



CHAIRMAN

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

APR 27 1981

The Honorable Richard Ottinger
United States House of Representatives
Washington, DC 20515

Dear Congressman Ottinger:

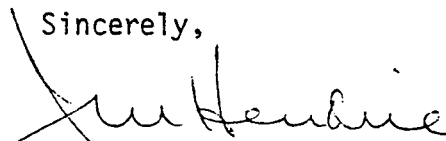
You and other members of the New York Congressional delegation have inquired about the Commission's delay in appointing a Board to conduct the proceeding ordered by the Commission for the Indian Point nuclear facility. As you point out, the Commission issued its order defining the scope of this proceeding on January 9, 1981.

My records show that then-Chairman Ahearne circulated to the Commission on January 14, 1981 the resumes of the Board members proposed by the Chairman of the Atomic Safety and Licensing Board Panel for the proceeding. The Commission met several times soon thereafter to discuss the appointment of the Board. The Commission has been evenly divided on these appointments from the beginning and none of the subsequent discussions have settled the issue.

As Chairman, I have occasionally chosen to switch my own vote in the event of an even division of the Commission, in order to produce a majority decision in circumstances where I felt that any decision was better than inaction. I do not regard the present situation with the Indian Point Board as such a circumstance. The appointment of the Board will, therefore, remain an open issue before the Commission until a fifth Commissioner is confirmed or one of my colleagues changes his mind.

You have asked that the Commission either appoint a Board for the Indian Point proceeding within seven days of your April 20th letter or supply an explanation as to why we have not taken action. In view of the short time requested for a reply to your letter, I have drafted this personal answer to you. The comments of Commissioner Ahearne are attached.

Sincerely,


Joseph M. Hendrie

Enclosure:
As stated

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