a bargaining chip in another political battle, over the Southwest Sewer District, with Cohalan saying he wouldn't approve additional Shoreham legal funding unless legislators backed a sales tax increase to bail out the sewers.

Then came Jones' removal, followed by Gallagher's revelation, in a meet-

ing with Wall Street investment brokers, that the county might re-examine its once uncompromising position that the area around the plant could not be evacuated in case of a nuclear accident. Gallagher cited new scientific studies that suggested radiation released in a nuclear accident would affect a smaller area than was previously believed.

This year, Cohalan's public comments became more and more equivocal, and the county executive allowed himself to be seen with Catocinos, whom he later joined in a summit meeting to discuss rates to pay for Shoreham. And, citing increasing costs, he sent a letter to Suffolk's Washington law firm telling it to curtail its activities.

That was too much for Cohalan's former allies.

Campo announced earlier this month that Shoreham opponents would hold an escalating series of demonstrations seeking a renewed commitment from Cohalan to the anti-Shoreham cause. "I just hope he hasn't gone too far that he can't get back on the right course," Campo said.

At the time, Cohalan insisted his position had not switched, but refused to deny that change was in the wind.

But yesterday he said he'd been mulling his change of heart since January.

"It took me quite a while to think about this," he said. "I spent a great deal of time agonizing over this. The decision I made today has germinated for quite some time."

# 'We Turned the Issue Around'

*Here are excerpts from the Newsday interview yesterday with Suffolk County Executive Peter F. Cohalan in which Cohalan said he is dropping his opposition to operation of the Shoreham nuclear power plant:*

I, as the county executive, have the responsibility and the duty to protect the public's health, safety and welfare . . . We feel the courts, both federal and state, have definitely established that the county . . . is the only legitimate authority to authorize and implement an evacuation or an emergency plan. And I am hopeful that the legislature . . . will see the ethics of what I'm attempting. Time will tell."

Suffolk County and New York State have played a major role in getting the federal government to move from a mere checklist approach to emergency planning to what we think now is a full and realistic assessment . . . Our intervention in the licensing procedure forced a level of quality inspection unprecedented in the nation . . . Suffolk County forced the redesign and the total rebuilding of the . . . Transamerica Delaval diesels and (the addition of) . . . several additional diesels as backup equipment.

Last week . . . (LILCO) agreed that the same security standards that are applied to vital equipment at the plant be applied to backup (diesel) equipment. This concession is a big victory for us, and it puts to rest the concern that we've had for many months . . .

Where the management of LILCO's concerned, LILCO has a new chairman; Shoreham has a new vice president of nuclear operations; the New York State Power Authority has extensive experience in running a nuclear plant similar to Shoreham. So in three years we feel we've turned the Shoreham issue around. It took a lot of money and a great deal of sacrifice on the part of our residents but the county is now in a position to take control of Shoreham's future. And . . . I feel the time has now come to look at Shoreham in a new light.

Long Island must have a reasonable source of electricity at reasonable rates if we're hopeful of sustaining a healthy economic growth . . . A safe Shoreham plant, operated under a realistic, well tested emergency plan, can play a major role . . . as a resource of such power. God forbid we have brownouts — spoiled food, downtime in industrial plants, the possibility that emergency services would be curtailed.

There have been many changes since 1982 . . . Number one, energy forecasts have changed. There has been a tremendous increase . . . in the use of energy. Number two . . . it's becoming clear that a 10-mile evacuation zone provides a

margin of safety that we insisted on in 1982 and 1983.

I feel the plant is safer now than in 1982. For one, emergency planning is better . . . The federal government now has up to 12 agencies involved insuring public safety. Number two, the level of inspection at the plant is unprecedented . . . The Atomic Safety and Licensing Board and the NRC have called the plant safe. Number three, the diesel and backup systems are better . . . Number four, the new and more competent management is also another major change for us . . .

If anything caught my attention more than anything else it was probably the February 13, 1985, decision of the NRC which . . . said they would license the plant at five percent (power) . . . Under the responsibilities and duties I have, I would have been in a quandary and would have . . . to cooperate with the authorities on an emergency plan to protect the health, safety and welfare of the people.

