

CLINCH

ROBERT T. STAFFORD, VT., CHAIRMAN

HOWARD H. BAKER, JR., TENN.  
 PETE V. DOMERIO, N. MEK.  
 JOHN H. CHAFFEE, R.I.  
 ALAN K. SIMPSON, WYO.  
 JAMES ARNONE, S. DAK.  
 STEVE SYMMES, IDAHO  
 BLAKE BORTON, WASH.  
 FRANK H. MURKOWSKI, ALASKA

JENNINGS RANDOLPH, W. VA.  
 LLOYD BENTSEN, TEX.  
 QUENTIN N. BURDICK, N. DAK.  
 GARY HART, COLO.  
 DANIEL PATRICK MOYNIHAN, N.Y.  
 GEORGE J. MITCHELL, MAINE  
 MAX BAUCUS, MONT.

# United States Senate

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

WASHINGTON, D.C. 20510

BAILEY GUARD, STAFF DIRECTOR  
 JOHN W. YAGO, JR., MINORITY STAFF DIRECTOR

February 26, 1982

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

Dear Chairman Palladino:

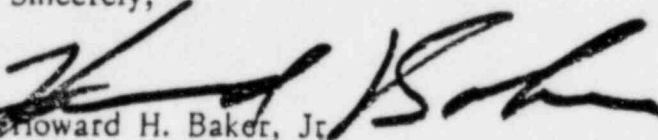
The Commission currently is considering a request by the Secretary of Energy to begin early site preparation activities for construction of the Clinch River Breeder Reactor. The request of the Secretary is made pursuant to section 50.12 of the regulations of the Commission, a section which has been retained for nearly a decade as an appropriate procedure under which the Commission may, in the public interest, permit redressable, non-safety-related site work to begin when such action is consistent with the Commission's mandate to protect the public health and safety.

If the Commission finds in its deliberations and considerations that the four criteria of 10 CFR 50.12 are satisfied, then I believe it is consistent with the established and continuing purpose of section 50.12, and in the public interest as expressed repeatedly by the Congress, for the Commission to act favorably on the submission by the Secretary of Energy. The intent of the Congress has most recently again been expressed in the Conference Report on the Omnibus Budget Reconciliation Act of 1982, (P.L. 97-35), wherein the Clinch River Breeder Reactor Project is identified as an essential element of the Liquid Metal Fast Breeder Reactor program. The Conferees directed that the Project should be constructed in a timely and expeditious manner. The accompanying floor statements by the managers of the Reconciliation Act in both Houses of the Congress interpret and amplify that report language.

In my judgment, if the Commission finds that the requirements of section 50.12 are met, favorable action on the DOE request would be entirely in harmony with the Commission's statutory role to protect the public health and safety, while continuing to reserve for the Congress the policy determination related to the funding, timetable, and role of the Project in the LMFBR program.

I would appreciate consideration of these views as the Commission continues its deliberations.

Sincerely,

  
 Howard H. Baker, Jr.

HHBJr:rdt

8302030086 821229  
 PDR FOIA  
 WEISS82-516 PDR

2-26-82