

JOEL DECKARD
8TH DISTRICT, INDIANA



DC 5A/Clinch
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PUBLIC WORKS AND
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Congress of the United States
House of Representatives
Washington, D.C. 20515

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January 22, 1982

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COMMISSIONER'S ROOM
WASHINGTON, INDIANA 47501
(812) 254-4119
FRIDAY, 9-4

Mr. Samuel J. Chilk
Secretary
Nuclear Regulatory Commission
Washington, D.C. 20555

Dear Mr. Chilk:

It has come to my attention that the Nuclear Regulatory Commission may be planning to take action on two matters of concern to me. These are the exemption of the Clinch River Breeder Reactor from rule 10 CFR 50.12 and thus allow site preparation to begin before the issuance of a construction permit or limited work permit, and a change of the rules regarding Emergency Planning and Preparedness.

If this is indeed the case, I will take this opportunity to express my opposition to these actions. There is no reason to believe that the Clinch River Plant is inherently safer than any other nuclear plant and thus exemptable from normal safety practices and procedures built into the permitting process. It is also a risk of the taxpayers money to spend it before definitive evidence is available that Clinch River will prove safe and licensable as now planned.

As for the changes in the rules governing Emergency Planning and Preparedness, nuclear plant construction and operation are extremely controversial in part because they force local inhabitants to accept in their area a plant that they perceive to be a danger to their health and safety. The proposed rule changes, as I understand them, would limit public input by eliminating public hearings for emergency preparedness and planning tests, leaving the evaluation of these plans to the NRC. This removes the public one step further from decisions regarding their own safety.

I would appreciate hearing more completely of the NRC's plans in these matters, and to know of any justification that exists for the actions planned.

Sincerely,
Joel Deckard
Joel Deckard
Member of Congress

JD/kh

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FRANK M. POTTER, JR.
 CHIEF COUNSEL AND STAFF DIRECTOR

U.S. House of Representatives
 Committee on Energy and Commerce

Room 2125, Rayburn House Office Building

Washington, D.C. 20515

December 8, 1981

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

Dear Mr. Chairman:

As you know, last Friday the President signed an Appropriations bill which provides the Nuclear Regulatory Commission with a total appropriation for Fiscal Year 1982 of \$465,700,000. This appropriation is \$35 million less than the Commission initially requested and approximately \$20 million less than the amount authorized in the House version of the authorization bill.

A reduction of this magnitude will unquestionably affect the Commission's program priorities, which, in turn, will provide the basis upon which reductions will be allocated among the various offices and programs. In the past, the Commission has been pressured to accelerate the licensing process, and, as a result, has already reallocated staff resources. Because such actions have already occurred, we are particularly concerned that the additional cuts not be based on the present assignment of staff. We are deeply concerned about the possible impact any future reallocation of staff will have on the Commission's safety programs. In order that the licensing function not be emphasized at the expense of the Commission's primary duty to ensure the public health and safety, the new program reductions should be based on allocation of staff at the time the budget requests were formulated. I do not believe it is a wise policy to defer the resolution of important safety issues on the basis that staff resources are better utilized in the licensing of new nuclear reactors incorporating unresolved safety issues in their design.

We are also aware that, in addition to the diversion of staff resources to the licensing process for light water reactors above that anticipated during budget preparation, the Commission has been required to allocate staff resources to address licensing questions raised by the Clinch River Breeder Reactor (CRBR) application. This application, which had been withdrawn at the request of its sponsors and was recently reactivated, also was not a factor in the Commission's budget request. Moreover, I have recently been advised that the Department of Energy has requested accelerated treatment of this license application and permission to begin non-safety related construction activities at

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the site under a limited work authorization. Given that the Commission has already reallocated staff to establish the capability to review the application beyond a level anticipated in the formulation of its budget, we believe that it would be inappropriate for the Commission to assign additional staff to accelerate the licensing of a project which the applicant has failed to pursue for over four years. It is our belief that this government project should not warrant special consideration. Any special consideration allowed CRBR could disrupt or delay the consideration of pending safety questions and commercial reactor license applications. The House recently approved some temporary modifications to the licensing process, and our support for those modifications was based upon your assertions that these provisions would lessen the need to divert staff from consideration of safety issues. If the Commission now finds that it cannot adequately process pending license applications, address unresolved safety issues and process the application for the Clinch River Breeder Reactor within the limitations of its appropriations, we would expect that the last item to be compromised would be the resolution of safety issues.

