

102 5 Clinch River 50-537 9.
EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF ENVIRONMENTAL QUALITY
722 JACKSON PLACE, N. W.
WASHINGTON, D. C. 20006

July 13, 1982

Honorable Nunzio J. Palladino
Chairman
Nuclear Regulatory Commission
Matomic Building, Room H-1114
1717 H Street, N.W.
Washington, D. C. 20555

Dear Mr. Chairman:

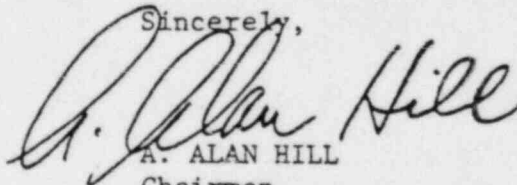
On July 8, 1982, members of your staff met with CEQ staff to discuss whether the Environmental Impact Statement (EIS) for the Clinch River Breeder Reactor must be supplemented and recirculated to the public. Because of the controversial nature of the project, I did want to follow up with you on that conversation.

If a substantial amount of time has passed between the time an EIS is written and the project is implemented, an agency may determine that a supplement is appropriate. The Council has suggested that an agency should consider supplementing an EIS for an ongoing program if the EIS is more than five years old. (See Federal Register for March 23, 1981, p. 18036.) However, the five year period was offered as guidance to the agencies to use in determining when new information or circumstances may exist and should not be considered an absolute requirement. Mere passage of time, in and of itself, need not render an EIS obsolete.

The CEQ regulations do direct agencies to supplement an EIS when significant new circumstances or information relating to the project and its environmental impact indicates that this would be appropriate. (See 40 CFR 1502.9.) Obviously, to determine whether new information or circumstances are significant, one must look at the new material in relationship to the environmental impacts of the project.

I hope the above clarification is helpful to you. The Council stands ready to assist the Commission in any way we can with respect to this project.

Sincerely,


A. ALAN HILL
Chairman

10.
SECRETARIAT RECORD COPY

HY Clinch River
JUL 7 1982

The Honorable Alan J. Dixon
United States Senate
Washington, DC 20510

Dear Senator Dixon:

Thank you for your June 21, 1982 letter forwarding correspondence from Miriam Targ concerning the changes that have occurred since the Clinch River Breeder Reactor Plant Environmental Statement (NUREG-0139) was issued in February 1977.

We have been assessing these and other changes and their environmental significance from the time licensing activities for the Clinch River Plant were resumed in the fall of 1981. The results of that assessment will be documented in a report which is scheduled to be issued soon.

Sincerely,

(Signed) T. A. Rehm

William J. Dircks
Executive Director
for Operations

8207140210
PDR/LPOR

June 21, 1982

United States Senate

Miriam Lee Targ, President
Citizens Opposed to Radioactive Pollution
(CORP)
Post Office Box 5
Glencoe, Illinois 60022

Respectfully referred to:

Congressional Liaison Office
Nuclear Regulatory Commission
Washington, D.C. 20555

Because of the desire of this office to be responsive to all inquiries and communications, your consideration of the attached is requested. Your findings and views, in duplicate form, along with return of the enclosure, will be appreciated by

Alan J. Dixon

U.S.S.

mr

Form #2

GPO : 1981 O - 76-237

Reply 7/7/82

8207140216

THK 5/12/82 Clinch

CORP

Citizens Opposed to Radioactive Pollution
June 12, 1982

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

Dear Chairman Palladino:

You have announced your intention to see the Clinch River Breeder Reactor through to licensing despite the Commission's vote against exempting that installation from licensing standards.

Nevertheless, we believe that it will be irresponsible and even illegal to proceed with licensing before a supplement is issued to the "Final" Environmental Impact Statement of 1977. That statement has been outdated first of all by N.R.C.'s own changed regulations dealing with safeguards such as siting, protection against radiation and accidents, and so on. Clinch River Reactor's compliance or non-compliance with all safety and environmental regulations must be carefully delineated. And certainly the major design changes of C.R.B.R.'s reactor vessel and fuel core mandate the development of a current F.E.I.S.

Given a major project whose primary characteristics are superfluity, obsolescence, and enormous danger, the American taxpayer and concerned citizen must first seek relief from the executive of the agency with primary responsibility. We therefore exhort you to meticulously carry out your legal responsibilities. The stakes are too high to permit the Clinch River Breeder Reactor to perform its only remaining function, as a transparent and demonstrable political payoff.

C.O.R.F. requests a full public disclosure of all information and circumstances to update or replace the 1977 Final Environmental Impact Statement for the Clinch River Breeder Reactor.

Very truly yours,

Miriam Lee Targ

Miriam Lee Targ, President

reg. s.c.

P.O. BOX 5
GLENCOE, IL 60022

TELEPHONES:
(712) 432-6247, 9411, 3133

copies to: Senators Charles Percy, Alan
Dixon, Representative John
Forster

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OFFICE OF THE
CHAIRMAN

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

11.
April 20, 1982

The Honorable John D. Dingell, Chairman
Committee on Energy and Commerce
United States House of Representatives
Washington, D.C. 20515

Dear Mr. Chairman:

On December 8, 1981 you expressed concern that recent NRC reallocation of FY 1982 resources to accelerate licensing of light water reactors and to review the construction permit application for the Clinch River Breeder Reactor Program may impact resolution of important generic safety issues. Responses to your specific questions, the separate views of Commissioner Ahearne, and my response to Commissioner Ahearne's views are enclosed.

