



DOCKET NUMBER
PROPOSED RULE **PR-140(44FR43128)**

NUCLEAR REGULATORY COMMISSION

Financial Protection Requirements and
Indemnity Agreements

Hearing To Receive Testimony on Whether the March 28, 1979
Accident At the Three Mile Island Unit 2 Reactor Should Be
Considered an Extraordinary Nuclear Occurrence (ENO)

On July 23, 1979, the Nuclear Regulatory Commission published in the Federal Register (44 FR 43128) a notice that pursuant to the Atomic Energy Act of 1954, as amended, the Commission was initiating the making of a determination as to whether or not the March 28, 1979 accident at the Three Mile Island Unit 2 reactor (TMI-2) constitutes an extraordinary nuclear occurrence (ENO) as defined in the Commission's regulations, 10 CFR Part 140, subsections 140.84 and 140.85. On August 17, 1979 the Commission directed that a panel composed of members of the principal staff be formed to evaluate public comments received in connection with our July 23 notice and other technical information assembled by the Commission from its own and other sources. The panel is presently reviewing the comments provided by the public in response to the July 23 notice and reviewing and updating as necessary the data and analyses provided by the numerous studies on offsite releases that it has identified as having been completed or underway.

In the interest of compiling as complete a record as possible for making the ENO determination, the Commission has decided to grant a request for a public hearing filed by Mr. David Berger on August 29, 1979. A one-day informal hearing will be held in Harrisburg, Pennsylvania to provide

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interested members of the public the opportunity to present oral statements to selected panel members and supporting NRC staff. The panel will be chaired by Robert Minogue, Director, Office of Standards Development. The hearing will begin at 9:00 a.m. on Wednesday, November 21, 1979 at the Rose Herman Lehrman Arts Center Auditorium of the Harrisburg Area Community College, 3300 Cameron Street Road, Harrisburg, Pennsylvania. The statements should address either or both of the following two subjects:

- (1) Whether the TMI accident meets the criteria contained in Sections 140.84 and 140.85 of Part 140 of the Commission's regulations, and
- (2) Whether uncertainties in radiation measurements taken during the accident are sufficient to warrant a finding that Criteria I in Section 140.84 was satisfied.

In order to allow maximum participation, in the event that there are a large number of requests to present oral statements, the panel may have to impose a five minute time limit on the length of oral statements. The panel will accept oral summaries of longer statements to be submitted in writing. Those persons wishing to present oral statements should call NRC's Antitrust and Indemnity Group collect on or before November 19, 1979 at 301-492-8337 to have their names placed on a list of intended speakers. Written statements may be submitted to the panel at the time

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of the hearing or they may be mailed to the Chief, Antitrust and Indemnity Group, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Both oral and written statements and the transcript of the hearing, which will be made public, will be made a part of the official record of this proceeding.

Separate Views of Commissioners Ahearne and Bradford

The issue of whether TMI meets the current ENO criteria is not much of an issue. Unless the releases are much greater than all of the estimates made by various government agencies so far, TMI will not meet the criteria. Consequently, if there is to be a public hearing, Commissioners Ahearne and Bradford would have broadened the discussion to include consideration of whether the ENO criteria should be changed in light of our experience with TMI. It is likely the public will be more interested in discussing this issue and have more to say about it than whether TMI meets the current criteria. However, the other Commissioners did not agree with this addition to the scope of the hearing.

Notwithstanding the separate views expressed above, the Commission has concluded that the subjects that should be covered in statements presented in the November 21 hearing should be addressed to the two specified in the main body of this notice.

FOR THE NUCLEAR REGULATORY COMMISSION



Lee V. Gossick
Executive Director for Operations

Dated at Bethesda, Maryland
this 1st day of November 1979

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