



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

CONFIDENTIAL

January 19, 1981

The Honorable Toby Moffett
Chairman, Environment, Energy,
and Natural Resources Subcommittee
Committee on Government Operations
U. S. House of Representatives
Washington, D. C. 20515

Dear Chairman Moffett:

This is to respond to your letter of January 3, 1981, dealing with emergency planning at the Bailly Generating Station, Nuclear-1.

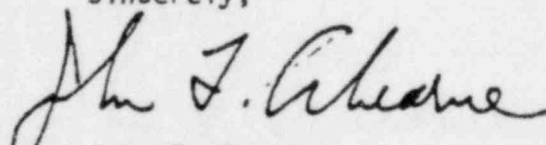
The Bailly facility has less than 1 percent of construction complete. Construction was halted in 1977 because of a disagreement between NRC and the licensee regarding the type of foundation structure to be used. Subsequently the construction permit time ended. The licensee has requested an extension of the permit. This issue is now before a Licensing Board.

The Commission is actively addressing at this time the issue of the problems posed by the Bailly site; emergency planning considerations are prominent among them. The Commissioners have been reconsidering the appropriateness of this site since August, primarily because of the factors mentioned in your letter. At the same time, the Director of Nuclear Reactor Regulation has been examining a 2.206 petition concerning many of the same points. We will be pleased to inform you of the Commission's resolution of this question as soon as a determination is reached.

However, we do believe it important to note that emergency planning is required to be completed prior to receiving an operating license, not a construction permit. At construction permit time, we should be convinced emergency planning is feasible, not completed. There are 5-7 years in which to then develop emergency plans and implementing systems. Consequently, we can assure you that if the CP extension is granted, the Commission will have assured itself emergency planning can be done adequately, not that it has been completed.

If I can provide further information, please ask.

Sincerely,


John F. Ahearne

cc: Rep. Paul N. McCloskey, Jr.

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Congress of the United States
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SUBCOMMITTEE
OF THE
COMMITTEE ON GOVERNMENT OPERATIONS
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WASHINGTON, D.C. 20515

January 3, 1981

Honorable John F. Ahearne
Chairman
Nuclear Regulatory Commission
1717 H Street, N.W.
Washington, D.C. 20555

Dear Chairman Ahearne:

I would like to commend you and the Nuclear Regulatory Commission for the progress made in the past year in implementing effective emergency planning procedures around operating nuclear facilities. The Commission by its recent actions has implemented a number of the recommendations embodied in this Subcommittee's August 1979 report on emergency planning.

Nevertheless, I remain concerned that emergency planning still is not being taken as seriously as necessary by the Commission and the industry. A major indication of that continuing problem is the ongoing consideration of the Bailly nuclear plant, now in the earliest stages of construction near Gary, Indiana.

Information that the Subcommittee has received and which has been widely discussed indicates that that site is particularly problematic from an emergency planning standpoint. The site's proximity to a major steel factory and a national seashore pose extraordinarily difficult challenges for such minimal emergency responses as evacuation of the site and nearby areas likely to be affected by an accident involving release of radiation.

What concerns me at this juncture is that it is not yet clear that the Commission is taking all the necessary steps to insure that adequate emergency plans are designed -- if possible for the Bailly site -- before construction proceeds to an advanced stage. As you know, only some 1 percent of the construction work on the plant has been completed to date, and little construction has occurred for months. Therefore now is the time to make sure that emergency planning considerations have been fully addressed, not later.

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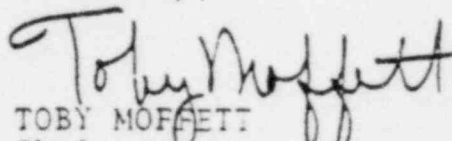
Honorable John F. Ahearne
Page Two

We have seen too frequently how utilities have been permitted to proceed to make major capital investments over a period of time, then permitted by the NRC and other authorities to bootstrap their way into further obligations to questionable projects because of the already-committed capital. Such a manner of proceeding is not good planning, and in this instance would be incompatible with the NRC's claim to be genuinely committed to adequate emergency planning for nuclear accidents.

I am aware that the Commission proceedings regarding the Bailly plant are varied and complex at this stage. I do not propose to interfere with the NRC's handling of its proceedings. However, I do seek from you a direct commitment that the Commissioners of the NRC will themselves act to insure that adequate emergency planning for potential accidents at the Bailly site has been completed before further significant construction at the site is permitted. Should you as Commissioners be unable to determine that adequate emergency planning at this site is possible and that it has been done, further construction should be barred and the utility directed to abandon the project.

I would appreciate your response to this letter by January 19, 1981. Your response should indicate how the Commissioners will proceed to honor their stated commitment to adequate emergency planning in the specific context of this very important Bailly site. Thank you in advance for your cooperation.

Sincerely,


TOBY MOFFETT
Chairman

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