Since submission of the FY 1982 budget to Congress in January 1981, events have occurred which require the Commission to adjust the allocation of the resources requested in our original budget submission as discussed in the enclosure. In making these adjustments, the Commission objectives continue to be resolution of issues important to safety, maintaining the safety of operating reactors and not unnecessarily delaying the licensing of reactors. Within the total resources appropriated, the Commission believes that these major objectives can be met.

Sincerely,

Nunzio J. Palladino
Nunzio J. Palladino
Chairman

Enclosures: - IN BP.

1. Separate Views of Commissioner Ahearne
2. Chairman Palladino's Response to Commissioner Ahearne's Views
3. Responses to Questions

cc: Representative James T. Broyhill

820524/0429
PDR/APDR

920-82



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

OFFICE OF THE
CHAIRMAN

April 20, 1982

The Honorable Richard L. Ottinger, Chairman
Subcommittee on Energy Conservation and Power
Committee on Energy and Commerce
United States House of Representatives
Washington, D.C. 20515

Dear Mr. Chairman:

On December 8, 1981 you expressed concern that recent NRC reallocation of FY 1982 resources to accelerate licensing of light water reactors and to review the construction permit application for the Clinch River Breeder Reactor Program may impact resolution of important generic safety issues. Responses to your specific questions, the separate views of Commissioner Ahearne, and my response to Commissioner Ahearne's views are enclosed.

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Sincerely,

Nunzio J. Palladino
Nunzio J. Palladino
Chairman

Enclosures:

1. Separate Views of Commissioner Ahearne
2. Chairman Palladino's Response to
Commissioner Ahearne's Views
3. Responses to Questions

cc: Representative Carlos Moorhead

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JOHN D. DINGELL, MICH., CHAIRMAN

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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:

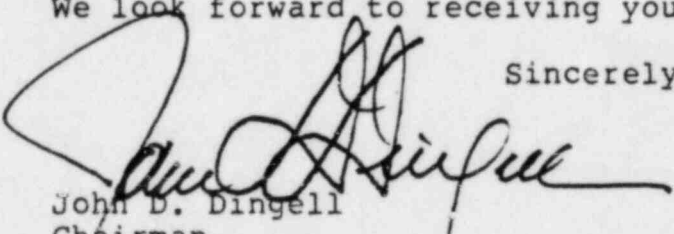
- (1) To what extent have staff resources already been reallocated to address (i) perceived delays in the licensing of light water reactors and (ii) the renewed application for the Clinch River Breeder Reactor?
- (2) What impact has the recent staff reallocation had on the Commission's ability to address 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.

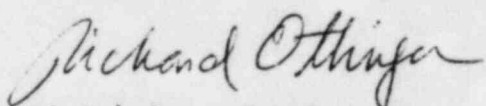
- (E) Please provide the criteria used in selecting the issues whose resolution should be deferred in order to avoid delays in the licensing process or to process the application of the Clinch River Breeder Reactor.
- (F) Please provide a list of all the identified public health and safety issues which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

JDD/RLO:mb



1125 Clinch
UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D. C. 20555

12.

MAR 3 1982

The Honorable James A. McClure
United States Senate
Washington, D.C. 20510

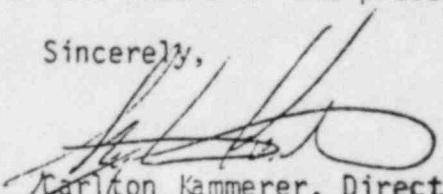
Dear Senator McClure:

Thank you for your letter dated February 17, 1982, concerning the Department of Energy's (DOE) request for an exemption from certain Commission regulations for the Clinch River Breeder Reactor.

On December 24, 1981, the Commission issued the enclosed order outlining the procedures it will be following for considering the merits of DOE's request for an exemption to permit them to undertake certain site preparation activities prior to the issuance of a construction permit or limited work authorization by the Nuclear Regulatory Commission. The schedule established would permit a Commission decision by early March on this request.

The Commission appreciates receiving your comments with respect to this request and will include them as part of the record of the proceeding.

Sincerely,


Carlton Kammerer, Director
Office of Congressional Affairs

Enclosure:
As stated

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3-382

DRSAQ Clinch

JAMES A. MC CLURE, IDAHO, CHAIRMAN
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BILL BRADLEY, N.J.

United States Senate

COMMITTEE ON
ENERGY AND NATURAL RESOURCES
WASHINGTON, D.C. 20510

February 17, 1982

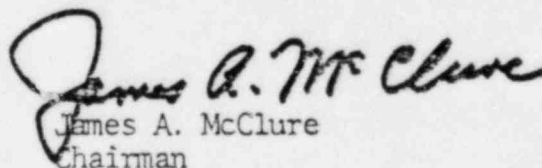
The Honorable Nunzio J. Palladino
Chairman
Nuclear Regulatory Commission
Washington, D.C. 20555

Dear Mr. Chairman:

The Commission has received a request from the Secretary of Energy to begin preliminary siting work relative to the Clinch River Breeder Reactor Project. This facility is a vital element of the government's research and development program relating to the liquid metal fast breeder reactor.