Where the financial situation is concerned LILCO and the county had each other locked in a death grip. We both realized we were in a death struggle and I saw that Shoreham was part of a bigger picture, really, which involved the whole survival of Long Island, involving rates, possible demise of LILCO as a corporate entity — which I've never been for — demise of county government due to lack of LILCO taxes, the future energy needs of Long Island and where does the lack of LILCO's taxes come in . . . We both had our hands on each other's throats and were choking each other to death . . . There could be no winners and there would be three losers: LILCO . . . the county . . . and the consumer . . .

The time has come . . . to give the emergency response plan an honest test, one controlled, conducted and commanded by Suffolk County officials and that's the reason why I issued this executive order today directing Lee Koppelman and Dick Tredar to lead a county task force . . . And I'm calling on the federal government . . . to (be) a full participant . . . We're also asking the federal government to continue exploring all scientific data surrounding the issue of nuclear plant safety as it impacts on public safety.

Governor Cuomo has supported us right down the line because he respected the autonomy of local government to govern its own affairs. Governor Cuomo could have overruled the county on this matter of an emergency plan on Shoreham, but he didn't. He didn't because he respected local autonomy . . . Now I ask his help to get us beyond Shoreham as we enter the struggle for rate and energy stability and I'm also requesting all of our county legislators to join with me on this issue and to ask for their support . . .



## Shoreham at a Glance

**CONSTRUCTION:** Begun in 1973. Nuclear fuel loading was completed in January, 1985.

**POWER:** 809 megawatts to be generated by a General Electric boiling water reactor.

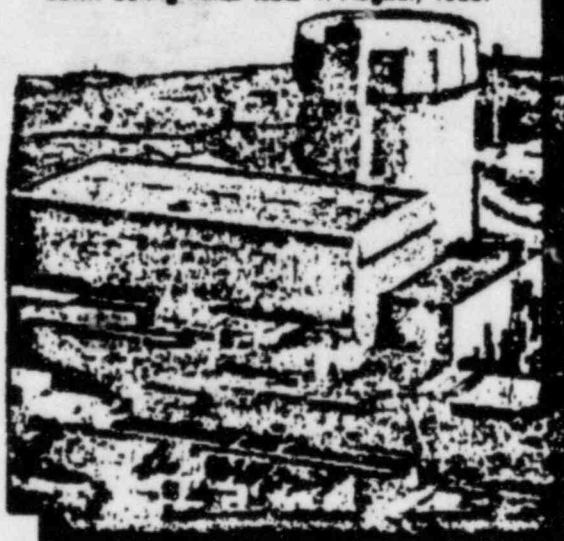
**STATUS:** Awaiting permission for low-power tests ranging from 1 to 5 percent of capacity. Nuclear Regulatory Commission revoked low power license in February for further consideration of security issues. Plant has completed tests at extremely low power.

**SCHEDULE:** Plant predicted to go into commercial operation by October, at the earliest.

**COST:** Estimates range from \$4.2 billion, if the plant opens for commercial operation in October, to \$4.7 billion, if the plant opens in June, 1986.

**WHO WILL PAY:** Officials are working on plans to lessen Shoreham's impact on LILCO rates, but many would need approval from the state legislature and governor. If all the proposals were adopted, rates would increase 2.2 percent a year for 5 years and LILCO would defer for 10 years recouping \$3.5 billion in Shoreham revenues. The state Public Service Commission is reviewing a recommendation that LILCO be forced to bear between \$1.2 and \$1.9 billion of the plant's cost because of poor management.

**PATH TO OPERATION:** A drill must be held to test a plan to evacuate more than 130,000 persons living within a 10-mile radius of the plant in the event of a nuclear accident. The NRC must approve that plan. An NRC board is to decide within two months whether to permit LILCO to operate Shoreham with emergency backup diesel generators that have undergone extensive repairs since breaking down during initial tests in August, 1983.



# Major Hurdles Before Startup

By John McDonald

Suffolk County's participation in testing an evacuation plan for the Shoreham nuclear power plant is a key step toward opening the plant, but Long Island Lighting Co. still must clear several hurdles before the \$4.2-billion plant goes on line.

Although the dramatic shift in position by Suffolk County Executive Peter F. Cohalan is a major victory for LILCO, the utility still faces major political and regulatory hurdles that block the plant's opening.

