

FEB 11 1980

Mr. Robert E. Shaffer, Chairman
Derry Township Board of Supervisors
235 Hockersville Road
Hershey, Pennsylvania 17033

Dear Mr. Shaffer:

Your letter of December 19, 1979 to President Carter and the attached Resolution No. 152 from the Derry Township Board of Supervisors were forwarded to us for response.

The first point of the resolution recommended that operation of TMI-1 be resumed giving all due concern to safeguard and to protect the public health, safety and welfare of residents in the surrounding area. In this regard, the Commission ordered, on July 2, 1979, that TMI-1 remain in a cold shutdown condition until further order by the Commission and stated that a public hearing would be held prior to restart of TMI-1. The Commission believes that public participation is a vital ingredient in matters related to TMI-1 restart plans.

On August 9, 1979 the Commission issued an additional Order on TMI-1 specifying the basis for the Shutdown Order and the procedures to govern the hearing regarding restart. On the basis of this hearing, the Commission will determine whether any further operation of TMI-1 will be permitted and, if so, under what conditions. I have enclosed a copy of the August 9, 1979 Order for your information.

The Commission's Order also identifies a number of items that must be resolved prior to restart. These items, which are listed on pages 5-7 of the Order, include but go beyond those required for restart of other Babcock & Wilcox-design pressurized water reactors similar to TMI Units 1 and 2. These additional items included those recommended by the Lessons Learned Task Force, which studied the TMI accident.

The Commission carefully considered the time required for completing all tasks related to the Order. (A Commission Schedule calling for expeditious handling of the necessary NRC staff and procedural actions required for the hearing process is provided on the last page of the Commission's Order.) Based on that schedule, I do not believe that the restart of TMI-1 could occur before late 1980.

The second point of the resolution recommended that TMI-2 not be placed into operation until the current authorized public and private investigations relative to the Unit 2 accident be completed and reports are made

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public. There is currently a pause in licensing until recommendations of the President's Commission on the Accident at Three Mile Island (the Kemeny report), the NRC Special Inquiry Group report, and several NRC staff investigations have been evaluated, and until those recommendations relevant to licensing are implemented. The licensee's authority to operate TMI-2, except for those actions necessary to keep the reactor shutdown, was suspended by Order of July 2, 1979. We will require the relevant recommendations from the Kemeny Commission and the NRC staff investigations to also be applied to TMI-2 prior to authorizing its resumption of operation.

In regard to the resolution's third point, which concerned the liability limitations of the Price-Anderson Act, the NRC is constrained by the Atomic Energy Act of 1954, as amended; any future changes to this statute will of course require action by the Congress of the United States. The Price-Anderson Act is embodied in Section 170 of the Atomic Energy Act. For your information, the constitutionality of the Price-Anderson Act was recently upheld by the United States Supreme Court in Duke Power Company v. Carolina Environmental Study Group, Inc., et al., 438 U.S. 59 (1978).

The fourth point of the resolution concerned the storage of spent fuels. The goal of the U.S. Nuclear Waste Management Program is to provide assurance that existing and future nuclear waste from military and civilian activities, including spent fuel from the once-through nuclear power cycle, can be isolated from the biosphere so as to pose no significant threat to public health and safety and the environment. The NRC is responsible for providing the framework of criteria and regulations that will ensure that the disposal methods developed for all types of radioactive waste are consistent with the achievement of this goal of safe, long-term disposal.

The NRC's authority to license and regulate the storage and disposal of radioactive wastes is derived from three statutes: the Atomic Energy Act of 1954, the Energy Reorganization Act of 1974, and the National Environmental Policy Act of 1969. To implement this authority and to provide guidance to the U.S. Department of Energy (DOE), the industry, and the public, NRC is developing new or revised regulations for such storage and disposal. These regulations will require conformance with a fixed set of minimally acceptable performance standards for waste management activities while providing for flexibility in the technological approach.

The Department of Energy responsibilities concerning radioactive waste disposal are limited to high-level wastes, and only those low-level wastes produced as part of DOE's programs. Their responsibility does not include commercially generated low-level wastes.

With respect to the fifth point of the resolution which concerned alternate methods of energy production, such as solar, wind and geothermal, the

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Department of Energy is the Federal Agency responsible for their research and development. NRC considered these alternative methods of energy production in its assessment of the environmental impact of each nuclear power plant as part of our overall review of each utility's application for a construction permit or an operating license. To date, we have determined that alternative methods of energy production are neither technically nor economically feasible to provide the required amount of power at the time it is needed.

In regard to the final point of the resolution which expressed concern with emergency planning, the NRC is proposing rules that would require the definition of emergency planning zones (EPZs) around nuclear facilities. An EPZ would be defined for both the short-term "plume exposure pathway" and for the longer term "ingestion exposure pathway." The EPZs recommended are nominally 10 miles for the "plume exposure pathway" and 50 miles for the "ingestion exposure pathway."

Emergency planning will predetermine emergency responses within the EPZ as a function of population groups, environmental conditions, plant conditions, and time available to respond. For the plume exposure phase, shelter and/or evacuation are the principal immediate protective actions to be recommended for the public in the 10 mile EPZ.

The NRC/FEMA Steering Committee has developed criteria to upgrade all emergency plans in accordance with the proposed rules. The State/local emergency plans will be reviewed initially by the FEMA staff for adequacy and their findings and determinations will be reviewed by the NRC staff for integration with the licensee's emergency plans and to determine overall emergency preparedness, including evacuation, effectiveness.