As you may know, the Conferees' language on the Omnibus Budget Reconciliation Act of 1982 (P.L. 97-35) states that Congress wants this project to "be constructed in a timely and expeditious manner". The Floor statements in both Houses further support this conclusion. I therefore confirm that the Secretary's request is consistent with Congressional intent.

Sincerely,


James A. McClure
Chairman

JAM/ech

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82-1-1-2

JOHN P. COUGHLIN
13TH DISTRICT, PENNSYLVANIA

COMMITTEE ON
APPROPRIATIONS

RANKING MINORITY MEMBER
SUBCOMMITTEE ON
TRANSPORTATION

SUBCOMMITTEE ON
DISTRICT OF COLUMBIA

MEMBER
SUBCOMMITTEE ON
HUD-INDEPENDENT AGENCIES

MEMBER
SELECT COMMITTEE ON
NARCOTICS

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

March 3, 1982

WASHINGTON OFFICE:
2467 RAYBURN BUILDING
(202) 225-6111
DISTRICT OFFICE:
607 ONE MONTGOMERY PLAZA
NORRISTOWN, PENNSYLVANIA 19401
(215) 277-4040
596-1755

13.

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

Dear Mr. Chairman:

As Members of Congress actively involved in Congressional debates on the Clinch River Breeder Reactor (CRBR), we express our objection to the Department of Energy's request for an emergency licensing exemption for this controversial project. We urge you to act to preserve the integrity of the Commission's licensing process and not allow site work to begin on Clinch River before hearings on the breeder's impact are complete.

If the Commission decides to grant an exemption in this case, it will undermine one of the principal Congressional objectives for the CRBR project which is to demonstrate that breeders can be licensed for commercial use in the United States. Congress authorized the CRBR in 1972 and, at that time, all parties involved agreed that the CRBR would be a licensed demonstration of the Liquid Metal Fast Breeder Reactors' (LMFBRs) technology.

The private sector's unwillingness to share commensurately in the ever-soaring costs being borne by Federal taxpayers already casts grave doubts on the CRBR's commercial feasibility. By seeking a licensing exemption, DOE not only aborts the original Congressional intent, but abandons reasonable demonstration standards that could help determine whether the LMFBR should live or die on its own merits. Postponing the determination of licensability of LMFBRs for commercial application will cause extensive delay and increased cost of any LMFBR plant that might follow the Clinch River project.

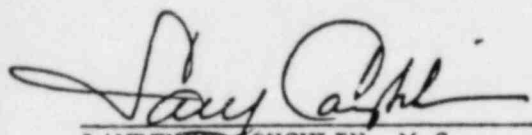
The Department of Energy cites the language of the Conference Report accompanying the Omnibus Budget Reconciliation Act of 1981 as support for regulatory exemption for the CRBR. While the conferees did state in that report that the project "...should be constructed in a timely and expedient manner,"...they also went on to say that such action should take place "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." Congress did not intend the CRBR to be built without adhering to the NRC licensing and NEPA requirements.

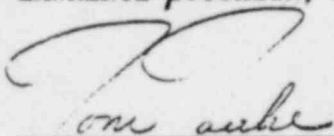
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The Honorable Nunzio Palladino
Page Two
March 3, 1982

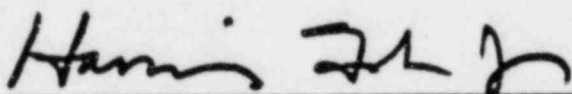
The decision you make regarding the CRBR will set a precedent for future NRC licensing actions regarding the breeder reactor program. If the NRC acts to grant an exemption, we fear that public confidence in the licensing process will erode. The NRC should grant exemptions sparingly and we do not believe circumstances exist that justify a licensing exemption for the CRBR.

Sincerely,

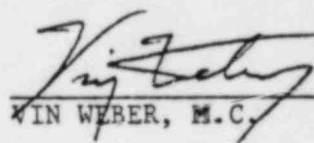

LAWRENCE COUGHLIN, M.C.

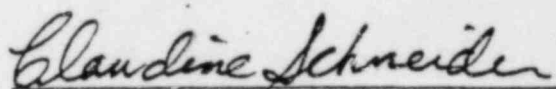

THOMAS J. TAUKE, M.C.

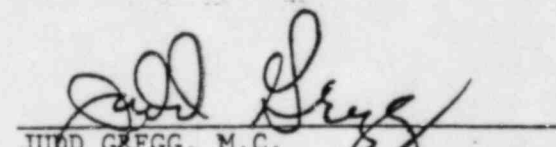

CARL D. PURSELL, M.C.


HAMILTON J. FISH, JR., M.C.


BILL GREEN, M.C.


VIN WEBER, M.C.


CLAUDINE SCHNEIDER, M.C.


JUDD GREGG, M.C.