

OPENING STATEMENT

AUGUST 7, 1978

Our purpose here is to seek information that will help us understand where the nuclear licensing process went wrong at the proposed Seabrook, New Hampshire nuclear power plant. It is appalling to me that some hundreds of millions of dollars have been committed to the project without there being a resolution of the question of whether the plant should be constructed at the Seabrook site.

I note that the NRC itself has cited the Seabrook case "... as a serious failure of governmental process to resolve central issues in a timely and coordinated way -- a paradigm of fragmented and uncoordinated government decision-making on energy matters and of a system strangling itself and the economy in red tape."

In referring to the failure of the regulatory process, I do not in any way want to denigrate the difficulties in coming to grips with the safety and environmental issues that need to be resolved before Seabrook or any other nuclear plant is allowed to operate. Nuclear regulation is, in fact, a complex business as a direct consequence of the unprecedented disasters that might result were nuclear power plants not carefully designed and operated. Therefore, I would disagree with those who see the Seabrook controversy merely as bureaucratic quibbling over trivial matters.

Our task in the Congress is not to make decisions on the desirability or safety of specific projects such as Seabrook. Rather our function is to make sure that we have a licensing process that assures adequate margins of safety and which keeps environmental impacts within acceptably limits. We also want the procedures to provide for participation of all interested parties and for licensing decisions to be made only after full consideration of relevant information. Finally, licensing decisions should be binding; they should be subject to review only if new information indicates the need for further analysis of a significant safety or environmental problem.

In line with our concern that the licensing process be credible, we are considering today, not the safety or environmental issues at Seabrook, but the procedures by which those issues have been addressed. The information we obtain will bear on our consideration of the President's proposals for nuclear licensing reform. These proposals have already been the subject of 8 days of Subcommittee hearings. The bulk of the information presented to us to date has concerned the general nature of regulatory problems encountered by those who participate in nuclear licensing proceedings.

.. As one who comes from the region in which the Seabrook site is located, I am pleased to have the opportunity to chair these hearings. I have observed firsthand the intensity of feeling over the Seabrook issue. My observations make it difficult for me to connect the nuclear regulatory process as we have often heard it discussed in this room with the reality of that process as it works.

I first encountered this intensity of feeling about this project in February, 1977, when several of us from the subcommittee flew over the Seabrook site and later held an informal meeting at Logan airport in Boston. The meeting had been scheduled so we could learn about the issues from those directly involved. While I left with some notion of the problems involved, my lasting impression was that all parties believed that the agencies of government, including this subcommittee, were not doing their job. In fact, the impression of hostility towards government was so strong that I was led to remark, only partly in jest, that perhaps we should return our newly-acquired nuclear jurisdiction to the Joint Committee on Atomic Energy.

To some people, Seabrook means the electric power necessary for a healthy New England economy. To construction workers, it means jobs. To others, it represents an unacceptable threat to the public health and safety of the environment. To many citizens around the site, the plant is viewed as an intrusion upon their way of life.

Such conflicting concerns are supposed to be taken into account by the regulatory procedures that lead to acceptance or rejection of utility applications for permits to construct a nuclear power plant. Clearly, in this case, the licensing process has not performed adequately. After years of regulatory decisions being made, reversed and re-reversed, it is still uncertain whether a nuclear power plant will actually be constructed at the Seabrook site. We want to know whether this regulatory failure owes to the complexity of the issues that need be considered or to inept performance of government agencies. We want to know whether legislation is necessary to prevent reoccurrence of the Seabrook situation at other sites. It is my hope that today's hearing will help us clarify this.

The Seabrook controversy brings into sharp focus the issues that need to be resolved prior to issuing a construction permit for a nuclear power plant. It shows us the importance of considering the relevant questions in a logical order. What will be the future demand for electric power? To the extent that additional generating capacity is needed, how much of that should be nuclear? If a plant is to be nuclear, what is the best site? What must be done to insure that environmental impacts are within acceptable limits?

In my view, many of these questions have not been answered adequately. This explains, at least in part, the continuing controversy. I believe that we do need additional generating capacity in New England, if for no other reason than to reduce

our dependence upon oil imports. But I am less confident that the best means of reducing oil imports is a nuclear power plant at Seabrook. Nonetheless, the regulatory process has not given us a clear sense that there are preferable alternatives. What is certain is that we are paying a high price for our continued failure to conduct licensing proceedings that are efficient and complete.

There are two points I would like to make with the hope that some of the witnesses will comment on them today.

First, I believe that if there had been public funding of intervenor groups, it is likely that issues would have been resolved at more appropriate points along the regulatory path. It seems to me that the specific concerns of the intervenors were raised at times determined more by the vagaries of intervenor funds than by the logic of the situation. Seabrook demonstrates the self-defeating nature of the nuclear industry's strong opposition to public funding of intervenors.

My second observation is that the process failed because construction began before certain issues were resolved. I would like the Public Service Company of New Hampshire to explain why they began construction while the "once through cooling" question was under review. I would also like to know if the NRC licensing board, in allowing construction to begin, understood the likelihood that the EPA would rescind the "once through cooling" permit.

One final observation: I believe the lesson of Seabrook applies not to Seabrook alone, but to the controversy surrounding

all our energy issues. The tragedy of Seabrook stems from our inability to decide on an energy policy. It stems from our unwillingness to decide how much we should rely on oil imports, coal, nuclear power, conservation and renewable resources. As long as we fail to develop a consensus policy, it is my fear that we will have more Seabrooks no matter how much we reform the nuclear regulatory process.

In that we will focus today on the regulatory events at one site, this hearing will be something of a different approach to considering issues relevant to restructuring the nuclear regulatory process. All our witnesses are well qualified to speak on nuclear regulation as seen from the Seabrook perspective. We are looking forward to what they have to say about what has gone wrong and how the system might be modified.

Other commitments prevented Chairman Udall from being here. He has asked me to Chair this hearing in his absence.