



UNITED STATES  
NUCLEAR REGULATORY COMMISSION

WASHINGTON, D. C. 20555

June 6, 1979


MEMORANDUM FOR: Chairman Hendrie  
Commissioner Gilinsky  
Commissioner Kennedy  
Commissioner Bradford  
Commissioner Ahearne

FROM: *LB* Leonard Bickwit, Jr.  
General Counsel

SUBJECT: POLICY STATEMENT ON LICENSING

At the Commission's meeting of May 30 on "Discussion of Options Regarding Deferral of Licenses," the Office of the General Counsel was asked to draft a policy statement based on its review of the transcript of the meeting. That review did not disclose a consensus within the Commission as to an appropriate course of action on future licensing. The attached policy statement is designed to reflect themes running through the transcript and to suggest two approaches which are consistent with most of the views expressed. The bracketed sentence represents the difference between the two approaches.

Attachment: As stated

cc: OPE  
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SECY 

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## STATEMENT OF POLICY

The recent accident at Unit 2 of the Three Mile Island (TMI) nuclear power facility is the most serious to have occurred at a civilian facility regulated by the Nuclear Regulatory Commission. The Commission has begun a thorough and multi-faceted study of the causes of the TMI accident and the steps which may be taken to reduce the possibility of similar accidents in the future. As part of that process, the Commission has temporarily reorganized its staff structure, particularly in the Office of Nuclear Reactor Regulation, to assure that TMI-related activities are given the highest priority. Although analysis of the accident is still in its preliminary stages, the Commission's staff has already identified certain areas in which specific corrective actions would significantly enhance the safety of nuclear facilities, and several bulletins have been issued to NRC licensees requiring them to take those actions. In the case of those plants most similar to TMI Unit 2, the Commission has required, and the licensees have agreed to take, immediate corrective action as a condition to continued operation.

The next major step in the Commission's overall response to TMI will be a report of the "lessons learned" task force which we expect to receive in the next several weeks. That report will offer the preliminary views of the NRC staff on the causes of the accident and its implications for other facilities

and for the Commission's licensing standards and procedures. The report will discuss a number of issues arising from the accident including, but not limited to, topics such as operator training, reactor instrumentation and emergency response planning. Once the report has been received, it will be necessary for the Commission to consider the implications each separate issue may have for the licensing of other planned or existing nuclear power facilities. That consideration will require analysis of such matters as: (1) the extent to which the TMI accident calls into question a previous Commission policy or practice; (2) the extent to which issuance of a construction permit or operating license or permitting continued construction would make implementation of a TMI-related policy change substantially more difficult; (3) the safety significance of any changes in policy that may be called for; (4) whether it is likely that further investigation or analysis will produce substantially greater knowledge about the issue, and, if so, how soon; (5) what nuclear facilities are implicated and to what extent; and (6) whether the implications should be considered for all facilities, or whether some limitation on retroactive application to currently licensed facilities would be appropriate.

As a significant part of its review, the Commission will attempt where possible to divide the issues raised into categories which will provide direction for the staff and the Commission's Licensing Boards in licensing proceedings and other regulatory activities. Categorization of issues under the following headings would provide the necessary guidance: (1) issues of such seriousness that prompt resolution or shutdown is required with respect to plants already operating; (2) issues serious enough to require resolution before new licenses may be issued, either because of the extent of the safety risk presented or because issuance of a license would seriously impede correction of the identified deficiencies; (3) issues that must be resolved expeditiously, but whose resolution need not affect licensing or operation decisions; and (4) issues that need only be resolved for new plants, for plants on which construction has commenced after a certain date, or for some other identifiable class of facilities.

Pending such categorization and direction by the Commission, it is expected that the Commission's Licensing Boards will take into account that the effort discussed in this statement is underway and will use their discretion in adapting their proceedings to that effort. The Boards are encouraged to

move forward on, and give priority to, the resolution of issues which are unlikely to be impacted by the staff's "lessons learned" report and the Commission's review. [Also pending further Commission direction, it is the policy of the Commission that no new limited work authorization, construction permit or full-power operating license will be issued, except by action of the Commission itself.]