

U.S. NUCLEAR REGULATORY COMMISSION  
INTERIM STATEMENT OF POLICY AND PROCEDURE

AGENCY: U.S. Nuclear Regulatory Commission

ACTION: Statement of Policy

SUMMARY: The March 28, 1979 accident at Unit No. 2 of the Three Mile Island nuclear plant is being investigated by the Nuclear Regulatory Commission and a number of other bodies. These investigations may result in significant changes in the Commission's regulatory policy and in the procedures it employs to license nuclear power facilities. The Commission is currently considering a range of options dealing with the extent to which its regulatory structure should be modified during the pendency of the investigations. This statement is being issued to clarify the Commission's previously announced policy decisions on how licensing proceedings should be conducted while the Commission considers changes in the procedures by which it exercises supervision over adjudicatory licensing decisions.

The Commission has determined that new construction permits, limited work authorizations, or operating licenses for any nuclear power reactors shall be issued only after action of the Commission itself. The Commission will shortly decide the procedures by which its further action will be taken. In

1215 317

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these circumstances no full adjudicatory decision which authorizes issuance of such a permit, authorization or license shall be issued by an Atomic Safety and Licensing Board except after further order of the Commission itself. However, all other adjudicatory proceedings including enforcement and license amendment proceedings may continue. Further, the issuance of appellate decisions and partial initial decisions may also continue. The Commission's staff should continue its present policy of informing the Commission, NRC licensees, and NRC applicants of staff's views on the implications of the Three Mile Island accident in general and on what corrective or preventive actions are called for in specific cases as a result of its analysis of the accident. In particular, this means the staff is authorized to proceed with licensing reviews and present evidence on the implications of the accident for resolution of proceedings now before Atomic Safety and Licensing Boards. Of course, staff is free to conclude on a case-by-case basis that further consideration is required before it is prepared to speak to a particular issue or in a particular proceeding, and it may appropriately communicate any such

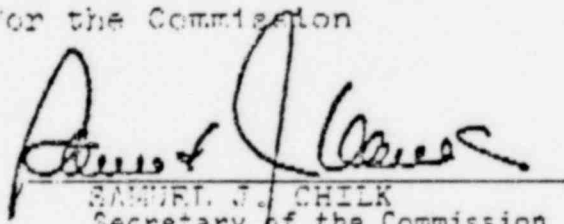
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conclusion to the Commission's adjudicatory boards. The Commission views these measures as necessary to preserve the status quo without undue disruption to licensing proceedings now underway.

The Commission has received petitions from applicants in the Black Fox and Skagit proceedings requesting issuance of directives on the future conduct of those proceedings. This statement is intended to serve as the Commission's interim response to those requests. Final responses must await the Commission's generic policy decision on licensing.

For the Commission

  
SAMUEL J. CHILK  
Secretary of the Commission

Dated at Washington, D. C.  
this 4th day of October 1979

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