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UNITED STATES
NUCLEAR REGULATORY COMMISSION
ATOMIC SAFETY AND LICENSING BOARD PANEL
WASHINGTON, D.C. 20555

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OFFICE OF THE
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The Honorable Alfonse M. D'Amato
United States Senator
Washington, D.C. 20510

SERVED OCT 20 1986

Dear Senator D'Amato:

This is in response to your letter of October 14, 1986 concerning the reconstitution of the Atomic Safety and Licensing Board presiding in the emergency planning exercise segment of the Shoreham proceeding.

First, let me say that there seems to have been some confusion as to the scope of the proceedings affected by the reconstitution. This is understandable given the number of issues pending in the Shoreham case. Consequently, I have submitted a clarification of the Notice of Reconstitution for publication in the Federal Register. A copy is enclosed.

As you will note, Judges Margulies, Kline and Shon will continue to preside over the bulk of the emergency planning issues in Shoreham, including all matters that have been the subject of extensive prior litigation. The reconstituted Board of Judges Frye, Paris and Shon will preside only in the proceedings related to the emergency planning exercise. Hearings on this issue were instituted pursuant to a June 6, 1986 Commission order and do not involve "tens of thousands of pages . . . compiled in the nearly five-year history of the Shoreham case."

Last week, Judge Margulies advised me that it was his Board's opinion upon completing the admission of issues in the exercise case, that all pending proceedings in Shoreham could not be heard in anything like a reasonably timely fashion by a single Board. For that reason, I established the reconstituted Board to handle the newer, less developed emergency planning exercise hearing.

In complex NRC proceedings, segregation of specific hearing issues for consideration by separate licensing boards has been a normal case management procedure for many years. In Shoreham itself, emergency planning was assigned to a separate board long before the original board had completed consideration of other safety and environmental issues. Similarly, the Seabrook proceeding in New Hampshire is being handled by two licensing boards.

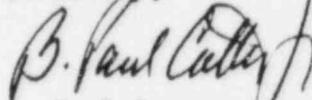
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My sole concern in responding to the excessive workload created by the expanding Shoreham emergency planning proceeding was to assure that all issues are heard fully without unnecessary delay. I believe it is that commitment to which the residents of Long Island are entitled.

Sincerely,



B. Paul Cotter, Jr.
Chief Administrative Judge

Enclosure

✓ cc: Service List - Shoreham/Emergency Planning, Docket No. 50-322-OL-3
Shoreham/EP Exercise, Docket No. 50-322-OL-5