

U.S. HOUSE OF REPRESENTATIVES
SUBCOMMITTEE ON ENERGY CONSERVATION
AND POWER
OF THE
COMMITTEE ON ENERGY AND COMMERCE
WASHINGTON, D.C. 20515

May 5, 1983

The Honorable Nunzio Palladino
Chairman
Nuclear Regulatory Commission
Washington, D.C. 20555

Dear Mr. Chairman:

The Commission Order dated May 5, 1983, regarding the finding by the Federal Emergency Management Agency that the emergency preparedness at the Indian Point nuclear power plants was inadequate, requested "licensees, interested federal agencies and affected State and local governments" to supply "their views on the FEMA report and on the question of shutdown." (CLI-83-11, p.3) These parties have also been offered the opportunity to make oral presentations to the Commission on May 26, 1983.

The Commission's regulations require that the views of the licensees be considered on the need for and effect of the Commission's proposal to require shutdown [10 CFR 50.54(s)(2)(ii)]. Under the proposal, shutdown will occur unless the licensee can demonstrate:

- a. adequate interim compensating actions have been or will be taken promptly, or
- b. the deficiencies identified by FEMA as significant are not significant, or,
- c. other compelling reasons exist to permit operation of the facility, established in the Commission's regulations.

The Commission has gone further, however, and requested the views of interested federal agencies and affected local and State governments on these issues. In my view, it is imperative that the Commission also consider the views of the parties to the Indian Point Safety Investigation, who have spent considerable time and money to participate in the Safety Investigation addressing very similar issues. This would ensure that the Commission had all relevant information prior to its decision scheduled for June 9, 1983.

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I trust that the failure of the Commission to specify that the views of the public will be considered was an oversight and would not prevent the Commission from receiving the written and oral views of the "interested and affected" citizens who live in proximity to the plants.

I therefore, request that the Commission clarify its order to prevent such an anomalous situation from occurring, or explain the need to proceed in the absence of considering those views. I would appreciate receiving your response by May 11, 1983.

Sincerely,

Richard L. Ottinger

Richard L. Ottinger
Chairman

RLO/jvw