



CHAIRMAN

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

SECRETARIAT RECORD COPY

April 14, 1983

The Honorable Edward Markey, Chairman
Subcommittee on Oversight and Investigations
Committee on Interior and Insular Affairs
United States House of Representatives
Washington, D.C. 20515

Dear Mr. Chairman:

This is in response to your letter dated April 6, 1983 inviting the Commission to attend your Subcommittee's hearing on emergency preparedness at the Shoreham nuclear plant to be held on Long Island, New York, on April 18, 1983.

The Commission has designated Mr. William Dircks, the NRC Executive Director for Operations, to represent the Commission at the hearing on April 18, 1983. Mr. Dircks is familiar with the Shoreham case and with the regulations involved. As the Commission's senior staff official, he can speak with authority on all policies adopted by the Commission and on Commission procedures.

It has been the Commission's practice in the past to designate a senior staff official to represent it at Congressional field hearings. We believe continuation of this practice is particularly appropriate in this instance, where the subject matter relates to a pending licensing proceeding and the hearing itself is to be conducted in the vicinity of the facility.

We appreciate your awareness of the fact that Shoreham is the subject of an ongoing legal proceeding, which will ultimately be subject to Commission review. We also appreciate your assurance that questions will not be asked the Commission regarding contested issues.

Nevertheless, the timing and location of the hearing, the fact that other witnesses include litigants in the NRC licensing proceeding, and the controversial nature of the issues to be discussed make it difficult for the Commissioners to be present and testify at your field hearing without subjecting us to the charge of pre-judging issues in litigation which we are expected later to judge, fairly and impartially, on the merits of the record that will be made by the Licensing Board. Even the most carefully constructed groundrules for the hearing might not successfully convey to the interested public the awareness that the Commission must reserve judgment on Shoreham until the time when it has the evidence and argument before it.

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Your letter mentions that the issues involved raise questions about the adequacy of Commission regulations and about NRC's willingness to abide by those regulations. With respect to the adequacy of our regulations, the Commission is always open to suggestions for improvements in our regulations which can and should be dealt with through the rulemaking process. As for the willingness of the Commission to abide by its own regulations, let me assure you that we will abide by our regulations.

Sincerely,



Nunzio J. Palladino

cc: Rep. Ron Marlenee