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## COMMITTEE ON INTERIOR AND INSULAR AFFAIRS

U.S. HOUSE OF REPRESENTATIVES  
WASHINGTON, D.C. 20515

May 31, 1984

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The Honorable Nunzio J. Palladino  
Chairman  
U.S. Nuclear Regulatory Commission  
1717 H Street, N.W.  
Washington, D.C. 20555

Dear Mr. Chairman:

I am deeply troubled by the Nuclear Regulatory Commission's and NRC Staff's apparent abandonment of the agency's own regulations with respect to the licensing of the Grand Gulf Nuclear Station. The Commission's tortured interpretation of its regulations is ill-advised at best and quite possibly unlawful. Indeed, the Commission was advised yesterday by its Office of General Counsel of the "questionable legality" of Grand Gulf's current operating status. The Commission's actions create the clear impression that it will adopt any expedient course of action to license nuclear power plants, including violating its own rules and regulations and arguably placing the public health and safety at greater risk.

I am particularly concerned about two aspects of the Grand Gulf licensing process. First, the NRC Staff's May 22, 1984 immediately effective Order requiring inspection of a Grand Gulf diesel generator bypasses the licensing process in a totally unacceptable, unorthodox and most probably unlawful manner.

It is my understanding that Mississippi Power and Light (MP&L) refused to inspect the diesel generators on their own when originally requested by the NRC since that would have required the plant to shutdown. A shutdown would have been mandated because the technical specifications that are a condition to the license require a shutdown when this critical piece of equipment is out of service for an extended period of time.

However, the NRC Staff's Order also issued interim technical specifications exempting MP&L from this standard requirement. In effect, the NRC Staff amended the Grand Gulf license, but did so without making a finding of "no significant hazard," without public notice or hearing, and without any formal request for an exemption by the licensee.

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The Honorable Nunzio J. Palladino  
May 31, 1984  
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Instead of obeying the dictates of substantive and procedural requirements clearly applicable to this situation, the NRC Staff relied on a single memorandum that Commissioner Gilinsky has accurately described as a "seat-of-the-pants judgement" to justify continued operation. That there has been a willful and unjustified reduction in the degree and margin of safety afforded the public is only the tip of the iceberg. The most important product of this action is the message the Commission has sent to the entire nuclear industry that neither the NRC nor the industry are bound to comply with the licensing process and agency regulations.

Second, on May 24, 1984, the Commission learned that the emergency supply system at Grand Gulf does not comply with General Design Criteria 17 (GDC 17). However, the NRC Staff informed the Commission--and the Commission has subsequently approved--that the plant would be allowed to operate anyway and that MP&L had been advised to request an exemption. Operation of a plant without meeting GDC 17 and without previously receiving an exemption, was an argument that was specifically rejected several weeks ago by the Commission with respect to Shoreham.

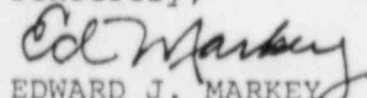
The overwhelming weight of this evidence creates the compelling impression that the operation of Grand Gulf at this time constitutes an explicit violation of the Commission's own regulations. The licensing process was established precisely to prevent abuses such as these.

Before closing, it is worth noting that Grand Gulf's low power license has already been called into question by my March 13, 1984 letter citing the submittal of false technical specifications and false operator qualifications. It is unclear on what basis this plant has been permitted to operate given the NRC's continuing failure to resolve these fundamental matters.

Let me state that this letter is only intended to suggest that the Commission follow its own regulations and abide by the law; it should not be interpreted as advocating any particular course of action in the licensing of this or any other plant.

Additionally, I would like to express my deep frustration and personal disappointment in the Commission's failure to keep Congress informed on matters related to Grand Gulf. This Subcommittee has repeatedly expressed interest in this case and made numerous requests for information which have been all but ignored. As you are aware, I am still awaiting the Commission's full response to my March 13, 1984 letter to which I had requested a response within two weeks.

Sincerely,



EDWARD J. MARKEY  
Chairman, Subcommittee on  
Oversight and Investigations

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