



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

APR 1 8 1982

SECRETARIAT RECORD COPY

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

Dear Congressman Downey:

I am responding to your letter to the Commission dated March 25, 1982, regarding the scheduling of hearings in the Shoreham proceeding. Because the Commission may have to review the actions of the Licensing Board, your letter has been referred to our office for response.


There are over 50 contentions which need to be resolved in the Shoreham case. The Atomic Safety and Licensing Board has scheduled hearings to begin on some of these contentions on May 4. It is the Board's position that those issues which can be dealt with now should be addressed without further delay. My understanding is that the Board expects that the hearings will last significantly longer than the four weeks you estimated, probably through most of the summer. In any case, all of the contentions will be thoroughly considered before a final decision is rendered.

You should be aware that the NRC staff issued the Safety Evaluation Report on the Shoreham plant in April 1981 and a Supplemental SER in September 1981. The Advisory Committee on Reactor Safeguards completed its review in October 1981. In the case of Shoreham, hearings were delayed in order to try to reach a compromise with Suffolk County reducing the number of issues in contention. Such a compromise was agreed to by the County Executive and attorneys for the County but rejected by the County Legislature.

At the request of Congress, the Commission provides a monthly report on the status of 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 the result of that proceeding should yield.

Clearly, it is the obligation of any adjudicatory body considering a given case, whether it is 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,


Carlton Kammerer, Director
Office of Congressional Affairs

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