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Congress of the United States

House of Representatives

Washington, D.C. 20515

July 28, 1982

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

Dear Chairman Palladino:

This is to express our strong opposition to the Commission's July 27, 1982 order limiting the scope of the ongoing Indian Point nuclear station Special Proceeding. We urge the Commission to reconsider and withdraw this unfortunate directive to its Atomic Safety and Licensing Board (ASLB).

As you know, the Indian Point Special Proceeding began as an effort by the NRC to investigate the consequences of a serious nuclear accident at that site. We endorsed the Commission's original decision to undertake such an investigation because it is essential that the agency examine all evidence relevant to whether or not the public can be protected in the event of an accident at Indian Point. The need for this investigation persists, and the Commission's new order imposes an unwarranted and unnecessary restriction on the types of issues to be considered by the ASLB.

The Commission's July 27th order has the effect of changing the rules in the middle of the game. Section II D of the order imposes new restrictions on the admission of contentions in the Special Proceeding in a way that contradicts or goes far beyond the Commission's previous orders pertaining to this matter. In fact, the new restrictions come more than a month after the start of the evidentiary hearing itself. This unusual intervention by the Commission in the ongoing activities of one of its licensing boards unnecessarily calls into question the Commission's willingness to hear and consider the views of the public living near facilities licensed by the NRC.

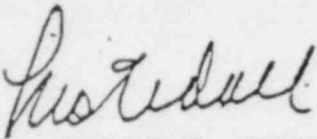
The order also raises troubling questions about the seriousness with which the Commission regards offsite emergency planning as an important means of assuring that public health and safety will not be endangered by the operation of a nuclear plant. Since the risk to which the public is exposed is in inverse proportion to the adequacy of the emergency plan, it is clear that any consideration of whether the public can be protected in the event of an accident, must take account of both the

adequacy of the emergency plan and NRC's regulatory requirements. It is our understanding that the Board has already heard some testimony addressing Indian Point evacuation plans. While the full effect of the order is not yet clear, we further understand that the Commission's order could be interpreted by the Board as a directive to reject those emergency planning contentions previously admitted.

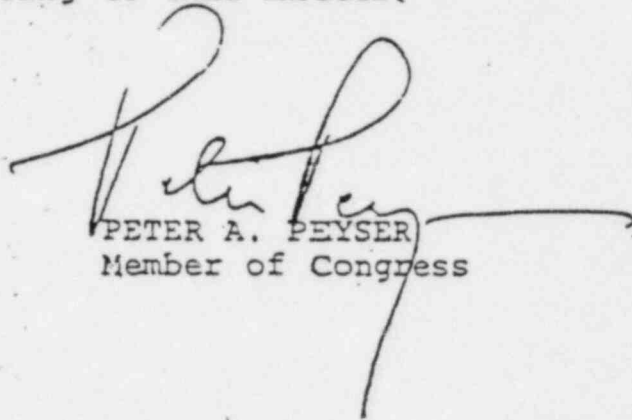
In the event that the Board does reject the emergency planning testimony, or any other contentions already admitted for the record, we request that the testimony and transcripts be provided in full to the House Committee on Interior and Insular Affairs.

We encourage the Commission to expeditiously reconsider its July 27th order, and ask that you keep us fully and currently informed of all developments relating to this matter.

Sincerely,



MORRIS K. UDALL
Chairman
Committee on Interior
and Insular Affairs



PETER A. PEYSER
Member of Congress