



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

50-247

August 5, 1982

The Honorable Richard Ottinger  
Chairman  
Subcommittee on Energy Conservation  
and Power  
Committee on Energy and Commerce  
United States House of Representatives  
Washington, DC 20515

Dear Mr. Chairman:

The Commission has received your recent letter of invitation regarding an August 16, 1982 hearing on our July 27, 1982 Memorandum and Order to the Atomic Safety and Licensing Board in the Indian Point Nuclear Power Station inquiry.

Regretfully, the Commission will be unable to appear on that date. Four of the five Commissioners, including myself, will be out of Washington on previously scheduled travel or leave on August 16. In my own case, I will be in State College, Pennsylvania engaged in last minute preparations for the wedding of my youngest daughter. Plans for having the wedding near the end of August were made months ago specifically with the idea in mind of avoiding any conflicts with Congressional hearings or major Commission business. However, even if I were to rearrange my own schedule to accommodate your request, I do not believe it would be appropriate for me to appear before the Subcommittee on this subject without my fellow Commissioners.

The Commission's Memorandum and Order to the Indian Point Board represents the collective expression of the Commission and, as such, speaks for itself. The individual Commissioners, as you know, differ in their views with respect to the need for and meaning of Section II D, which provides further guidance to the Board. I do not feel that any single Commissioner, including myself, could or should try to explain and justify the Commission's Order without all of the Commissioners being present.

There are, of course, legal limitations on the form and content of Commission discussions concerning any adjudicatory proceeding before it. The Commission as a legal matter must make its decision in the way it agreed to do, on the basis of submissions of the parties and our evaluations of those submissions. Our General Counsel has discussed with your staff the legal constraints on the Commission which are designed to insulate and protect the integrity of the regulatory process. Within these legal limitations, my fellow Commissioners and I could meet with the Subcommittee on the subject of Indian Point at a later date.

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