



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

TMI Inquiry

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Ms. Barbara Jorgenson
President's Commission
on the Accident at Three Mile Island
2100 M Street, N. W.
Washington, D. C. 20037

Dear Ms. Jorgenson:

Regarding my testimony of August 22, 1979, on September 10 I submitted the information requested in your letter of August 29. I would now like to submit additional information.

I was asked by Commissioner Taylor, "Are you aware of any instances of foreign reactor transients, whether supplied by U.S. vendors or someone else, that has led directly to changes in either design or operating procedures in U.S. reactors, for safety reasons?"

In my testimony, I gave only a couple of examples of such experience. I am enclosing a list of several examples of occasions when safety-related information, first learned by NRC from foreign experiences, resulted in important NRC actions (Enclosure 1).

I was asked by Commissioner Taylor, ". . . Are you aware of any incidents, transients, in which it is generally agreed that there was voiding of the core in a light water reactor--pressurized water reactor, I am sorry--of any kind outside of the United States, in addition to this Swiss reactor that we talked about earlier in your testimony?"

I answered, "No." Since then, I have reviewed the information we have on significant foreign incidents, and have identified one incident in which we understand that some "boiling" occurred in the reactor. This is an incident which occurred in a Soviet PWR, the Novovoronezh Unit 1, in 1969. This incident is described in the enclosed NRC Commission Paper, SECY-79-416, which also contains some information on other known events in USSR peaceful nuclear energy activities (Enclosure 2).

We have also prepared the list (Enclosure 3) of reported non-Soviet foreign reactor incidents. The only incident in a PWR on the list is the one in the "CAP" Reactor in France, on June 4, 1979. The information we have does not indicate whether voiding is known to have occurred in this incident.

I would also like to supplement my remarks at the hearings concerning questions raised by your Commission with regard to NRC's activities in the export area. I would like to point out that export applications filed with

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NRC which are for major cases, such as reactor and nuclear fuel exports are, as required by law, submitted to the State Department for an extensive Executive Branch review prior to their final formal consideration by NRC. In addition to the State Department, the Department of Energy, the Arms Control and Disarmament Agency, the Department of Commerce, and the Department of Defense carefully review proposed exports and ultimately make a recommendation to NRC as to whether the Executive Branch believes the license should be issued. As part of this process, questions about proposed exports are often raised and exports held up, some for extended periods, until satisfactory answers are provided or outstanding issues resolved. After the Executive Branch comments reach NRC, they are subjected to close staff and Commission review, after which further questions and problems may be raised and resolved before a license is finally issued. At times, license applications have been withdrawn by applicants to avoid receiving a turn-down; and sometimes applications have been returned without action by NRC. Therefore, the fact that the vast majority of license applications have been approved by NRC does not in any way indicate that the review is a perfunctory one, or that important matters are not taken into account; in fact, license applicants have often raised complaints about the length and detailed nature of the license review process.

With specific regard to health and safety matters, while it is true that the Commission has not turned down any export applications because of health and safety considerations, it is only on a recent case (a reactor for the Philippines) that serious health and safety questions have been raised; and in this case the Executive Branch has been withholding its final recommendation to NRC for a lengthy period pending their review of health and safety issues. In connection with this export, the Commission has not proceeded to license components for this reactor until the Executive Branch position on the reactor has come to NRC. The Commission also recommended that the turbine generator not be exported at this time to the Philippines; but we were only consulted on the license application, and the Commerce Department subsequently approved this export.

In addition, the Department of Justice successfully argued recently in court, in a suit brought by the Westinghouse Corporation to force NRC to act on components for the Philippine reactor, that NRC could assess the health and safety aspects of reactor exports to the extent that the common defense and security or global commons would be affected. Also, Presidential Executive Order 12114, issued January 4, 1979, calls for an environmental review of proposed reactor exports to be prepared by the Executive Branch, and procedures are now nearing completion to implement this Executive Order.

All of this activity in connection with export licensing, and the long-standing extensive program of U.S. Government international cooperation activities designed to enhance the safety of reactors exported to other countries, which has been intensified since TMI, demonstrates the strong concern of the United States Government, including the NRC, that nuclear activities abroad be conducted in as safe a manner as possible.

One more point. In answer to a question (p. 41, line 4) from Dr. Kemeny, I said (line 14), that the State Department, NRC, and other agencies are writing "regulations" to implement the Presidential decision on environmental review of reactor exports. Actually, these agencies are writing the procedures for this implementation. The Executive Order called for "procedures," rather than "regulations" and the words have considerably different legal and practical implications.

I am enclosing an errata sheet and an edited transcript of my testimony.

Sincerely,

original signed by
Joseph D. Lafleur, Jr.

Joseph D. Lafleur, Jr.
Deputy Director
Office of International Programs

Enclosures:

1. Nuclear Safety Information from Foreign Sources, 8/20/79
2. SECY 79-416, 6/26/79
3. List of Foreign Reactor Incidents, rev. 9/10/79
4. Errata Sheet
5. Edited Transcript of Testimony

bcc w/encls: JAFitzgerald, OGC
JACooke, ELD

bcc w/o encls: Chairman Hendrie
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JRShea, IP
WBesaw, ADM
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LVGossick, EDO
EDO R/F

SEE ATTACHED YELLOW FOR PREVIOUS CONCURRENCES OF IP AND ELD.

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SURNAME →	JDLafleur/atp	JRShea		LVGossick	JAFitzgerald
DATE →	9/18/79	9/12/79	9/17/79	9/17/79	9/ /79