



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

May 5, 1981

OFFICE OF THE  
COMMISSIONER

The Honorable Tom Beville, Chairman  
Subcommittee on Energy & Water Development  
Committee on Appropriations  
United States House of Representatives  
Washington, D.C. 20515



Dear Mr. Chairman:

I note that you have requested commissioner views regarding the benefits, possible problems, and questions of interpretation in the three general provisions included in the supplemental appropriations bill for FY 1981. I agree with the problems that Chairman Hendrie has set forth in his letter to you, and the time available does not allow for a detailed discussion of all other issues. Nonetheless, here are a few problems that I thought I should call to your attention:

- 1) It is not at all clear that nuclear power plants can legally be licensed under the proposed provisions together with the prohibitions in the accompanying report. There may well be proceedings in which the findings mandated either by the Atomic Energy Act or the National Environmental Policy Act cannot be made without expenditures of the sort prohibited by this legislation. Therefore, it is possible that either this Commission or the courts will reject the licensing of some nuclear power plants that could be licensed in the absence of this legislation.
- 2) The Commission has, as you know, proposed legislation that would save more time than the measures proposed in the Appropriations Bill. This legislation would permit the NRC to allow low-power testing at facilities while hearings were still in process. Unlike the measures in the Appropriations Bill, such low-power testing would not compromise the basic integrity of the hearing process, and it would focus the assistance on the plants that were actually being idled after the time that they were ready for operation. However, it does not make sense to spend time on two different sets of reforms to the same problem, so passage of the Appropriations Bill provisions may preclude work on the other more effective measures.
- 3) With all due respect, the best that can be said for the measures restricting commissioner staff, consultant assistance, and travel that appear in the Committee Report is that they are frivolous and misguided. No study of the NRC (and we are the most heavily-studied agency in history) has suggested that

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these are problem areas. Furthermore, I can assure you that I will not vote to license a nuclear power plant unless I am persuaded that it poses no threat to the public health and safety. If a site visit, or a report from a special consultant, or the work of a personal staff member is necessary to provide that assurance, I will not vote for the license until those actions are taken. Therefore, this measure has the potential to compromise safety or to delay licensing.

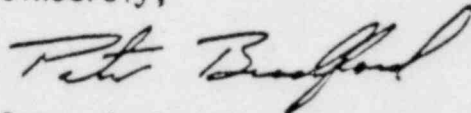
I should also note some perhaps unintended side effects of the provision on travel. For one thing, it seems to preclude commissioner travel across the state line to Bethesda, where most of our employees work. It could also be read to prohibit commissioner travel to testify before Congress. It would clearly prohibit commissioner visits to our regional offices located around the country or to nuclear power plant sites. It would also prohibit commissioner travel to International Atomic Energy Agency meetings on safety and safeguards. Not only is such travel important to any commissioner's ability to be informed on safety matters, but it suggests the absurd possibility that a new commissioner appointed in the next few months would be unable to visit either regional offices or reactor sites or even the 80% of the Commission staff who work in Maryland. The only "entertaining" we do involves about 4-6 lunches per year for foreign safety and nuclear officials who are interested in U.S. exports and regulatory policy and in relaxing our siting standards.

- 4) The statement that "no substantive changes . . . have been made . . . as a result of operating license hearings in the past six years" invites an erroneous conclusion to the effect that these hearings have no impact. The truth is that the need to go through a hearing has substantially reshaped recent staff and industry positions on issues such as hydrogen control. Furthermore, some contested issues, such as emergency planning, should have resulted in substantive changes but did not. Thus, the operating license hearings have a beneficial impact on the system that may not show up in direct "changes."
- 5) The proposed cut of \$10M in our budget can, under the guidance provided in the Committee Report, only come out of inspection and enforcement efforts or out of the safety research program. If I were investing in or insuring nuclear power plants, nothing would worry me more than the spectacle of industry lobbyists trying to get Congress to cut back on safety in this manner. In fact, if I were an investor, I would insist that the industry people responsible for urging these measures on your Committee be removed from further responsibility for nuclear matters before I were willing to invest in a nuclear utility again.

Nuclear power, with its substantial capital requirements and long construction lead times, needs predictability and stability above all else except safety. It simply cannot stand the kind of controversy and recrimination that these measures - and the method in which they were promulgated - will inevitably engender. What the public and potential investors alike require is a period of safe operation and gradual return to licensing at a pace consistent with safety, not a return to the tub thumping and mindless boosterism that characterized much nuclear regulation a few years ago.

All of the studies of Three Mile Island deplored the past pressures that existed within the Congress, the AEC, and the industry to take shortcuts on major regulatory matters. None of these studies cited intervenor contentions, sua sponte review, or commissioner staffing and travel as being among the problems of nuclear power. That is why the measures proposed to your Subcommittee and others in Congress by the Nuclear Regulatory Commission over the last few months offer a better solution to the licensing problems resulting from the Three Mile Island accident than the measures proposed for incorporation in the supplemental appropriations bill.

Sincerely,

A handwritten signature in dark ink, appearing to read "Peter Bradford", written in a cursive style.

Peter A. Bradford  
Commissioner

cc: Representative John Myers