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Udall
COMMITTEE ON INTERIOR AND INSULAR AFFAIRS

U.S. HOUSE OF REPRESENTATIVES

WASHINGTON, D.C. 20515

December 8, 1981

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REPUBLICAN COUNSEL

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

Dear Mr. Chairman:

I have been informed that the Commission may vote tomorrow on a request by the Secretary of Energy that the Commission itself use existing authority under 10 CFR Part 50.12 to decide whether or not to allow site preparation work to begin for the Clinch River Breeder Reactor (CRBR). Because the decision will establish a precedent and tone for future NRC licensing actions regarding the breeder reactor program, I would hope the Commission will resist pressures to act with undue haste on this matter. As chairman of the Committee with primary jurisdiction in the House over the nuclear regulatory process, I am concerned about the implications of the Commission's actions (pursuant to the Secretary's request) on the siting and licensing of the CRBR.

Existing regulations (10 CFR Part 50.10) provide for a procedure whereby site preparation and excavation and certain other onsite activities could be undertaken prior to the issuance of a construction permit for the CRBR. The purpose of this regulatory procedure is to lessen the impact of the licensing process on an applicant's construction schedule and expedite completion of the project. The Secretary has determined, however, that this orderly procedure is inadequate in the case of the CRBR. He has requested, therefore, that the Commission provide the extraordinary regulatory relief of granting an exemption (under 10 CFR Part 50.12) that would allow CRBR site preparation prior to and without fulfilling the requirements for issuance of a limited work authorization (LWA). To my knowledge, the Commission has not granted an exemption under 10 CFR Part 50.12 in a contested proceeding since the adoption of the LWA regulations in April 1974; a practice in keeping with the Commission policy of granting such exemptions sparingly and only in cases of undue hardship.

Prior to a final decision on the Secretary's request, I hope the Commission will consider fully the adequacy of established LWA procedures to allow a timely commencement of CRBR site

12/9...To OGC to Prepare Response for Signature of Chairman and Comm
 Review...Date due: Dec 23...Cpys to: Chm,Cmrs,PE,EDO,SECY,docket,OCA to Ack
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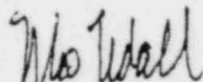
preparation while protecting the integrity of the licensing process and the rights of all parties to participate in the proceeding.

In addressing the Secretary's request that the Commission bypass the licensing board and decide itself on pre-LWA site work at Clinch River, consideration should be given to whether this is the most appropriate use of the Commissioners' time during a period when the Commission's resources are strained by the pressure to issue operating licenses for large numbers of reactors in the face of increasing indications of significant unresolved safety issues and major defects in quality assurance programs conducted during the construction process.

Finally, to the extent that Clinch River is intended as a demonstration of the commercialization potential of breeder reactors (including their ability to be licensed by NRC), it appears somewhat self-defeating to shortcut the normal licensing process at the first opportunity. In the event that the Commission grants the exemption sought by the Secretary, public confidence in the regulatory process as it applies to Clinch River and future breeders may suffer unnecessary and irreparable harm.

Thank you for your consideration of these views. I will watch your deliberations on this matter with great interest.

Sincerely,



MORRIS K. UDALL
Chairman

NEWS from:

COMMITTEE ON INTERIOR AND INSULAR AFFAIRS

Morris K. Udall, Chairman

U.S. House of Representatives, Washington, D.C. 20515

FOR RELEASE: December 9, 1981
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UDALL TO NRC: AVOID HASTE ON CLINCH RIVER

Congressman Morris K. Udall, D-Arizona, has urged the Nuclear Regulatory Commission to "resist pressures to act with undue haste" on a request from the Secretary of Energy to begin site preparation work on the Clinch River Breeder Reactor (CRBR) in March, 1982.

Udall, chairman of the House Interior and Insular Affairs Committee, which has primary jurisdiction over the nuclear regulatory process, said the commission decision "will establish a precedent and tone for future NRC licensing actions regarding the breeder reactor program."

On November 30, 1981, DOE Secretary James Edwards asked the commission to take the extraordinary step of granting Clinch River an exemption from existing regulations that allow site work to begin prior to issuance of a construction permit, but after issuance of a limited work authorization (LWA). The exemption sought by Secretary Edwards would allow CRBR site work to begin before LWA environmental requirements are met.

"In the event that the commission grants the exemption sought by the Secretary, public confidence in the regulatory process as it applies to Clinch River and future breeders may suffer unnecessary and irreparable harm," Udall said.

Udall's comments were contained in a letter to NRC Chairman Nunzio Palladino. (A complete text is attached.)