



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D. C. 20555

May 22, 1987

Shoreham 2
entire document
WP
MM
PC
MB
MN
RB

MEMORANDUM FOR: Samuel J. Chilk
Secretary of the Commission

FROM: Lando W. Zech, Jr. *Lando W. Zech Jr.*

SUBJECT: SUMMARY OF CONVERSATION WITH CONGRESSMAN HOCHBRUECKNER

The following is a summary of an April 14, 1987 telephone conversation between Congressman George J. Hochbrueckner and myself.

Congressman Hochbrueckner was concerned primarily with the procedural aspects of how the LILCO request for a 25% license would be handled. I explained that the request had been received that very day and that the Commission had not yet reviewed it. I indicated that the request was with the General Counsel's office and that OGC eventually would recommend a course of action on the request to the Commission. The Congressman then reiterated several of the points he had made at the Commission's February 24, 1987 public meeting on the proposed emergency planning rule change. He also discussed alternative sources of power for LILCO customers, i.e. that LILCO customers would have plenty of power without Shoreham if garbage was burned as a source of power. The Congressman also asserted that LILCO must have had some signal that the Commission would approve the 25% request, or else it wouldn't have made the request.

10 CFR 2.780(c) prohibits oral ex parte communications, and prescribes that where such communications occur, the recipient is to place in the PDR and to serve on the parties and the communicator a summary of the communication. It does not appear to me that discussions of the procedural status of a motion would amount to ex parte contact requiring notification to the parties to Shoreham proceeding. Also, I originally did not consider the reiteration of points made at our public meeting to be of an ex parte nature. However, I now understand that the parties' filings on the 25% request have raised the issue of whether the license is needed. Thus, the conversation might be viewed by some as an ex parte communication to the extent that it concerned alternative power sources for LILCO customers.

Alj

Accordingly, to ensure compliance with § 2.780(c), please place this memorandum in the PDR and serve it on the parties to the Shoreham proceeding and on Congressman Hochbrueckner. Also, to ensure the completeness of the record of our proposed emergency planning rule (52 Fed. Reg. 6980), please place this memorandum in that record.

cc: Commissioner Asselstine
Commissioner Bernthal
Commissioner Carr
OGC ✓
SECY