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

JAN 11 1980

Docket No. 50-320

The Honorable Robert S. Walker  
U. S. House of Representatives  
Washington, DC 20515

Dear Congressman Walker:

Some time ago you provided a senior staff panel of the Nuclear Regulatory Commission with your comments as to whether the accident at Three Mile Island was an "extraordinary nuclear occurrence" (ENO) as defined by the specific criteria in the Commission's regulations.

The panel has prepared its report ("Report to the Nuclear Regulatory Commission from the Staff Panel on the Commission's Determination of an Extraordinary Nuclear Occurrence (ENO)" - (NUREG-0637)), a copy of which is enclosed along with a Federal Register notice pertaining to this report.

We wish to thank you for providing us with your comments. All of the comments were considered by the panel and responses were prepared for each category of comment. In those cases where specific data were provided, more extensive panel responses were included. (Please refer to Appendix C of the report.)

Sincerely,

Jerome Saltzman, Chief  
Antitrust and Indemnity Group  
Office of Nuclear Reactor Regulation

- Enclosures:  
1. Federal Register Notice  
2. NUREG-0637

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## NUCLEAR REGULATORY COMMISSION

### Financial Protection Requirements and Indemnity Agreements; Report of the Staff Panel to Commission Regarding Extraordinary Nuclear Occurrence Determination

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, §§ 140.84 and 140.85. On August 17, 1979, the Nuclear Regulatory Commission directed that a panel composed of members of the principal staff be formed to evaluate public comments received and other technical information assembled by the Commission from its own and other sources. The panel was directed by the Commission to make explicit findings on whether the Commission's ENO criteria have been met, the factual basis for those findings, and a recommendation as to whether or not the accident at TMI constitutes an ENO. The Panel received and evaluated some 57 comments and technical assessments received from members of the public. On November 21, selected panel members and supporting staff held a public hearing in Harrisburg, Pennsylvania to provide interested members of the

public the opportunity to present oral statements on whether the accident at TMI-2 constitutes an ENO. Copies of all written comments and the transcript have been placed in the Commission's Public Document Room at 1717 H Street, NW, Washington, DC and the local TMI Public Document Room.

The Panel has completed its investigation, evaluation and analysis and has reported to the Commission its findings and recommendation. *Report to the Nuclear Regulatory Commission from the Staff Panel on the Commission's Determination of an Extraordinary Nuclear Occurrence (ENO)*. NUREG-0637.

As directed by the Commission on August 17, 1979, the Panel made its findings and recommendation by applying the explicit criteria set forth in the Commission's regulations, 10 CFR 140.84 and 140.85, to the information gathered and analyzed by the Panel. The Panel has not addressed the question of whether the criteria set forth in 10 CFR §§ 140.84 and 140.85 for determining whether an ENO has occurred should be changed for future application. This matter will be considered in a separate rulemaking which the Commission has announced in response to the July 24, 1979 petition of the Public Citizen Litigation Group and the Critical Mass Energy Project. See 44 FR 50419, August 28, 1979.

The Panel finds that the first criterion, pertaining to whether the accident caused a discharge of radioactive material or levels of radiation offsite as defined in 10 CFR 140.84, has not been met. It further finds that there is presently insufficient information to support any definitive finding as to whether or not the second criterion, relating to damage to persons or property offsite as defined in 10 CFR § 140.85, has been met. Since the Panel has not found that both criteria have been met, it recommends that the Commission determine that the accident at Three Mile Island did not constitute an "extraordinary nuclear occurrence." This recommendation, however, is advisory only. The Commission will make the final determination whether the accident constitutes an ENO.

Free copies of this report may be obtained, to the extent of supply, by writing to the Nuclear Regulatory Commission, Director of Division of Technical Information and Document Control, Washington, DC 20555. Copies are also available at the Commission's Public Document Room, 1717 H Street, NW, Washington, DC and at the local TMI public document room.

The Commission invites interested persons to submit comments on the

Panel Report to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, 1717 H Street, NW, Washington, DC 20555, by February 4, 1980, in order to be considered by the Commission before it makes its final determination.

Dated at Bethesda, Md., this 31st day of December 1979.

For the Nuclear Regulatory Commission,  
Lee V. Gossick,

Executive Director for Operations.

(FR Doc. 80-323 Filed 1-3-80; 8:46 am)

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