

STATEMENT OF THE HONORABLE DON PITTER (PA-15)

ON BEHALF OF MEMBERS OF CONGRESS
BEFORE THE NUCLEAR REGULATORY COMMISSION

MAY 22, 1985

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CHAIRMAN PALLADINO AND COMMISSIONERS:

OFFICE OF SECRETARY
DOCKETING & SERVICE
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MY NAME IS CONGRESSMAN DON RITTER (15TH DISTRICT, PENNSYLVANIA), AND I AM SPEAKING TODAY ON BEHALF OF MYSELF AND THE UNDERSIGNED MEMBERS OF CONGRESS.

YOUR MEETING TODAY AND NEXT WEEK'S SCHEDULED VOTE ON WHETHER TO LIFT THE SHUTDOWN ORDER FOR THREE MILE ISLAND UNIT I WILL FINALLY PROVIDE AN ANSWER THAT HAS BEEN FOREMOST IN THE MINDS OF A LARGE SEGMENT OF THE CITIZENS OF PENNSYLVANIA AND IS OF INTEREST TO THE NATION AS A WHOLE. YOUR RESPONSIBILITY IS NOT AN EASY ONE. PUBLIC CONCERN DURING THE LAST SIX YEARS ABOUT NUCLEAR POWER IN GENERAL, AND TMI SPECIFICALLY, HAS CONTINUOUSLY FOCUSED ATTENTION ON THE NUCLEAR REGULATORY COMMISSION AND ITS MEMBERS TO ASSURE PUBLIC HEALTH AND SAFETY.

THE NRC'S ADMINISTRATIVE PROCESS ON THE RESTART OF TMI-1 HAS OFTEN APPEARED TANGLED AND CONFUSED WITH PARTIAL INITIAL DECISIONS LEADING TO APPEALS, RESULTING IN REOPENED AND REMANDED HEARINGS AT EVERY TURN. NUMEROUS DECISIONS MADE BY THE ATOMIC SAFETY AND LICENSING BOARD HAVE BEEN REVIEWED AND WHERE NECESSARY RESOLVED BY THE ATOMIC SAFETY AND LICENSING APPEAL BOARD. HOWEVER, THAT IS BEHIND US TODAY. THE TMI-1 RESTART RECORD IS NOW COMPLETE.

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YOU, THE COMMISSIONERS, MUST NOW WEIGH THE ADJUDICATORY RECORD CREATED DURING THE NEARLY SIX YEARS OF HEARINGS AND DECIDE WHETHER TMI-I MAY RESTART. THESE HEARINGS HAVE BEEN CHARACTERIZED ONE OF THE MOST ADJUDICATED PROCEEDINGS EVER CONDUCTED UNDER THE ATOMIC ENERGY ACT, ENCOMPASSING OVER 160 DAYS OF EVIDENTIARY HEARINGS INVOLVING MORE THAN 190 WITNESSES. NEARLY 40,000 TRANSCRIPT PAGES OF EVIDENCE HAVE BEEN COMPILED. THE ASLB HAS ISSUED OVER 1200 PAGES OF DECISIONS. APPELLATE REVIEW OF THESE DECISIONS HAS TOTALLED IN EXCESS OF 1000 PAGES.

THESE STATISTICS REFLECT ONLY THE FORMAL PROCEEDINGS BEFORE THE ADMINISTRATIVE BOARDS, AND THE ASLB RECEIVED AND CONSIDERED MORE THAN 2000 WRITTEN LIMITED APPEARANCE STATEMENTS AND OVER 200 LIMITED APPEARANCES INVOLVING ORAL STATEMENTS. YOU ALSO HAVE RECEIVED COUNTLESS WRITTEN AND ORAL STATEMENTS FROM CONCERNED CITIZENS, THE GENERAL PUBLIC, ELECTED OFFICIALS, AND MEMBERS OF CONGRESS DURING THIS PROCEEDING.

NO ONE CAN TELL YOU WHAT DECISION TO MAKE. THE RECORD SPEAKS FOR ITSELF. THAT RECORD SHOWS THAT THE ATOMIC SAFETY AND LICENSING BOARD HAS FOUND THAT TMI-I CAN BE OPERATED SAFELY SO AS TO ASSURE THE PUBLIC HEALTH AND SAFETY. YOU HAVE DECIDED THAT NO FURTHER HEARINGS ARE NECESSARY. WE SUPPORT THAT DECISION. THE RECORD AS IT STANDS TODAY IS SUFFICIENT TO MAKE A DETERMINATION ON THE MERITS OF WHETHER TMI-I MAY RESTART. FURTHERMORE, MEMBERS OF CONGRESS ARE NOT ALONE IN THEIR BELIEF THAT A BALANCED DECISION CAN BE BASED ON THE EXISTING RECORD. MR. DON BAILEY, NEWLY ELECTED AUDITOR GENERAL OF THE COMMONWEALTH OF

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PENNSYLVANIA AND FORMER MEMBER OF CONGRESS, IS URGING THE COMMISSION TO MOVE FORWARD ON A RESTART DECISION. MR. BAILEY IN HIS LETTER OF MAY 21, 1985, TO CHAIRMAN PALLADINO STATES

"[G]IVEN THE INFORMATION AVAILABLE TO THE COMMISSION, INCLUDING THE GREAT DEGREE OF PUBLIC AWARENESS, THE GREAT AMOUNT OF TIME THAT THE PUBLIC HAS INVESTED IN THE APPEAL PROCESS, I VERY STRONGLY RECOMMEND THAT THE COMMISSION CONCLUDE THE SIX YEAR DEBATE AND REACH A DECISION."

