



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

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OFFICE OF THE
CHAIRMAN

July 10, 1980

COMMISSION
CORRESPONDENCE

The Honorable James L. Wright, Jr.
Chairman
Select Committee on Three Mile Island
House Post Office Box 4
Main Capitol Building
Harrisburg, PA 17120

Dear Chairman Wright:

I have received from Charles F. Mebus, Chief Clerk of the House of Representatives of the Commonwealth of Pennsylvania, copies of House Resolutions Nos. 207 through 211 which contain a number of recommendations to the Nuclear Regulatory Commission.

The Commission has considered these recommendations and shares with the Pennsylvania House of Representatives the concerns out of which these recommendations arose. In a number of instances, action plans have already been developed and are being implemented by the Commission to deal with these concerns. The Commission's response to these recommendations is enclosed in a separate statement for each resolution, along with references to a number of documents which provide more detailed information regarding various actions that are pertinent to the resolutions.

The Commission wishes to express its appreciation for the thoughtful proposals contained in the resolutions. We invite your further cooperation in working toward recovery from the accident at Three Mile Island and in further regulatory actions regarding this and other nuclear power facilities located in the Commonwealth of Pennsylvania.

Sincerely

John F. Ahearne
Chairman

Enclosures: As stated

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STATUS OF NRC ACTIVITIES AND PLANS AS RELATED
TO THE RECOMMENDATIONS IN RESOLUTIONS (NOS. 207 THROUGH 211)
BY THE HOUSE OF REPRESENTATIVES OF THE
COMMONWEALTH OF PENNSYLVANIA

JULY 10, 1980

Resolution No. 207

This resolution urges the Nuclear Regulatory Commission to make the presence of such State inspectors as may be established by the Pennsylvania Department of Environmental Resources a condition of operating the facility.

Under the Atomic Energy Act of 1954, as amended, and the regulations issued by the Commission, NRC has established a resident inspector program for nuclear power plants. In connection with this program, the NRC is prepared to develop arrangements which outline cooperative working relationships with State inspectors. (See, for example, the enclosed copy of Sub-Agreement 2 Between the Oregon Department of Energy and the U.S. Nuclear Regulatory Commission, 45 Federal Register 8394, Feb. 7, 1980). Under such arrangements, the activities of the State inspectors would be complementary to those of NRC but would not duplicate the NRC's regulatory activities. While these cooperative efforts can broaden the inspection coverage at a nuclear power plant, we do not see that they need be required in order to assure protection of the health and safety of the public and we think it would be inappropriate to make the presence of the State inspectors a condition of operating the facility. Accordingly, in response to the recommendation contained in House Resolution No. 207, we would invite appropriate officials of the Commonwealth of Pennsylvania to discuss arrangements such as those outlined above with the staff of the NRC; we do not agree, however, that the recommendation should be adopted as presented.

Resolution No. 208

This resolution has three basic parts which will be responded to in turn. In the first part, the resolution urges the Nuclear Regulatory Commission to open the presently existing Federal radioactive waste disposal sites for commercial waste disposal.

The Federal facilities most in a position to accept commercial low-level wastes are under the jurisdiction of the U.S. Department of Energy (DOE); because NRC has no authority to license or regulate them, it could not order them to accept wastes not generated by DOE operations. In 1978, NRC requested that DOE develop contingency plans for the acceptance of low-level wastes in the event that commercial disposal capacity became unavailable. In response to this request, DOE prepared a paper (which we understand has not yet been released) entitled, "Analysis of a Nuclear Regulatory Suggestion on Use of DOE Sites for Commercial Low-Level Wastes." In a draft of this report which was furnished to NRC in April 1980, DOE concludes that "there is no prospect for any substantial use of DOE sites for commercial low-level wastes." The report also concludes that most DOE facilities would have to have costly and extensive modifications to be physically able to handle and dispose of such commercial wastes and that the only facilities that could accept such wastes without major renovations are in the three States with existing commercial disposal facilities: Nevada, Washington and South Carolina. The Governors of these States have already made it clear that they do not intend to allow their States to become the sole burial grounds for the nation's low-level wastes, and we believe they would oppose strongly the use of Federal facilities in their States.

Although the Commission has taken no official position on the need to use Federal facilities for commercial low-level radioactive waste disposal, the present and the immediate past Commission Chairmen have joined DOE officials in recent Congressional testimony to endorse the position of the three Governors that disposal of such waste is primarily a State responsibility.

In the second part, the resolution urges the Nuclear Regulatory Commission to review existing facilities and proposals for the reprocessing of radioactive waste.

The current administration policy with regard to reprocessing is to defer indefinitely commercial spent fuel reprocessing. Therefore, there are no operating or planned facilities for spent fuel reprocessing in Pennsylvania.

