



CHAIRMAN

UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
WASHINGTON, D. C. 20555  
November 18, 1982

MEMORANDUM FOR: Commissioner Gilinsky  
Commissioner Ahearne  
Commissioner Roberts  
Commissioner Asselstine

FROM: Nunzio J. Palladino *NJP*

SUBJECT: SUFFOLK COUNTY LETTER TO COMMISSION  
REGARDING EVIDENTIARY DEPOSITIONS IN  
SHOREHAM PROCEEDING

I am inclined to agree that we should not step in, at this time, to stop the "evidentiary deposition" procedure which the Board appears ready to adopt.

However, I am concerned that the draft OGC response will be interpreted as entirely a brush-off. I suggest we add a paragraph concerning the substance of the issue, and I attach such a paragraph for your consideration.

Attachment:  
As stated

cc: OGC  
OPE  
SECY

8412070212 840523  
PDR FOIA  
BELAIR84-250 PDR

CHAIRMAN PALLADINO'S MODIFICATION TO  
SUFFOLK COUNTY RESPONSE

Insert after the second paragraph of Attachment 2 the following paragraph:

We do not intend to prejudge the outcome of legal objections, present or future, to the "evidentiary deposition" procedure. However, based on our understanding of the proposed procedure, at present, no party is being asked to forego cross-examination in public session or the opportunity to make relevant objections before the Licensing Board. Further, we would expect the Board to be thoroughly familiar with the entire deposition record when it rules on admissibility issues. Finally, it appears that the proposed procedure does not preclude a party from requesting cross-examination before the Board when, for example, the party demonstrates that the Board's observation of the witness is essential.



# NASSAU DEMOCRATIC COUNTY COMMITTEE

MARTIN L.  
MELLMAN  
CHAIRMAN

22 JERICHO TURNPIKE, MINEOLA, NEW YORK, 11501 (516) 747-7400

May 7, 1982

Hon. Daniel Patrick Moynihan  
733 Third Ave.  
New York, N.Y. 10017

Dear Senator Moynihan,

Residents of Nassau County are concerned about an amendment to the Nuclear Regulatory Commission's 1983 budget authorization bill (H.R. 2330, S.2982) that would give the Nuclear Regulatory Commission the authority to issue a utility an interim license for the fuel loading and testing of a nuclear power plant up to five per cent power before the granting of a full operating license by the N.R.C.

Such an interim license subverts the N.R.C.'s safety regulatory process. It serves LILCO's interest while denying the public full protection. It is particularly objectionable given Suffolk County's authorization of a complete and independent physical inspection and design review of all critical safety systems, to be completed before any interim or full operating license is granted for the Shoreham plant.

The N.R.C. authorization bill is now before the Senate-House Conference Committee. I urge you to take the necessary steps to insure the defeating of this provision. At the very least, action should be taken to insure the interim licensing provision stands only for 1982-83.

Please keep me informed as to your action and progress on this matter. Many local committeepeople and club members are interested in this matter and would appreciate your guidance as to the next effective steps they can take at this time.

Your efforts on our behalf will be much appreciated.

Sincerely,

Martin L. Mellman  
Chairman

- cc: Hon. Alphonse D'Amato
- Hon. Thomas Downey
- Hon. Thomas O'Neill
- Hon. Dominic Baranello
- Hon. Wayne Prospect
- Chairman N. Palladino

No. 0512 Logging Date 5/13/82  
 NRC SECRETARIAT  
 TO:  Commissioner  
 Exec. Dir./Oper. *C. Cunningham*  
 Cong. Liaison *Cy. Dendon*  
 Public Affairs  
 \_\_\_\_\_  
 Gen. Counsel  
 Solicitor  
 Secretary  
 Inspector & Auditor  
 Policy Evaluation

1. HRD  
 2. Esposito  
~~\_\_\_\_\_~~  
 (LB 2)  
~~\_\_\_\_\_~~  
 B  
 R. Gilbert  
 (info)

Incoming: Martin Mellman  
 From: Nassau Democratic County Committee  
 To: Sen D. Moynihan  
 cc: Palladino Date 5/7/82  
 Subject: concerned about an amdt to the NRC's 1983  
budget authorization bill H.R. 2330, S. 2982--interim lic for  
fuel loading and testing of a nuc power plant

- Prepare reply for signature of:
- Chairman
  - Commissioner \_\_\_\_\_
  - EDO, GC, CI., SOL, PA, SECY, IA, PE
  - Signature block omitted
  - \_\_\_\_\_
  - Return original of incoming with response

- For direct reply\*
- For appropriate action
- For information

Remarks: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

For the Commission: bac  
 \*Send three (3) copies of reply to Secy Correspondence and Records Branch

NRC FORM 62A  
 (3-82)

Rec'd Off. EDO  
 Date 5/14/82 ACTION SLIP  
 Time \_\_\_\_\_

NRK