

IDEASAO Clinch

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United States Senate

WASHINGTON, D.C. 20510

February 25, 1982

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

Dear Chairman ~~Nunzio~~ Palladino:

We understand that the Commission will be taking action in the near future on a request by the Secretary of Energy, pursuant to Section 50.12 of the Commission's regulations, to begin site preparation activities for the Clinch River Breeder Reactor project. Should the Commission, in its discretion, find, after considering and balancing the four factors specified in section 50.12, that approval of the Secretary's request is justified, we believe that such action would be entirely consistent with the long-standing mandate from the Congress to proceed with the Clinch River Breeder Reactor project, and to do so expeditiously, consistent with the protection of the public health and safety.

Over the past decade, the Congress has voted consistently to continue the Clinch River Breeder Reactor project, despite repeated efforts to terminate the project. Recently, the Conference Report on the Omnibus Budget Reconciliation Act of 1982, Public Law 97-35, reiterated the view of the Congress that this project is an essential element of the Liquid Metal Fast Breeder Reactor program and that the project should be constructed in a timely and expeditious manner. Floor statements by the managers of the Reconciliation Act in both the Senate and the House of Representatives emphasized the intent of Congress that Federal agencies proceed expeditiously with construction of the project in order to minimize the effects of unrecoverable delays resulting from the previous Administration's 1977 decision to stop the project. In addition, the Committee on Environment and Public Works, in its report on S.1207, the NRC authorization bill for fiscal years 1982 and 1983, addressed the need for expedition in NRC's licensing of the Clinch River Breeder Reactor project. The Committee report (Senate Report 97-113, p. 20) stated:

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"The NRC now has the authority to license the Clinch River Breeder Reactor, if authorized to be built, or any other breeder reactors intended to demonstrate the commercial viability of breeder technology. The Committee expects and intends that any such reactors will be licensed by NRC. Therefore, it has earmarked these funds to assure that the NRC's license review process will not stand in the 'critical path' toward operation of such a facility.

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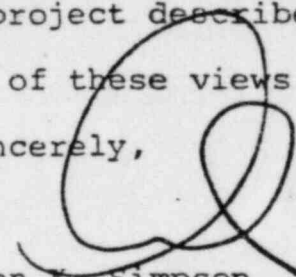
"The Committee expects the Commission to use the funds earmarked for this purpose to move forward aggressively in establishing the necessary regulatory program and requirements in order that required licensing determinations can be made in a timely manner."

For nearly a decade, section 50.12 has been a part of the established procedures of the Commission for licensing and regulating nuclear power reactors, including the Clinch River Breeder Reactor. We believe that NRC approval of the Secretary of Energy's request pursuant to section 50.12, provided that the Commission finds that all other requirements of that section are met and that such action is consistent with its statutory responsibilities for protection of the public health and safety, would be fully consistent with the expressions of Congressional intent respecting this project described above.

We appreciate your consideration of these views.


Pete V. Domenici
United States Senator

Sincerely,


Alan K. Simpson
United States Senator

ccs: Commissioner Gilinsky
Commissioner Bradford
Commissioner Ahearne
Commissioner Roberts