Foremost among the problems is how to turn around Gov. Mario Cuomo's opposition. The Suffolk County Legislature is strongly committed to keeping the plant from opening. Other problems include the plant's problem-plagued backup diesel generators. Also, the emergency evacuation plan and low-power tests of the plant's equipment still must be found to meet Nuclear Regulatory Commission standards. LILCO's license to conduct low-power tests was revoked by the NRC in February so that the NRC could reconsider equipment security issues.

Whether Cuomo's position on the Shoreham issue will change because of Cohalan's swing is yet to be determined. In 1963, Cuomo said only that he would not impose an emergency plan on Suffolk after the county decided not to adopt one. But Cuomo's position since has hardened.

In a May 21 letter to President Ronald Reagan, Cuomo said, "The independent decisions of Suffolk County and New York State against adopting or implementing an emergency plan for Shoreham were made to protect the safety and welfare of the public and followed extensive analysis and deliberations."

In the same letter, he warned the Reagan administration not to attempt to "promote operation of the plant over objections of the State of New York and the County of Suffolk. New York State would consider any such action an affront to its sovereignty."

While Cohalan's party holds a majority in the county legislature, Cohalan's shift does not guarantee that Republicans in the legislature will follow suit. Cohalan maintains that the legislature has no role in deciding whether the county will participate in emergency planning, but that opinion is certain to be challenged.

Up to now, only Presiding Officer Lou Howard (R-Amityville) has been a consistent Shoreham backer, with two others abstaining on occasional anti-Shoreham votes. If a vote were taken today, even LILCO supporters doubt that more than four of the legislature's 18 members would back opening the plant.

On the other hand, Cohalan has a history of eventually getting his way with the legislature. He enlisted Democrats to help him oust a troublesome presiding officer and changed the minds of seemingly strong-willed legislators to put together a finan-



Newspaper/ David L. Powers

LILCO Chairman William J. Catscosinos during interview

cial aid package for the Southwest Sewer District and to wrest from the legislature authority over amendments to the county operating budget.

As for LILCO, it still must clear a number of regulatory hurdles, some of which still may take a significant amount of time to implement. Among them are the following:

- **Low-power tests.** The NRC is considering LILCO's request that the company be allowed to test the plant at up to 5 percent power with a gas turbine and mobile diesel generators as temporary backup generators. An appeals board revoked an earlier low-power license in February because not enough consideration was given to security issues.

- **Diesels.** An NRC licensing board is weighing whether LILCO can use its Transamerica Delaval Industries diesel generators, which suffered cracks in 1963, during at least the first 18 months of the plant's operation. A decision is expected in June or July.

- **Emergency planning.** Even with the main issue of county participation apparently resolved, details of the plan must be recast to include county emergency workers. A drill must be conducted and graded by the Federal Emergency Management Agency.

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# The New York Times

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10 pages

## Suffolk County Chief Is Said To Drop Fight on Shoreham

By MICHAEL ORESKES

The Suffolk County Executive has dropped his fight to stop the opening of the Shoreham nuclear power plant, according to opponents and supporters of the plant.

This reversal by the Executive, Peter F. Cohalan, would have a major impact on the Long Island Lighting Company's effort to begin producing power from the plant, which took more than 15 years and more than \$4.2 billion to build in Brookhaven on the North Shore of the Island.

Mr. Cohalan, who would not discuss his position yesterday, has been a key figure in the opposition to the plant.

He has refused to let Suffolk County

participate in drafting a plan for evacuations and other actions in the event of an accident at the plant, and this refusal has prevented the completion of a plan acceptable to the Nuclear Regulatory Commission. Approval by the commission of such a plan is a requirement for licensing a nuclear plant.

In the last two and a half years, Governor Cuomo has been an ally of Mr. Cohalan in opposing the Shoreham plant. Mr. Cuomo originally had said he would do nothing to force the county into allowing the plant to open, but more recently he has taken a stronger position, saying he does not believe the plant can be operated safely.

An overwhelming majority of the Suffolk County Legislature has also opposed the plant and passed an ordinance barring the county from cooperating in emergency planning.

Of those who said they think Mr. Co-

Continued on Page B2, Column 1



# Suffolk Executive Is Said to Drop Opposition to Opening Shoreham

Continued From Page A1

halan was shifting his position — and this included members of his own staff — some based their view on conversations with Mr. Cohalan or his advisers. Others said they based their judgment on a series of actions Mr. Cohalan has taken in recent months that they said showed a softening of his opposition to the plant.