In the interim period, the NRC is requiring all operating reactor facilities to submit upgraded emergency plans that meet revised acceptance criteria. The revised acceptance criteria require establishment of a "plume exposure pathway" EPZ of about 10 miles. The staff is scheduled to complete the review of all upgraded plans by July 1980.

I trust this response has addressed the concerns raised in your letter and the attached resolution.

Sincerely,

Original Signed by
H. R. Denton

Harold R. Denton, Director
Office of Nuclear Reactor Regulation

Enclosure:
Order dated August 9, 1979

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A RESOLUTION OF THE TOWNSHIP OF DERRY DAUPHIN COUNTY,
COMMONWEALTH OF PENNSYLVANIA, REGARDING THE THREE MILE
ISLAND NUCLEAR GENERATING STATION

WHEREAS, on Wednesday, March 28, 1979, a nuclear accident occurred at Unit 2 of the Three Mile Island Nuclear Generating Station which subsequently caused the release of nominal amounts of radiation into the atmosphere; and

WHEREAS, Unit 1 of the Three Mile Island Nuclear Generating Station has had a 5-year operating record without known incidents of operating failure;

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of the Township of Derry that the Three Mile Island Unit 1, which has been refueled and is ready for operation, be so operated, giving all due concern to safeguard and to protect the public health, safety and welfare of residents in the surrounding area; and

BE IT FURTHER RESOLVED that Three Mile Island Unit 2 not be placed into operation until the current authorized public and private investigations relative to the Unit 2 accident be completed and reports are made public; and

BE IT FURTHER RESOLVED that the Board believes the responsibility for financial damage to property of residents affected by nuclear accidents should not be limited by the Price-Anderson Act, but that the Federal government which is responsible for the licensing of nuclear reactors should assume the financial responsibility in full for any damage which could result from future accidents; and

BE IT FURTHER RESOLVED that the Board has grave concern for the inheritance of stored spent fuels by future generations, and that it encourages the Nuclear Regulatory Commission to place a moratorium on the licensing of future nuclear facilities which have not been issued construction permits as of this date; and

BE IT FURTHER RESOLVED that we encourage the Federal government to reassess its entire energy philosophy and Federal grant programs in toto to make a commitment to energy independence by actively funding and supporting the use and development of safe alternative energy sources and energy conservation, and particularly by modifying too stringent environmental regulations, thus allowing recovery of capital investment by guaranteeing non-modification of environmental regulations for the period of time necessary to recover the initial capital costs, whether it be twenty-five or forty years; and

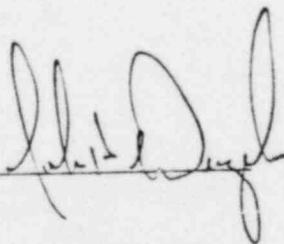
BE IT FURTHER RESOLVED that an evacuation plan and communication network be established, published and coordinated with local, state and Federal agencies.

RESOLVED THIS 27th day of August, 1979.

BOARD OF SUPERVISORS
TOWNSHIP OF DERRY
DAUPHIN COUNTY, PENNSYLVANIA

By: Robert C. Shaffer
Chairman

ATTEST:



(SEAL)

POOR ORIGINAL

Robert E. Shaffer

bcc of orig. ltr. to White House w/incoming and WH control sheet

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Pat Kreuzer, LA

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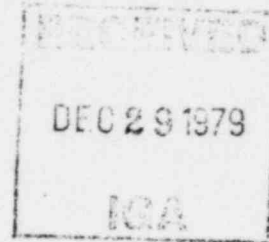
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TOWNSHIP
OF
DERRY

235 HOCKERSVILLE ROAD HERSHEY, PENNA. 17033 PHONE 717-533-2057

December 19, 1979

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President Jimmy Carter
The White House
Washington, D.C. 20500



RE: Three Mile Island

Dear Mr. President:

Attached please find Resolution No. 152 which was passed by the Derry Township Board of Supervisors on August 27, 1979. This Resolution was enacted by the vote of five elected municipal officials within a second-class township in Dauphin County, Pennsylvania, which occupies an area ranging as close as 5 miles and as distant as 14 miles from the Three Mile Island nuclear station.

We believe this Resolution represents the responsible approach to the Three Mile Island problem and to the nuclear power option in general. In the Board's opinion, nuclear power represents a necessary, a viable, an economical, and a safe means to increase our nation's energy independence and to both protect and promote the welfare of its citizenry.

On the other side of the ledger, significant protest of our Resolution was voiced by an organization known as the Hershey Area Alliance, who presented the Board with as many as 1200 township signatures on a petition which demanded a closure of Three Mile Island as a nuclear generating station for all time. These signatures represented approximately 9% of the township's adult population.

Prior to enacting Resolution No. 152, the Board apprised itself of available facts and attempt^{ed}, within its capabilities, to circumspectly evaluate the impact of Three Mile Island of nuclear power, and of environmental controls on the health, safety, and welfare of our people. We believe that our Resolution factually supports the wishes of the silent majority of American citizens, and we encourage your positive consideration of it in your deliberations and actions relative to nuclear power, our energy dilemma, environmental issues, and our nation's defenses and its economy.

Respectfully submitted,

Robert E. Shaffer

Robert E. Shaffer, Chairman
Derry Township Board of Supervisors

RES/REW/jsg