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

1980

Mr. and Mrs. J. Papararo
P.O. Box 3638
San Clemente, California 92672

Dear Mr. and Mrs. Papararo:

Your letter to Commissioner Hendrie regarding the accident at Three Mile Island has been referred to me for response. I regret that this answer to your letter has been delayed. The accident and its consequences have created a substantial increase in the agency's workload, which has prevented us from responding to you as promptly as we would have liked.

With regard to your comment that the accident at TMI "must be considered an 'extraordinary' event," Extraordinary Nuclear Occurrence (ENO) is a term defined in the Atomic Energy Act of 1954, as amended (the Act), which identifies those nuclear accidents where compensation to people for damages or injuries will be on a no-fault basis. In the event of a nuclear accident resulting in small releases or minor damages, these no-fault provisions would not apply and normal legal procedures would be followed for persons submitting damage claims.

The NRC was given the authority in the Act to determine whether or not an accident can be classified as an ENO. The Act defines an ENO as an event that causes a discharge of radioactive materials in amounts causing offsite radiation levels that the Commission determines to be substantial and that the Commission determines has resulted or will result in substantial damages to offsite persons or property. The Commission was required by the Act to establish specific criteria in its regulations for making the ENO determination. Although the accident at TMI was not a normal occurrence and would be considered extraordinary in everyday language, the Commission, in an April 16, 1980, finding, determined that the accident does not meet specific criteria for an ENO as defined by the Price-Anderson Act and the Commission regulations.

Your second point was that "a judicatory hearing should be held concerning the Three Mile Island accident." The Commission has ordered that a public hearing be conducted to determine whether Unit 1 will be operated and if so under what conditions. Prior to start of the hearings, the NRC staff will conduct a review of technical information concerning the restart of Unit 1. As part of this review, the NRC staff will conduct meetings with the licensee in the presence of the public, and the public will be given the opportunity to raise questions and to make statements. During the hearing, the technical issues

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which are appropriate to assure the public health and safety will also be addressed. In addition, the Atomic Safety and Licensing Board has indicated that NRC should consider the psychological impact of future operation on the nearby communities.

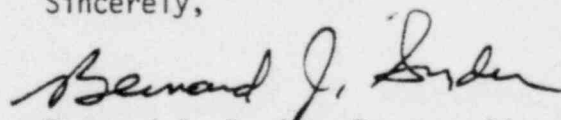
With regard to Three Mile Island Unit 2, the licensee has not yet submitted to the NRC a proposal for overall plant recovery, although the licensee is conducting feasibility studies. It is not possible at this time to determine when such proposals for recovery may be submitted or how much time will be needed for the required reviews and approvals in connection with Unit 2's recovery. I would note, however, that the licensee's authority to operate Unit 2, except for those actions necessary to keep the reactor shutdown, was suspended by Order of July 20, 1979.

I would also note that on February 11, 1980, the Director, Office of Nuclear Reactor Regulation, issued an order (45 Fed. Reg. 11282, Feb. 20, 1980) stating that he intended to amend the operating license for TMI Unit 2 to include new technical specifications aimed at accounting for the present condition of the facility and to assure the continued maintenance of the current safe, stable shutdown condition and to cope with foreseeable off-normal conditions. The order invited the licensee or any person whose interest may be affected to file a request for a hearing on or before March 21, 1980. As a result of this order, three parties have filed for a hearing and the Commission has ordered the Acting Chairman of the Atomic Safety and Licensing Board Panel to constitute a hearing board panel to rule on these hearing requests. Such a hearing board was subsequently established on May 15, 1980.

Your third point was that "public hearings should be held throughout the country" to inform the public of its "rights in the case of a nuclear accident." I am enclosing for your information a description of NRC's licensing process for nuclear power plants. This process provides for public participation in hearings that are conducted in the localities of proposed nuclear power facilities. During these hearings, safety and environmental issues are thoroughly aired.

We appreciate your concerns and assure you that every effort is being made to ensure the continued protection of the health and safety of the public, not only at Three Mile Island, but also at all nuclear power plants.

Sincerely,



Bernard J. Snyder, Program Director
Three Mile Island Program Office
Office of Nuclear Reactor Regulation

Enclosure:
The Reactor Licensing Process