



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

January 4, 1985

The Honorable Thomas J. Downey
United States House of
Representatives
Washington, D.C. 20515

Dear Congressman Downey:

Thank you for your letter of December 1, 1984, which has been referred to me for reply. In it, you recommended that the Commission adopt the positions advocated by the State of New York and the County of Suffolk in the Shoreham operating license proceeding, and also asked that the Commission grant the request of those parties for oral argument before the Commission.

The Commission subscribes to the view that in administering the regulatory process, it must be fair to all parties; and that its decisions must be sound technically, thereby fulfilling its mandate to protect the health and safety of the public.

With regard to the substantive issues you raise, these are matters in controversy among the parties to the Shoreham adjudication. I trust you will understand, therefore, that the Commissioners' role as adjudicators in the proceeding means that they are barred from addressing the merits of those issues except in an adjudicatory context on the record of the proceeding.

With respect to the one procedural issue you raised, the Commission will weigh carefully whether its decisional process would be assisted by oral argument, in addition to the written submissions of the parties.

Sincerely,

A handwritten signature in cursive script that reads "Herzel H. E. Plaine".

Herzel H. E. Plaine
General Counsel

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