

Duplicate copy for
microfiche

Prairie Alliance
Law Division
P. O. Box 2424--Station A
Champaign, Illinois 61820

September 26, 1979

FREEDOM OF INFORMATION
ACT REQUEST

FOIA-79-919
REC'D 10-2-79

Mr. J. M. Felton, Director
Division of Rules and Records
Office of Administration
Nuclear Regulatory Commission
Washington, D.C. 20555

Dear Mr. Felton:

This Freedom of Information Act request is a follow-up to my previous request, FOIA-79-168, dated May 4, 1979. The two responses I received from you, dated 6/11/79 and 6/30/79, were responsive only to items numbered 2-4 in that request. In addition, you forwarded a list of documents generally related to post-Lewis Report use of Wash-1400 by the NRC staff.

In order to fulfill my previous request and gain additional information, I am now writing to request the following:

- (1) A copy of information stated in paragraph number (1) of my May 4, 1979 request (FOIA-79-168), i.e., NRC documents specifically related to the effect of the NRC partial repudiation of Wash-1400 on the Clinton Units I and II (Docket #70-461 and 70-462). In other words, I wish to receive a copy of documents containing information with regard to the NRC staff review of the existing plant licenses for Clinton Units I and II arising from the re-assessment of Wash-1400 reliance as a basis for licensing criteria in light of the Lewis Report.
- (2)(a) A copy of NRC documents relating to a study done by General Electric--known as the Reid Report--which discusses unresolved safety problems of Boiling Water Reactors manufactured by General Electric, such as the one at the Black Fox facility. As in the previous request, I would especially like copies of NRC documents utilizing and/or discussing the Reid Report information in its application to licensing and other NRC review of Clinton Units I and II.
- (2)(b) In this regard, I also request a copy of the Reid Report itself.
- (3) A copy of Appendix A, Revision 1 to Task Action Plan for Generic Tasks contained in the files of Docket #50-556 and #50-557. (This is an appendix to the testimony of Messrs. Aycock, Crocker and Thomas.)

1148 270

7910170 188

(4) Any NRC documents pertaining to the effect of the recent NRC staff position--that the accident at Three Mile Island was a class 9 (nine) accident--on construction permit and operating license granting, suspension, modification, or revocation criteria. (I have enclosed a copy of a news article to specify this ruling.) Once again, any documents relating the effects of this new position to the licensing process, including granting, suspension, modification, or revocation, for the Clinton reactors or other BWRs is also requested.

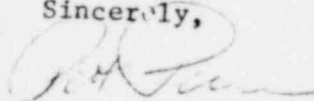
It would greatly facilitate our correspondence if you would specify your response to these requests by utilizing the corresponding paragraph numbers from this letter. In the unlikely event that copies of any of the requested information are denied, please describe the deleted material in detail and specify the statutory basis for the denial as well as your reasons for believing that the alleged statutory justification applies in this instance. This might help to avoid possibly unnecessary litigation at a future date.

I anticipate, however, that all of this information will be made available within the statutorily prescribed period. I also request that any copying fees be waived since disclosure in this case certainly meets the statutory standard for waiver of fees: ". . . furnishing [this] information can be considered as primarily benefiting the general public." 5 U.S.C. § 522 (a) (4) (A). I note in this regard that much of the requested information relates to general licensing criteria and as a member of a broad-based public interest organization, I intend to make this information known to all interested members of the public.

As provided for in the Act, I will expect to receive a reply within 10 (ten) working days.

If you have any questions regarding this request, please telephone me at this number: (217) 384-4103.

Sincerely,



Peter Penner

Enclosure

1143 271

Decision on TMI may tighten nuclear licensing

By Harlan Draeger

The decision by federal experts that a Class 9 accident occurred at the Three Mile Island power plant apparently signals a new turn in the national debate over nuclear power.

Critics of nuclear safety procedures say they have gained fresh, powerful ammunition to challenge licenses for existing and future plants.

They contend that the government, in conceding an accident of that magnitude for the first time, must ensure that all plants can withstand them.

