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March 29, 1983

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USNRC

(BY HAND)

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Nunzio J. Palladino, Chairman  
Comm. Victor Gilinsky  
Comm. James K. Asselstine  
Comm. John F. Ahearne  
Comm. Thomas M. Roberts  
U.S. Nuclear Regulatory Commission  
1717 H Street, N.W.  
Washington, D.C. 20036

Re: Shoreham Nuclear Power Station;  
Docket No. 50-322

Gentlemen:

We were informed late last week by the General Counsel's office that a Commission briefing has been scheduled for 2:00 p.m., March 31, 1983, on the subject of Systems Interactions. Staff counsel has informed us that the NRR Staff members who will conduct the briefing, Messrs. Themis Spies and Frank Coffman, intend to discuss, among other things, the Staff's program for resolution of Unresolved Safety Issue ("USI") A-17, and the concerns raised by Staff member, James Conran, regarding the current status of that program. We understand further that Staff members Conran and Ashok Thadani will be present and available to answer Commission questions during the briefing.

The current status of the Staff's USI A-17 program, as well as Mr. Conran's concerns relating to that program, are the subject of ongoing litigation in the Shoreham operating license proceeding. Indeed, to our knowledge, Mr. Conran's concerns about USI A-17 were first made public in an Affidavit filed February 9, 1983 with the Shoreham ASLB. In filing the Affidavit, Mr. Conran made clear that he could no longer support certain conclusions which were based on testimony he and other NRR members had sponsored during the Shoreham proceeding. That testimony related to Suffolk County Contention 7B, which concerns systems interaction and safety classification. The Staff testimony on this Contention was prefiled May 25, 1982 and was examined during July 1982. The Staff witness panel which sponsored the original Staff testimony included Messrs. Speis and Thadani, as well as Mr. Conran.

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As a result of the views expressed by Mr. Conran in his Affidavit, the Shoreham ASLB, on February 24, 1983, reopened the record on Contention 7B. Pursuant to that ruling, Mr. Conran's Affidavit was admitted into evidence, and both the Staff and Suffolk County have, within the past three weeks, submitted testimony addressing the matters raised in the Affidavit. The Staff's testimony on USI A-17 and Mr. Conran's related concerns, filed on March 10, 1983, was sponsored by Messrs. Coffman and Thadani. The corresponding Suffolk County testimony was filed on March 23, 1983. A hearing on the testimony is scheduled to begin before the ASLB in Long Island on April 5, 1983.

Although we have been told that the March 31 Commission briefing is intended to cover generic issues, Shoreham-related matters seem likely to be discussed, since the precise issues to be covered in the briefing -- i.e., the current status of the program to resolve USI A-17 and Mr. Conran's concerns as stated in his February 9 Affidavit -- are the central topics in the Shoreham litigation currently in progress. Furthermore, the Staff participants in the Commission briefing are the sponsors of testimony filed two weeks ago and scheduled to be litigated next week in the Shoreham proceeding.

Any discussion during the Commission briefing of matters in controversy in the Shoreham proceeding would potentially constitute a violation of the Commission's rules pertaining to ex parte communications (see 10 C.F.R. Sec. 2.780). In addition, the discussion of Shoreham-related matters, without Suffolk County having an opportunity to express to the Commission its views on those matters, would be potentially one-sided and might result in the Commission receiving an incomplete view of the facts.

Suffolk County has participated actively in the litigation of the systems interactions issue in the Shoreham proceeding, and has strong views about both the adequacy of the Staff's USI A-17 program and the concerns raised by Mr. Conran. With adequate notice, the County would have been pleased to present those views


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to the Commission on Thursday as part of the overall briefing. In any event, Suffolk County hereby requests the opportunity to make such a presentation to the Commission should the systems interaction briefing raise any Shoreham-related issues.

Respectfully submitted,

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