IN SUMMARY, WE THE UNDERSIGNED BELIEVE THE COMMISSIONERS SHOULD BE COMMENDED FOR RECOGNIZING THAT A DECISION ON TMI-I SHOULD BE MADE. WE RECOGNIZE THE EMOTIONS SURROUNDING THIS ISSUE, YET THE ADJUDICATORY RECORD ON THIS ISSUE REPRESENTS AN ABUNDANCE OF INFORMATION UPON WHICH THE COMMISSIONERS CAN MAKE A REASONABLE AND BALANCED DECISION BASED ON SUBSTANTIAL EVIDENCE. SUCH A DECISION COULD NOT BE CONSTRUED AS ARBITRARY AND CAPRICIOUS, AN ABUSE OF DISCRETION, OR CONTRARY TO LAW.

WE URGE THIS COMMISSION TO ADHERE TO YOUR PUBLISHED RECORD.

Don Ritter

Don Ritter, M.C.

Joseph M. Gaydos

Joseph M. Gaydos, M.C.

Bill Hendon

Bill Hendon, M.C.

Bill Clinger

Bill Clinger, M.C.

Bill Boner

Bill Boner, M.C.

Tom Ridge

Tom Ridge, M.C.

Carlos J. Moorhead

Carlos J. Moorhead, M.C.

Bob Borski

Bob Borski, M.C.

Chris Smith

Chris Smith, M.C.

Richard Shelby

Richard Shelby, M.C.

J. Bennett Johnston

J. Bennett Johnston, U.S.S.

John P. Murtha

John P. Murtha, M.C.

Austin J. Murphy

Austin J. Murphy, M.C.

James A. McClure

James A. McClure, U.S.S.

Joe Kolter

Joe Kolter, M.C.

Ralph M. Hall

Ralph M. Hall, M.C.

James T. Broyhill

James T. Broyhill, M.C.

Matt Rinaldo

Matt Rinaldo, M.C.

Jim Saxton

Jim Saxton, M.C.

Dean Gallo

Dean Gallo, M.C.

Jim Courter

Jim Courter, M.C.

Bud Shuster

Bud Shuster, M.C.

DOUG BAILEY
AUDITOR GENERAL

Commonwealth of Pennsylvania
Office of the Auditor General
Harrisburg 17106

May 21, 1981

Mr. Nunzio Palladino
Chairman
U. S. Nuclear Regulatory Commission
Washington, D. C. 20555

Dear Mr. Chairman:

I recently received a communication from Mr. Jack Barry, International Vice President, International Brotherhood of Electrical Workers, who is aware of my experience in the United States Congress as a member of the Military Procurement and Nuclear Systems Subcommittee of the Armed Services Committee and my work on the Trade Subcommittee of the Ways and Means Committee, concerning the restart of TMI Unit 1.

While I realize that this has been a controversial issue, I fully understand that the immediate concerns of the commission have to be the protection of public health and safety. I also understand that national policy, in all its broad ramifications, particularly where fission reactors are concerned, is impacted by a decision to restart Unit 1.

However, as a member of the Armed Services Committee, I had access to virtually all information available to anyone in our country concerning all aspects of nuclear power including our weapons program. As a member of the Ways and Means Trade Subcommittee, the aspects of nuclear technology transfer abroad, and problems associated with financing the development of power in this country, were constantly laid out by decision.

In addition, I represented a congressional district in Western Pennsylvania which was the center of a great deal of research for the nuclear industry and also was a nuclear supply industry center. I also served on a TMI Congressional Task Force which attempted to resolve the funding impasse to cleanup Unit II.

Given the information available to the Commission, including the great degree of public awareness, the great amount of time that the public has invested in the appeal process, I very strongly recommend that the Commission conclude the six year debate and reach a decision.

I deeply share, and do not mean in any way to denigrate the vital and sincere concerns of the public, who have so consistently emphasized the need to assure that public health and safety will be protected when TMI-1 restarts. However, I sincerely believe that consumers, CPU Nuclear, union groups, employees, and government officials, without exception, understand the ultimate primacy of that issue (i.e., protection of public health and safety). Within the realm of every practical limitation, that protection has been given due and proper consideration by the commission, the public, and others.

It is time to begin the sale of power to consumers in the service area of TMI-1 to help with another aspect of public health and safety; that being the elimination of the unfair financial burden to the residential and industrial customers to purchase more expensive replacement power. Fifty eight million dollars would be the immediate savings, annualized at present dollar values, to consumers in Pennsylvania from the restart of TMI-1.

We need to constantly monitor the safe operation of nuclear power and I fully support every effort to ensure public participation in that process. However, I feel that there is a fundamental element of procedural fairness to taxpayers, consumers, and all those involved in the process. That fairness is to recognize that we have exhausted, to the greatest extent possible, every consideration surrounding protection of health and safety.

It is time now to move forward; it is time now to integrate the lessons learned from the TMI-2 failure into our technology, and it is time now to look at the six year public record and make a decision.

Sincerely,



Bob Bailey