In order to better understand the impact of the budget reductions on the Nuclear Regulatory Commission's activities, we request that you supply our subcommittees with responses to the following questions:

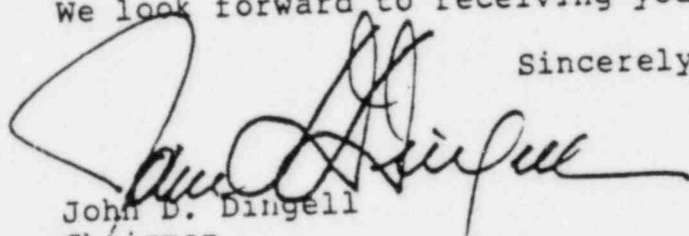
- (1) To what extent have staff resources already been reallocated to address (i) perceived delays in the licensing of light water reactors and (ii) the renewed application for the Clinch River Breeder Reactor?
- (2) What impact has the recent staff reallocation had on the Commission's ability to address pending safety issues?
 - (A) Please identify those safety issues whose resolution will be delayed or deferred as a result of the reallocation of staff.
 - (B) Please identify those safety issues or commercial license applications whose resolution will be delayed or deferred as a result of the need to process the license application for the Clinch River Breeder Reactor.
 - (C) Please provide a list of all unresolved generic safety issues, and identify those whose anticipated resolution has been delayed or deferred as a result of the staff reallocation.
 - (D) Please provide an estimate of the impact any delays in the resolution of unresolved generic

safety issues or site-specific issues will have on the licensing of reactors or the issuance of construction permits.

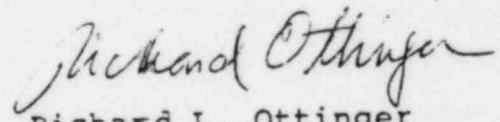
- (E) Please provide the criteria used in selecting the issues whose resolution should be deferred in order to avoid delays in the licensing process or to process the application of the Clinch River Breeder Reactor.
- (F) Please provide a list of all the identified public health and safety issues which are outstanding in regard to the license application for the Clinch River Breeder Reactor, with the present schedule for their resolution.

We look forward to receiving your prompt response.

Sincerely,



John D. Dingell
 Chairman
 Energy and Commerce Committee



Richard L. Ottinger
 Chairman
 Subcommittee on Energy
 Conservation and Power

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The Clinch River
UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D. C. 20555

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SECRETARIAT RECORD COPY

March 19, 1981

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The Honorable Mark O. Hatfield, Chairman
Subcommittee on Energy and Water Development
Committee on Appropriations
United States Senate
Washington, D.C. 20510

Dear Mr. Chairman:

During the course of our hearing yesterday, the subject of the length of time it would take to license the Clinch River Breeder Reactor arose. I indicated that I had not talked to representatives of the Department of Energy about a 14-month licensing schedule for Clinch River, nor had I agreed to such a schedule. I find that there have been some preliminary discussions between members of our staff and DOE representatives about a possible resumption of the Clinch River licensing effort, although our staff members do not recall discussion of a 14-month schedule. I would, of course, have added this information to my answer at the hearing had I been aware of it, and I ask that this letter be included in the hearing record by way of correcting and amplifying my testimony.

As you requested, we will supply for the record our best estimate of the steps required and the time they would take for resuming and completing the licensing of Clinch River for construction if it is the decision of the Administration and the Congress to go forward with the project.

Sincerely,

Joseph M. Hendrie
Joseph M. Hendrie

cc: Senator Bennett, Johnston

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U.S. House of Representatives
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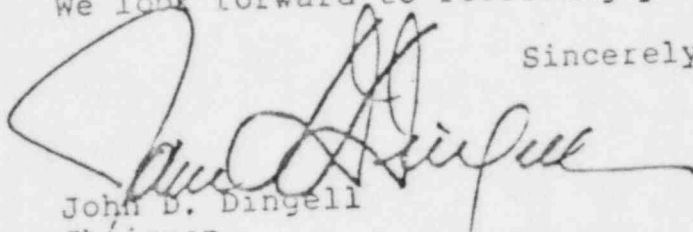
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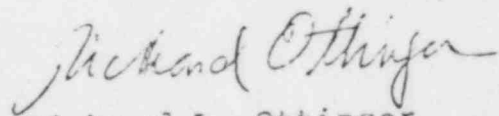
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Sincerely,



John D. Dingell
Chairman
Energy and Commerce Committee



Richard L. Ottinger
Chairman
Subcommittee on Energy
Conservation and Power

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

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March 19, 1981

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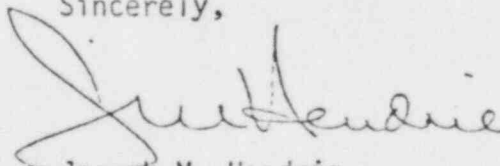
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cc: Senator Bennett Johnston

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