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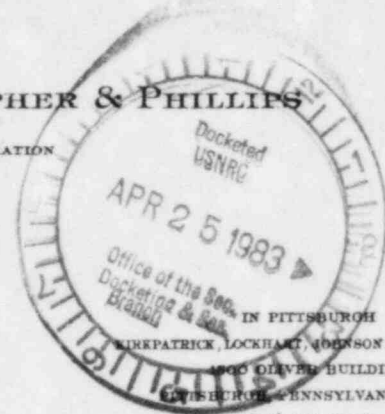
WASHINGTON, D. C. 20036

April 21, 1983

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SERVED APR 26 1983

Mr. Darrell G. Eisenhut
Director
Division of Licensing
Office of Nuclear Reactor Regulation
U.S. Nuclear Regulatory Commission
Room 528
Phillips Building
7920 Norfolk Avenue
Bethesda, Maryland 20814

Dear Mr. Eisenhut:

The purpose of this letter is to request a clarification of certain statements in your Memorandum to the Commissioners dated April 4, 1983, which accompanied Board Notification 83-44. Specifically, you stated:

On February 18, 1983, the Staff issued Board Notification No. 83-17 concerning allegations regarding Unresolved Safety Issue A-17, "Systems Interaction in Nuclear Power Plants." The Staff has considered the concerns raised in that affidavit and has determined that there is no basis for any change in the Staff's position regarding USI A-17. The enclosed testimony reaffirms the Staff position on USI A-17. We now consider this issue to be resolved.

In particular, we request an explanation of the two sentences which I have underlined.

To put this request in context, the following background information is necessary. As you know, James H. Conran, a staff member in the Office of Nuclear Reactor Regulation, has

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submitted a Differing Professional Opinion dated March 31, 1983, relating to Unresolved Safety Issue A-17 and safety classification ("DPO"). Mr. Conran prepared his DPO following his submission to the Shoreham Licensing Board of an Affidavit which noted changes in his previous testimony on those two subjects in the Shoreham proceeding. (Mr. Conran's Affidavit is referred to in your memorandum as Board Notification 83-17.) The DPO includes Mr. Conran's Affidavit in its entirety, and discusses, among other things, Mr. Conran's concerns and recommendations regarding USI A-17. The Shoreham Board reopened the record on the systems interaction and safety classification contention addressed by Mr. Conran, and admitted his Affidavit into evidence. The Staff and Suffolk County subsequently filed testimony addressing the matters raised by Mr. Conran, and a hearing was held on those matters during the week of April 4, 1983. Mr. Conran's DPO was also discussed on the record. The testimony enclosed with your memorandum is that recently filed by the Staff in the Shoreham proceeding.

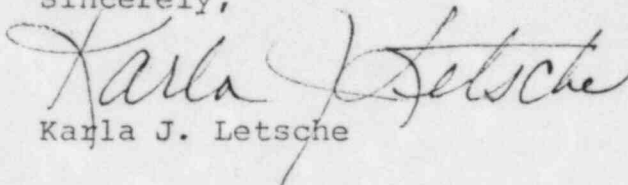
Your assertions that the Staff "has determined that there is no basis for any change in the Staff's position regarding USI A-17," and that "[w]e now consider this issue to be resolved" appear to conflict with the facts regarding the current status of Mr. Conran's DPO. It is our understanding that the DPO is being addressed by the Office of Nuclear Reactor Regulation in accordance with the procedures contained in NRR Manual Chapter 4125. We also understand that Mr. Denton, on behalf of the Office of Nuclear Reactor Regulation, has not yet formally responded to the concerns raised by Mr. Conran in his DPO, and that such response will not be forthcoming until he has received the results of an independent internal investigation of those concerns which has been instituted at Mr. Denton's request. Since Mr. Conran's DPO has not yet been resolved, and Mr. Denton has not yet issued the Staff response to Mr. Conran's concerns raised in the DPO, please explain what you meant by your statement that the USI A-17 "issue" raised by Mr. Conran is considered by the Staff "to be resolved."

Because this is a matter currently at issue in the pending Shoreham proceeding, the requested clarification should be

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provided to the recipients of the referenced Board Notifica-
tions as expeditiously as possible.

Sincerely,


Karla J. Letsche

KJL/dc

cc: Chairman Palladino
Commissioner Gilinsky
Commissioner Ahearne
Commissioner Roberts
Commissioner Asselstine
Richard J. Rawson, Esquire
T. S. Ellis, III, Esquire
Mr. James H. Conran