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March 6, 1985

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BY TELECOPY

James Meyer
Technical Assistant to
Commissioner Bernthal
United States Nuclear
Regulatory Commission
1717 H Street, N.W.
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DOCKET NUMBER

50-32000L

Dear Mr. Meyer:

Suffolk County was informed yesterday that on Friday, March 8, Commissioner Bernthal plans to visit the Shoreham plant for a site inspection. You have advised me today that the agenda for Friday's inspection includes the Diesel Generator Rooms (where the TDI emergency diesel generators are located); the emergency mobile diesels ("EMD's"), which LILCO relies upon in part to provide alternative onsite power pending resolution of the problems with the TDI diesels; the Colt Diesel Building; the Control Room; and the 8' elevation of the Reactor Building. You also informed me that Commissioner Bernthal may want to inspect the 60' elevation of the Reactor Building (drywell), if access to that area can be obtained without disrupting the licensee's activities.

Suffolk County has no objection to Commissioner Bernthal's plans to tour and inspect the Shoreham site, so long as the tour's only purpose is to permit the Commissioner to observe the status of the Shoreham plant. However, I understand from our discussions that, following the tour, there will be what you have characterized as a "roundtable" discussion between Commissioner Bernthal, the NRC Staff, and the licensee's personnel. Suffolk County objects to any such roundtable discussion. Shoreham is a contested, on-the-record licensing proceeding. Given that the Commissioner's

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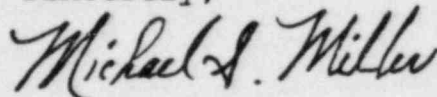
James Meyer
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proposed site visit includes inspection of areas which are or have been the subject of litigation (including the TDI diesel generators, which are currently being litigated before the Brenner licensing board, and the EMD's, which are in litigation following the Appeal Board's remand in ALAB-800), Suffolk County objects to any discussions between Commissioner Bernthal and representatives of LILCO or the NRC Staff relating to these or other contested aspects of the Shoreham plant. Such discussions would be prohibited by 10 CFR § 2.780.

Therefore, Suffolk County requests that, before beginning his site visit, Commissioner Bernthal explicitly instruct representatives of LILCO and the NRC Staff that there are to be no discussions or explanations by LILCO or the Staff regarding plant equipment and areas to be inspected by the Commissioner, other than in response to inquiries to clarify matters being observed. Further, we request that the scheduled post-tour roundtable discussion be cancelled, since the contested nature of the Shoreham proceeding makes inappropriate any such off-the-record meeting between the Commissioner, the licensee, and the Staff.

We have been advised by the Special Counsel to Governor Cuomo to state that the State of New York agrees with the contents of this letter.

Sincerely,



Michael S. Miller

cc: John C. Gallagher, Chief
Deputy County Executive
Service List

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

Before the Commission

In the Matter of)
)
)

LONG ISLAND LIGHTING COMPANY)

Docket No. 50-322-OL

(Shoreham Nuclear Power Station,)
Unit 1))
_____)

CERTIFICATE OF SERVICE

I hereby certify that copies of a letter from Michael S. Miller, Esq. to James Meyer, dated March 6, 1985 has been served on the following this 6th day of March, 1985 by U.S. mail, first class, except as otherwise noted.

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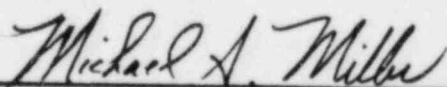
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DATE: March 6, 1985

* By Hand on 3/7/85
** By Telecopy
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