Opponents of the plant, who say it is flawed and unsafe, are so concerned about what they fear is Mr. Cohalan's defection from their ranks that they are picketing outside his office, hoping to draw from him actions that will reaffirm his opposition to the plant.

"We're holding the vigil to protest Peter Cohalan's vacillation on Shoreham and his failure to offer leadership," Joseph Pappalardo of Ronkonkoma, a caterer to health food stores, said as he stood in the ninth-floor hallway outside Mr. Cohalan's office.

Leon Campo, a leader of the opposition to the Shoreham plant and an organizer of the vigil, said he believed that Mr. Cohalan was negotiating with Lilco to clear the way for operating the plant in exchange for Lilco's payment of property taxes the utility has refused to pay.

Supporters of the plant see the shift, too. Lou Howard, a Republican from Amityville, has been the lone supporter of Shoreham in the 18-member Legislature, of which he is the presiding officer.

"Lou Howard is convinced Peter Cohalan is in favor now of the plant opening," said Mr. Howard's chief of staff, Vic Niemi.

Mr. Cohalan did not return several phone calls to his office in Hauppauge seeking comment. "Nothing has changed," said a spokesman, Eric Kopp.

David Willmott, publisher of the Suffolk Life Newspapers and an opponent of the plant, said: "I'm convinced he's reviewing all his options. I spoke with Cohalan last week and he's a very worried man."

Mr. Willmott said Mr. Cohalan had spoken about the intense fiscal pressures Lilco was bringing to bear on the county.

Since last year, the company has refused to pay property taxes on the Shoreham plant, claiming that the actions of the county were threatening to make the property worthless.

The utility owes a total of \$91.6 million in back property taxes, and \$30.6 million more is due today.

The Suffolk County budget is about \$1 billion annually.

The refusal of Lilco to pay its taxes has created serious cash-flow problems for the county. To make up the shortfall, the county has been borrowing money short term under a letter of credit from the Marine Midland Bank. According to Charles K. Stein, the chief deputy comptroller of the county, this letter of credit would be endangered if the county's credit rating was lowered again.

## An Offer of Mediation

Mr. Willmott said Mr. Cohalan had expressed concern to him that the county's credit rating might be lowered again if the confrontation with Lilco was not resolved.

Mr. Cohalan, a Republican, has also

been under intense political pressure, including from the Reagan Administration.

Just yesterday, the Federal Energy Secretary, John S. Herrington, according to officials in Washington, sent a letter to Mr. Cohalan saying that the Secretary "cannot ignore" the importance of Shoreham to the administration's drive to reduce dependence on imported oil.

In the letter, Mr. Herrington said he was "convinced Shoreham is one of the finest nuclear facilities in the Country."

Earlier this month, Mr. Herrington toured the Shoreham plant and said he was willing to help mediate the impasse over planning for emergencies.

## Accord on Electric Rates

Officially, Suffolk County is still opposing the licensing and operation of Shoreham in several Federal and state court actions and before several boards of the Nuclear Regulatory Commission.

But, a number of recent events were cited by those who believe Mr. Cohalan

is no longer fighting the plant.

After years of battling, Mr. Cohalan has met with chief officers of Lilco and a few days ago he agreed with them on a plan to try to hold down electric rates on Long Island. Mr. Haipin and others pointed out that this plan includes various provisions that assume that Shoreham will be in operation.

Mr. Cohalan has also curtailed payments to the Washington law firm the county hired to fight Shoreham and told them not to start any new actions against the plant without direct authorization. Mr. Cohalan has said this was part of a general effort to cut county costs to keep the budget in balance in the face of the fiscal problems. But opponents of Shoreham said they viewed it as evidence Mr. Cohalan had dropped his fight.

Mr. Cohalan also hired a consultant, Richard Wilson, chairman of the physics department at Harvard, whose studies made it clear that an acceptable emergency plan would require the evacuation of far fewer people than Suffolk had been insisting on.

