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Congress of the United States
House of Representatives
Washington, D.C. 20515

October 26, 1982

COMMITTEE ON
MERCHANT MARINE AND
FISHERIES

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FISHERIES, WILDLIFE CONSERVATION,
AND THE ENVIRONMENT

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SUBCOMMITTEES:
NATURAL RESOURCES, AGRICULTURE
RESEARCH AND ENVIRONMENT
(RANKING MINORITY MEMBER)
TRANSPORTATION, AVIATION
AND MATERIALS

Hon. Nunzio Paladino
Chairman
U.S. Nuclear Regulatory Commission
1717 H Street, N.W.
Washington, D.C. 20555

Dear Mr. Chairman:

Enclosed please find inquiries from two of my constituents, Mr. William Hafner and Mrs. Nancy Romaine, regarding NRC policy on a possible interim license for the Shoreham Nuclear Power Plant.

I would greatly appreciate any information you could provide that would help address their concerns about this issue.

Thank you for your attention to this matter.

With all good wishes, I am

Sincerely yours,


WILLIAM CARNEY, M.C.

WC:p1

Suffolk Nuclear Study Group

17 October 1982

Congressman William Carney
US House of Representatives
Washington, DC 20515

SUBJ: Interim operating licenses as per H.R. 2330
RE: My letter of 12 September and your reply of 14 October

Dear Mr. Carney,

Thank you for your reply to my letter regarding the above topic. While I appreciate the copy of the Committee Report which you forwarded, unfortunately, you failed to answer or even address my original concerns.

Since this organization is a modest attempt to take a responsible, mature, and professional approach to matters involving commercial nuclear power- in particular reactor safety- I would appreciate more comprehensive replies in the future.

Therefore, my referenced letter is being resubmitted for your re-evaluation. I trust my concerns will be given a more thorough consideration this time.

In addition, I am increasingly concerned that in it's effort to redirect resources to aid this accelerated licensing process, the NRC will drain already tight funding and manpower from safety-related areas. In discussions with the NRC staff it is hardly comforting to the public to be consistently told that "we agree but, quite honestly, we don't have the money or manpower..." I should know because it has happened to me on numerous occasions.

Furthermore, records indicate that the NRC failed to submit- despite repeated requests- information regarding the budgetary impact of these accelerated licensing provisions.

Even more disturbing, is that the Committee on Energy and Commerce somehow interpreted this administrative silence to mean that such new licensing provisions would not compromise agency safety activities. If the Committee did not have the necessary budgetary figures from the NRC, exactly how was the Committee able to make this determination especially in light of the fact that Commissioner Hendrie stated that the funds which would be needed to implement such interim licensing provisions would come from various technical assistance support programs? Certainly the Committee must have based their conclusion on official NRC sources rather than just the

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opinions of Commission representatives. What documentation was presented by the agency to show that various safety activities would not be compromised? If no such documentation was presented- as apparantly it wasn't- why did the members of the (sub)Committee not pursue the matter? One certainly can't help but wonder why those who had made requests of the Commission- which the Commission didn't answer- didn't follow up their initiatives. As a member of Congress who will shortly be expected to vote on the provisions of H.R. 2330, did you personally voice any questions on the matter??

Moreover, the Committee Report makes it quite clear that it in no way seeks to avoid the requirements of the normal licensing process and that the Committee will "exercise strong oversight activities to ensure that this directive is fully enforced." Please describe the specific "oversight" activities the Committee references and what provisions have been made to deal with possible violations.

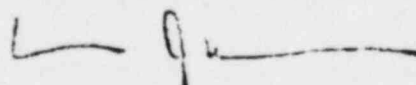
I find it somewhat ironic that in this Committee Report while referring to the Office of Nuclear Regulatory Research it clearly states:

Under the provisions of the Energy Reorganization act of 1974, which established the Nuclear Regulatory Commission as an independent regulatory agency, the Commission is prohibited from conducting original research which may be viewed as promoting nuclear energy and thereby compromise the Agency's Regulatory Integrity.

...Yet, here we find that very agency seeking regulatory amendments based on economic considerations... and a Congressional Committee going along with it.

Thank you for your time and awaiting your timely and comprehensive reply,

Sincerely,


William J. Hafner

Bill Hafner
54 Robinwood Street
Mastic, NY 11950
12 September 1982

Congressman William Carney
US House of Representatives
Washington, DC 20515

Dear Mr. Carney,

I wish to thank your staff for their prompt reply to my recent request for a copy of H.R. 2330. My major interest in this piece of legislation is that section which would amend the Atomic Energy Act of 1954 to permit the issuance of interim operating licenses prior to the completion of licensing hearings. The direct applicability to the Shoreham plant seems obvious enough.

However, I can't help but have doubts about the complete legality of the situation. According to the Federal Register of April 29, 1982 this NRC request is based largely, if not entirely, on economic considerations.

Yet according to the very act the Commission proposes to amend, NRC safety decisions are to be made on the basis of technical safety and its potential effect on members of the public. It should not involve economic considerations.

Nor does the Energy Reorganization Act of 1974 amend any of the substantive public health and safety and common defense and security standards set forth in the AEA of 1954. Basically, all this did was to separate the "regulators" from the "promoters."

In summary, it would seem that by proposing this amendment the NRC has not only exceeded its regulatory responsibilities as set forth in the AEA of 1954 but is now acting the role of "promoter" in what seems to be direct contrast to the spirit of Energy Reorganization Act of 1974.

Considering the potentially significant consequences of this amendment your feedback on this matter is requested.

Thank you,

Sincerely,

Bill Hafner

DATE: October 16, 1982

CALL OR VISIT TAKEN BY: aph

NAME: Mrs. Nancy Romaine

ADDRESS: 2615 Falcon Avenue

CITY, STATE: Medford, New York ZIP CODE 11763

HOME PHONE: _____ OFFICE PHONE: _____

BUSINESS ADDRESS, IF ANY: _____

SOCIAL SECURITY NO.: _____ V.A. CLAIM NO.: _____

ALIEN REGISTRATION NO.: _____ PASSPORT NO.: _____

OTHER PERTINENT IDENTIFYING NO.: _____ BIRTHDATE: _____

COMMENTS: Mrs. Romaine called because she just received the Congressman's letter regarding the temporary licensing of Shoreham. (H.R.2330). She is under the impression that if this bill is passed that it would prohibit the physical inspection of the plant by virtue of the fact that the low level radiation would make a complete inspection impossible. According to the Congressman's letter he feels that if this legislation passes it would not interfere with a complete inspection. She would appreciate it if the Congressman would clarify this for her.

CONGRESSMAN WILLIAM CARNEY
First District, New York