

DANIEL P. MOYNIHAN  
NEW YORK

**United States Senate**

WASHINGTON, D.C. 20510

February 5, 1985

Duck  
Roe  
R. L.  
Stella  
L. Cunningham  
Denton  
Hurley  
Taylor

DM 2/18/85

Dear Mr. Chairman and Commissioners:

I have read the enclosed letter from Governor Cuomo to the Commission. I fail to understand the Commission's refusal to hear oral arguments by New York State's representatives on the pending Shoreham licensing issues. The people of New York are entitled to present their claims, and the Commissioners' should provide an attentive and fair forum in which this can be done. Should you think otherwise, I would request an immediate explanation.

Sincerely,

  
Daniel Patrick Moynihan

Honorable Nunzio J. Palladino, Chairman  
and Members  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555

2/5...To OGC to Prepare Response for Signature of Chairman and Comm  
Review...Date due: Feb 14...Cpys to: RF, EDO, OCA to Ack..85-82

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D/S



STATE OF NEW YORK  
EXECUTIVE CHAMBER  
ALBANY 12224

MARIO M. CUOMO  
GOVERNOR

February 1, 1985

Dear Mr. Chairman and Commissioners:

Through legal pleadings filed by my Special Counsel, Fabian G. Palomino, Esq., the State of New York has requested the opportunity to present oral argument before the Commission as to why a low power license should not be issued for the Shoreham Nuclear Power Plant. The State was joined in that request by the County of Suffolk. To date, the Commission has not responded.

New York State has within its jurisdiction several operating nuclear power plants. To provide protection for the public's safety, there must be a relationship of openness and cooperation between the Commission and the State. The Shoreham licensing proceeding is thus a litmus test of that relationship and of how the Commission views the public's interests and the voice of elected governments.

The opposition of New York State and Suffolk County to issuance of a low power license for Shoreham is deeply rooted in law, good sense, and compelling logic. I can conceive of no reason that would justify the Commission foreclosing the public's representatives from presenting their positions through oral argument, nor any reason the Commission would not seize the opportunity to benefit from personal dialogue at such a session.

Accordingly, given the significance of the Shoreham low power license to the people of New York State, I hereby request that the opportunity be afforded my Special Counsel to appear personally before your Commission and orally argue in opposition the issuance of such a license.

Very truly yours,

*Mario M. Cuomo*

Honorable Nunzio J. Palladino, Chairman  
and Members  
U.S. Nuclear Regulatory Commission  
Washington, D. C. 20555

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