LILCO, May 31, 1985

CERTIFICATE OF SERVICE

In the Matter of  
LONG ISLAND LIGHTING COMPANY  
(Shoreham Nuclear Power Station, Unit 1)  
Docket No. 50-322 (OL)

I hereby certify that "Notice of Issuance of Suffolk County Executive Order 1985-1" with attachments was served on the following persons this May 31, 1985 by hand, as indicated by an asterisk, or by telecopier, as indicated by two asterisks, or by Express Mail, as indicated by three asterisks, or by first-class mail, postage prepaid.

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OFFICE OF SECRETARY  
DOCKETING & SERVICE  
BRANCH

Chairman Nunzio J. Palladino\*  
United States Nuclear  
Regulatory Commission  
1717 H Street  
Washington, DC 20555

Commissioner James K. Asselstine\*  
United States Nuclear  
Regulatory Commission  
1717 H Street, N.W.  
Washington, DC 20555

Commissioner Frederick M. Bernthal\*  
United States Nuclear  
Regulatory Commission  
1717 H Street, N.W.  
Washington, DC 20555

Commissioner Thomas M. Roberts\*  
United States Nuclear  
Regulatory Commission  
1717 H Street, N.W.  
Washington, DC 20555

Commissioner Lando W. Zech, Jr.\*  
United States Nuclear  
Regulatory Commission  
1717 H Street, N.W.  
Washington, DC 20555

Samuel J. Chilk\*  
Secretary of the Commission  
United States Nuclear  
Regulatory Commission  
Washington, D.C. 20555

Alan S. Rosenthal, Chairman\*  
Atomic Safety and Licensing  
Appeal Board  
U.S. Nuclear Regulatory  
Commission  
Fifth Floor (North Tower)  
East West Towers  
4350 East-West Highway  
Bethesda, MD 20814

Gary J. Edles\*  
Atomic Safety and Licensing  
Appeal Board  
United States Nuclear  
Regulatory Commission  
Fifth Floor (North Tower)  
East West Towers  
4350 East-West Highway  
Bethesda, MD 20814

Howard A. Wilber\*  
Atomic Safety and Licensing  
Appeal Board  
United States Nuclear  
Regulatory Commission  
Fifth Floor (North Tower)  
East West Towers  
4350 East-West Highway  
Bethesda, MD 20814

Lawrence Brenner, Esq.\*  
Atomic Safety and Licensing  
Board Panel  
U.S. NRC  
4350 East-West Highway  
fourth Floor (West Tower)  
Bethesda, Maryland 20814

Dr. Peter A. Morris\*  
Atomic Safety and Licensing  
Board Panel  
U.S. NRC  
4350 East-West Highway  
Fourth Floor (West Tower)  
Bethesda, Maryland 20814

Dr. George A. Ferguson\*  
Atomic Safety and Licensing  
Board  
School of Engineering  
Howard University  
2300 6th Street, N.W.  
Washington, D.C. 20555

Morton B. Margulies, Chairman\*  
Atomic Safety and Licensing Board  
U.S. Nuclear Regulatory Commission  
East-West Tower, Rm. 461A  
4350 East-West Hwy.  
Bethesda, MD 20814

Dr. Jerry R. Kline\*  
Atomic Safety and Licensing Board  
United States Nuclear  
Regulatory Commission  
East-West Tower, Rm. 427  
4350 East-West Hwy.  
Bethesda, MD 20814

Mr. Frederick J. Shon\*  
Atomic Safety and Licensing Board  
United States Nuclear  
Regulatory Commission  
East-West Tower, Rm. 427  
4350 East-West Hwy.  
Bethesda, MD 20814

Judge James L. Kelley,\*  
Chairman, Atomic Safety  
and Licensing Board  
United States Nuclear  
Regulatory Commission  
Fourth Floor  
East-West Towers (West Tower)  
4350 East-West Highway  
Bethesda, MD 20814

Judge Glenn O. Bright\*  
Atomic Safety and Licensing  
Board, United States  
Nuclear Regulatory Commission  
Fourth Floor  
East-West Towers (West Tower)  
4350 East-West Highway  
Bethesda, MD 20814

Judge Elizabeth B. Johnson\*  
Oak Ridge National Laboratory  
Building 3500  
P.O. Box X  
Oak Ridge, TN 37830

Herbert H. Brown, Esq.\*\*  
Lawrence Coe Lanpher, Esq.  
Christopher M. McMurray, Esq.  
Kirkpatrick & Lockhart  
8th Floor, 1900 M Street, N.W.  
Washington, D.C. 20036