Class 1 accidents are those in which the consequences are "trivial." Class 8 accidents are "design basis" events—the worst possibilities that plant safety equipment is designed to control. Class 9 accidents involve a series of successive plant failures "more severe" than those for which plant safeguards are designed.

UNTIL NOW, evidence about the possibility of a Class 9 accident has been excluded from license proceedings for nuclear reactors. Chances of such an event were considered too remote for consideration in license reviews.

But a little-noticed statement two weeks ago by the staff of the Nuclear Regulatory Commission put the Three Mile Island accident near Harrisburg, Pa., in the Class 9 category.

Frank Ingram, NRC spokesman in Washington, said it's "too early to tell" how the designation might affect licensing. Top NRC officials were not available for comment Friday.

Industry representatives were surprised by the decision and fully expect nuclear foes to make the most of it. But they said it will not necessarily lay new ground rules for licenses.

In Chicago, a spokesman for Commonwealth Edison Co. said the Class 9 designation

for Three Mile Island "could do a lot of harm if it isn't undone."

Edison has seven operating reactors, six more under construction and several more on the drawing boards.

Nationwide, there are 70 fully licensed units and more than 120 requiring either construction or operating permits.

For years, the federal government has used a range of numbers to rank possible accidents at nuclear plants.

THE NRC STAFF POSITION on Three Mile Island came up indirectly in connection with proposed expansion of spent fuel storage at a New Jersey nuclear plant. There, the licensing board formally asked the NRC staff whether the Pennsylvania accident fell into the Class 9 category. Its response:

"While the release of radioactive material to the off-site population was very small, the staff nonetheless concludes that the accident at Three Mile Island was a Class 9 accident."

The response was written by Roger J. Mattson, head of an NRC task force looking into the accident.

NRC staff experts said there is no specific definition of a Class 9 accident. But they said the courts and NRC appeal boards generally hold that it must involve simultaneous failures of all or "numerous" safety systems in power plants.

Mattson said the Three Mile Island breakdown involved "a sequence of three successive failures" more severe than those for which plant safeguards were designed.

Mattson emphasized that the radiological "consequences" were within the plant's design standards. He said the accident qualifies as a Class 9 event only from the standpoint of "possible, rather than actual, radiological consequences."

UTILITY WORRIES ABOUT the Class 9 is

sue were expressed in a response by New Jersey's Public Service Electric & Gas Co. It warned of a "sweeping precedent . . . radically affecting all pending cases [and perhaps those plants for which licenses have already been issued]."

Environmentalists seized on the NRC statement as a "significant" new opening in their challenge to nuclear power.

Greg Minor, one of three former General Electric Co. nuclear engineers who resigned because of safety concerns, said he was surprised by the decision.

"In terms of the licensing process, it really says there are not adequate criteria to protect the health and safety of the public," said Minor, a consultant for intervenors in the New Jersey case. "Exclusion of Class 9 accidents as an 'incredible' event no longer is substantiated by our experience."

Minor foresees an immediate evaluation of existing reactors and "more stringent" licensing standards in the long run.

A. DAVID ROSSIN, a nuclear research engineer for Commonwealth Edison, said he was shocked by the NRC staff's "incomprehensible" position.

"This changes the whole definition of Class 9 accidents," he said. "We've got to have a new class now—Class 10. This development does open up new questions, depending on how the thing is interpreted. If it is allowed to change the design basis [for reactors], then it will change the licensing process. But I don't think it should."

Nuclear critic Catherine Quigg, of Pollution and Environmental Problems in suburban Palatine, said: "We have been told a Class 9 accident can't happen. Now we know it can. Therefore, all reactors will have to be examined for their capability of withstanding a Class 9 accident."

Dean Hansell, who handles nuclear issues for Illinois Atty. Gen. William J. Scott, said the NRC stance would make it impossible for any cost-benefit ratio to favor locating nuclear plants near major urban areas.

1148 272

POOR ORIGINAL