



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D. C. 20555

AUG 16 1979

The Honorable Harold Brown
Pennsylvania House of Representatives
1220 Linden Street
Reading, PA 19604

Dear Mr. Brown:

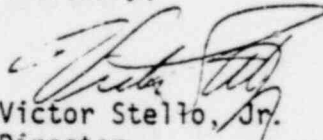
In response to your Mailgram of August 4, 1979, there has been no decision as to enforcement action that may be taken against Metropolitan Edison Company as a result of the incident at Three Mile Island Unit 2.

We recognize your concern about the possible "pass-through" of civil penalties to customers of the penalized utility; however, such matters are not within the purview of the Nuclear Regulatory Commission. Such functions are solely within the province of the State. Any decision as to the "pass-through" of penalties to customers of a utility would be under the jurisdiction of the state public utility regulatory agency.

The Nuclear Regulatory Commission Office of Inspection and Enforcement and Office of State Programs have surveyed the States to find out how NRC civil penalties are handled in utility rate cases. A copy of the results of that survey is enclosed for your information. You will note that the Commonwealth of Pennsylvania has a formal policy on "pass-through" and does not permit "pass-through" unless the utility's solvency is threatened.

We trust that this is responsive to your concern.

Sincerely,


Victor Stelto, Jr.
Director
Office of Inspection
and Enforcement

Enclosure:
Results of Survey of States
on Treatment of NRC
Civil Penalties

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Results of Survey of States on Treatment of NRC Civil Penalties

State	Formal Policy on Pass-Through of NRC Penalty?	Is Pass-Through Permitted?				Remarks
		Yes	No	Maybe	Unknown	
Arkansas	No			x		If no neglect or imprudent management
California	No			x		If utility acted in good faith
Colorado	No				x	
Connecticut	Yes	x				PUC policy
Florida	Yes		x			PUC policy
Illinois	Yes		x			
Kansas	No			x		Case-by-case basis
Kentucky	No			x		Case-by-case basis
Louisiana	Yes		x			PUC policy
Maine	Yes		x			PUC policy
Maryland	No		x			
Massachusetts	No		x			
Michigan	No		x			
Montana	Yes		x			PUC policy
Nebraska	No				x	
New Jersey	No		x			
New Mexico	No		x			
New York	Yes		x			Small fine could "sneak through"
North Carolina	Yes		x			PUC policy
Ohio	No				x	
Oregon	No		x			Case-by-case basis
Pennsylvania	Yes		x			Unless utility's solvency threatened
South Carolina	Yes		x			PUC policy
South Dakota	No				x	
Texas	No		x			
Vermont	No				x	
Virginia	Yes		x			PUC policy
Wisconsin	Yes			x		
Wyoming	Yes			x		If utility acted reasonably
TOTALS		0	18	6	5	

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