Bernard M. Bordenick, Esq.\*\*  
Oreste Russ Pirfo, Esq.  
Edwin J. Reis, Esq.  
United States Nuclear  
Regulatory Commission  
7735 Old Georgetown Road  
(to mailroom)  
Bethesda, MD 20814

Donna Duer, Esq.\*  
Atomic Safety and Licensing  
Board Panel  
United States Nuclear  
Regulatory Commission  
East-West Tower, North Tower  
4350 East-West Highway  
Bethesda, MD 20814

Fabian G. Palomino, Esq.\*\*  
Special Counsel to the Governor  
Executive Chamber, Rm. 229  
State Capitol  
Albany, New York 12224

Mary Gundrum, Esq.\*\*\*  
Assistant Attorney General  
2 World Trade Center  
Room 4614  
New York, New York 10047



Stewart M. Glass, Esq.\*\*  
Regional Counsel  
Federal Emergency  
Management Agency  
26 Federal Plaza, Room 1349  
New York, NY 10278

Ralph Shapiro, Esq.\*\*\*  
Cammer and Shapiro, P.C.  
9 East 40th Street  
New York, NY 10016

Stephen B. Latham, Esq.\*\*\*  
John F. Shea, Esq.  
Twomey, Latham & Shea  
33 West Second Street  
P.O. Box 398  
Riverhead, NY 11901

Ms. Nora Bredes  
Executive Coordinator  
Shoreham Opponents' Coalition  
195 East Main Street  
Smithtown, NY 11787

Gerald C. Crotty, Esq.  
Counsel to the Governor  
Executive Chamber  
State Capitol  
Albany, NY 12224

Jonathan D. Feinberg, Esq.  
New York State Department  
of Public Service, Staff  
Counsel  
Three Rockefeller Plaza  
Albany, NY 12223

Spence W. Perry, Esq.  
Associate General Counsel  
Federal Emergency  
Management Agency  
500 C Street, S.W.  
Room 840  
Washington, D.C. 20472

Atomic Safety and Licensing  
Board Panel  
United States Nuclear  
Regulatory Commission  
Washington, D.C. 20555

Atomic Safety and Licensing  
Appeal Board Panel  
United States Nuclear  
Regulatory Commission  
Washington, D.C. 20555

James B. Dougherty, Esq.\*\*\*  
3045 Porter Street  
Washington, DC 20008

Martin Bradley Ashare, Esq.  
Suffolk County Attorney  
H. Lee Dennison Building  
Veterans Memorial Highway  
Hauppauge, NY 11788

The Honorable Peter Cohalan  
Suffolk County Executive  
County Executive/  
Legislative Building  
Veterans Memorial Highway  
Hauppauge, NY 11788

Jay Dunkleberger, Esq.  
New York State Energy Office  
Agency Building 2  
Empire State Plaza  
Albany, NY 12223

Mr. Martin Suubert  
c/o Congressman William Carney  
1113 Longworth House Office  
Building  
Washington, DC 20515

Docketing and Service  
Branch (3)  
Office of the Secretary  
United States Nuclear  
Regulatory Commission  
Washington, DC 20555

Mr. Marc W. Goldsmith  
Energy Research Group  
4001 Totten Pond Road  
Waltham, Massachusetts 02154

Robert E. Smith, Esq.  
Rosenman Colin Freund Lewis  
& Cohen  
575 Madison Avenue  
New York, N.Y. 10022

Alan R. Dynner, Esq.\*\*  
Kirkpatrick & Lockhart  
1900 M Street, N.W.  
Washington, D.C. 20036

Robert G. Perlis, Esq.\*\*  
U.S. Nuclear Regulatory  
Commission  
7735 Old Georgetown Road  
Maryland National Bank Bldg.  
Bethesda, Maryland 20814

MHB Technical Associates  
1723 Hamilton Avenue  
Suite K  
San Jose, California 95125

Howard L. Blau  
217 Newbridge Road  
Hicksville, NY 11801

*Kathy E. B. McCleskey*  
Kathy E. B. McCleskey *ex*

Hunton & Williams  
707 East Main Street  
Richmond, Virginia 23219

DATED: May 31, 1985