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May 4, 1984

The Honorable Nunzio J. Palladino  
 Chairman  
 U.S. Nuclear Regulatory Commission  
 1717 H Street, N.W.  
 Washington, D.C. 20555

Dear Mr. Chairman:

I have learned from documents that the Nuclear Regulatory Commission (NRC) has provided the Subcommittee, and from documents provided by other federal agencies, that you have met and spoken in recent weeks with Department of Energy (DOE) Secretary Donald P. Hodel and Federal Emergency Management Agency (FEMA) Director Louis O. Guiffrida.

It is apparent that DOE, FEMA and the White House Office of Science and Technology Policy have taken on the role of advocates for the Long Island Lighting Company (LILCO) in proposing federal implementation of the LILCO emergency plan. In effect, they have become parties of influence to the proceeding. It is also my understanding, that you have discussed emergency planning issues as well as the Shoreham proceeding with Secretary Hodel and Director Guiffrida.

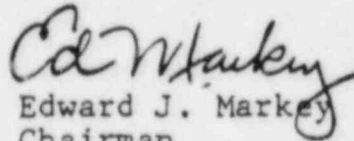
I am concerned about the potential implications of your communication because of NRC's responsibility to remain independent in its role as an adjudicator. For example, I am troubled by the fact that Secretary Hodel offered you DOE's legal support in responding to the U.S. District Court's issuance of a temporary restraining order. Because these agencies represent the Administration, to which you are subordinate in your role as Chairman, your contact with them creates the reasonable inference that you have been influenced by them in an inappropriate manner.

Again, I am requesting that you provide the Subcommittee with a record of all your communications with Executive Branch and federal agencies in 1984 that relate to emergency planning or the Shoreham proceeding. Similarly, if your staff or any of the other Commission offices have engaged in such com-

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munications, I would appreciate an accounting of those events. I believe your response to the Subcommittee should be made available to all of the parties to the Shoreham proceeding.

Sincerely,

A handwritten signature in cursive script, appearing to read "Ed Markey".

Edward J. Markey  
Chairman  
Subcommittee on Oversight  
and Investigations

EJM/tru