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United States Senate

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

WASHINGTON, D.C. 20510

August 2, 1982

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

Dear Mr. Chairman:

I am writing in regard to the Department of Energy's Section 50.12 request to conduct site preparation activities for the Clinch River Breeder Reactor (CRBR) project which the Commission is due to consider in the very near future. As a member of the Senate Nuclear Regulation Subcommittee, I am opposed to the DOE exemption request which would allow site preparation before hearings on the project's environmental impact are complete.

The Clinch River Breeder Reactor was initiated with the clear intent that it would be utilized as a demonstration project to explore the commercialization potential of breeder reactors. Breeder reactor demonstration includes the reactor's ability to be fully licensed. Therefore, the original purpose of the CRBR project would be overridden by any deviation from the established NRC licensing process. And it is abundantly clear to me that the DOE request represents a shortcut at the very first turn of the NRC licensing process.

The intent of Congress on the matter of the Clinch River Breeder Reactor project has been made clear. Although the Congress has affirmed a need to construct the CRBR in an expeditious manner, at no time has the Congress requested special regulatory exemptions for the CRBR project. The 1981 Omnibus Budget Reconciliation Act Conference Report states:

"The conferees intend that the plant should be constructed in a timely and expeditious manner, so that a decision on the commercialization and deployment of breeder reactors can be made on the basis of information obtained in the operation of the plant. The plant should therefore be constructed on the basis of that objective, and not on the basis of providing needed power in the specific region of the Clinch River site."

The intent of Congress is that the CRBR should proceed through the entire NRC licensing process to provide essential information on the potential commercialization of the breeder reactor.

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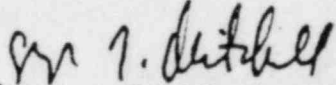
If the Commission were to approve the Department of Energy request, an indisputable precedent would be set for future licensing action on the CRBR project. At this early stage in the project, a shift in the Commission policy of granting such exemptions sparingly would be tantamount to inviting even greater steps against the integrity of the NRC licensing process in the future. DOE should not be granted an exemption which could result in additional short-cuts for the CRBR project.

Finally, I am concerned by the potential implications of the Department of Energy's third exemption request. First, I question if the Commission's consideration of DOE's significant number of requests is the most appropriate use of the Commission's time. This is an especially important question since there remain a number of unresolved safety issues before the NRC - - including steam-tube leaks and thermal shock, both serious safety problems which have been found at the Maine Yankee plant in Wiscasset, Maine.

Second, public confidence in the Commission and in the NRC licensing process will greatly suffer if a demonstration plant like Clinch River is exempted from normal regulation requirements. More now than ever, it is critical that we take steps to bolster rather than lessen public confidence in the process that regulates nuclear power technologies.

Thank you for your consideration of my views.

Sincerely,


George J. Mitchell
United States Senator