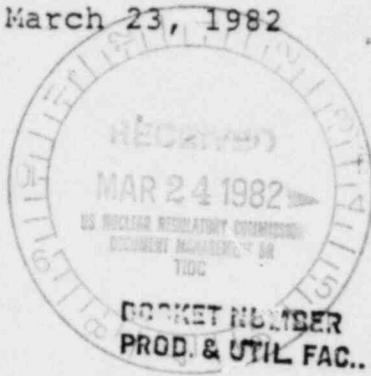




UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D. C. 20555

March 23, 1982



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Mr. Peter F. Cohalan
Suffolk County Executive
Office of the Suffolk
County Executive
Veterans Memorial Highway
Hauppauge, NY 11788

Dear Mr. Cohalan:

I am responding to your March 5, 1982 letter to Chairman Palladino regarding the Nuclear Regulatory Commission's February 26, 1982 monthly status report to Congress. In your letter, you expressed concern that the projected dates given in the status report, as well as certain statements in the footnotes to the report, are inappropriate as expressions of the Commission's prejudgment of the outcome of ongoing licensing proceedings, most particularly that relating to the Shoreham Nuclear Power Station.

The monthly status report is an effort to fulfill the request of Congress that it be apprised regularly of the status of the various licensing proceedings being conducted by the NRC. Any projected date given in the report is only an estimate, based on the most current information available, about when a particular phase of a proceeding is likely to commence or be completed; it is not a judgment about what result that proceeding should yield. Likewise, the explanatory material in the footnotes that accompany the report are designed to impart background information concerning a particular proceeding or the licensing process in general and are not in any way a prediction of the result in any adjudicatory proceeding.

As illustrative of this principle, I note the items referenced in your letter, including the projected date for an Atomic Safety and Licensing Board decision in the Shoreham case and footnote to the report concerning issuance of a low-power license, restricted to five percent power, following a licensing board ruling. The potential decision date is only an estimate of when the licensing board will reach a determination of the issues in the proceeding, not a statement of what that determination will be. Similarly, footnote 3 is intended to indicate only that

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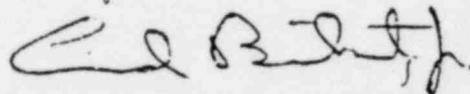
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Mr. Peter F. Cohalan

in the event of a licensing board ruling that is favorable to the applicant's request for an operating license, consistent with present agency practice a license may be granted that initially is limited to low-power testing. This would remain in effect while the Commission considers whether full-power operation may proceed pending further merits review of the licensing board's decision.

The NRC's February 26 compilation of estimated dates for the milestones in the licensing process for all pending construction permit operating license applications is thus not a prejudgment of the outcome of any particular proceeding. Clearly, it is the obligation of any adjudicatory body considering a given case, whether it be the Commission or a licensing or appeal board, to study thoroughly and objectively the issues that are properly before it and render a full and fair determination of whether, consistent with the dictates of applicable law, a requested licensing action should be approved.

Sincerely,

A handwritten signature in cursive script, appearing to read "L. Bickwit, Jr.", written in dark ink.

Leonard Bickwit, Jr.
General Counsel