



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

50-322...
OL-4

January 4, 1985

CS JAN 7 10:27

RECEIVED
OUTLET

The Honorable William Carney
United States House of
Representatives
Washington, D.C. 20515

SENT JAN 7

Dear Congressman Carney:

Thank you for your letter to the Commission of December 3, 1984. You stated your concern that the regulatory process regarding the Shoreham Nuclear Power Plant should be fair to all parties. The Commission subscribes to that view; it is essential both that decisions of the Nuclear Regulatory Commission be sound technically, thereby fulfilling its mandate to protect the health and safety of the public, and that its procedures assure fairness to all.

With regard to the particular substantive issue raised in your letter (i.e., whether low power testing may proceed pending resolution of emergency planning issues), this is an issue in controversy among the parties to the Shoreham adjudication. You will understand, therefore, that the Commissioners' role as adjudicators in the proceeding means that they are barred from addressing the merits of that issue except in an adjudicatory context on the record of the proceeding.

Sincerely,

Herzel H. E. Plaine
General Counsel

8501080411 850104
PDR ADOCK 05000322
G PDR

DS02