The NRC has recently published an advance notice of proposed rulemaking on technical criteria for regulating geologic disposal of high-level radioactive waste (see enclosed copy, 45 Federal Register 31393, May 13, 1980). In the advance notice, "high-level radioactive waste" is defined to include: (1) irradiated reactor fuel; (2) liquid wastes resulting from the operation of the first-cycle solvent extraction system, or equivalent, and the concentrated wastes from subsequent extraction cycles, or equivalent, in a facility for reprocessing irradiated reactor fuel; and (3) solids into which such liquid wastes have been converted.

With regard to the disposal of high-level radioactive wastes, including spent reactor fuel, the NRC is currently conducting a generic rulemaking proceeding in order to: reassess its degree of confidence that radioactive wastes produced by nuclear facilities will be safely disposed of; determine when any such disposal will be available; and ascertain whether such wastes can be safely stored until they are safely disposed of. (See the enclosed copy of Notice of Proposed Rulemaking: Storage and Disposal of Nuclear Waste, 44 Federal Register 61372, Oct. 25, 1979).

In addition, the NRC has proposed licensing procedures for the disposal of high-level radioactive wastes in geologic repositories. (See enclosed copy 44 Federal Register 70408, Dec. 6, 1979.)

In the third part, the resolution urges the Nuclear Regulatory Commission to disapprove the dumping of contaminated water into the Susquehanna River and the venting of radioactive gases from TMI without proper controls and to monitor the processing and ultimate disposal of all water and gas from TMI.

Initially, in a statement issued on May 25, 1979, the Commission prohibited discharges of TMI-2 contaminated water into the Susquehanna River. Also, in a policy statement issued on November 21, 1979, the Commission announced its intention to prepare a programmatic environmental impact statement (PEIS) on the decontamination and disposal of radioactive wastes resulting from the accident. Subsequently on February 27, 1980, the Nuclear Regulatory Commission, Metropolitan Edison Company and the City of Lancaster agreed to an out-of-court settlement on the litigation concerning the disposition of accident-generated water (City of Lancaster v. United States Nuclear Regulatory Commission, Civil Action No. 79-1368). In the settlement, the NRC and licensee agreed not to discharge accident-generated water into the Susquehanna River through December 31, 1981 or until the NRC completes its PEIS or other appropriate environmental reviews. The agreement does not preclude discharges to cope with emergency situations. The draft NRC PEIS is expected to be available for public comment this month and a final PEIS will be prepared thereafter, taking into consideration the comments received. The ultimate disposition of accident-generated water will be determined following publication of the final PEIS which will include discussion of appropriate alternatives for the processing and disposition of accident-generated water to ensure that approved actions are selected in the best interest of the health and safety of the public.

Concerning the inventory (57,000 Ci) of Kr-85 in the reactor building, the Commission, on June 12, 1980, issued a Memorandum and Order approving the controlled release to the outside atmosphere of gases in the containment through the existing plant ventilation system, the hydrogen control subsystem and the reactor building purge system. This action was based on the conclusions of the final Environmental Assessment for Decontamination of the Three Mile Island Unit 2 Reactor Building Atmosphere (NUREG-0662) that the proposed action will have no significant adverse effect on the environment. (See enclosed NUREG-0662 and the Memorandum and Order.) As you know, venting began on June 28, 1980.

Resolution No. 209

This resolution urges the U.S. Nuclear Regulatory Commission, as well as several agencies of the Commonwealth of Pennsylvania, to investigate the implementation of a plan of nuclear plant siting which would provide for location of plants in sparsely populated areas of the Commonwealth, such plan to also include siting input by surrounding municipalities within any potential danger area.

The NRC shares the concerns expressed in this resolution over the siting of nuclear plants away from densely populated areas. Since about 1974, the NRC staff has, as part of its Standard Review Plan, required special justification for sites with high average population. In practice, no high population density sites have been proposed since that time. In August 1978, the Nuclear Regulatory Commission directed the staff to develop a general policy statement on nuclear power reactor siting. The enclosed copy of the Report to the Siting Policy Task Force (NUREG-0625) takes into consideration, among other site suitability issues, the risk associated with serious nuclear accidents by proposing the establishing population density and distribution criteria. The Commission is planning to publish in the Federal Register an advance notice of proposed rulemaking on reactor siting which encompasses the concerns of this Resolution and on which public comment will be invited.

The NRC does not select nuclear power plant sites, but rather reviews the suitability of sites proposed by applicants for permits to construct or operate nuclear plants. Considerations of safety and environmental effects are central to this review. In accordance with the requirements of the National Environmental Policy Act, a comparative analysis of the relative merits of alternative sites is provided in NRC's Environmental Impact Statement as an important aspect of the licensing decision regarding each proposed nuclear facility and site. In the preparation of the Draft Environmental Statement (DES) for a Construction

Permit or Operating License, it is NRC practice to consult with officials of State and local governments on field visits in order to receive their views and other information inputs to aid our independent review efforts. Additional inputs from community officials are received during the 45-day comment period following the issuance of the DES and also in the safety and environmental hearings conducted by the Atomic Safety and Licensing Board following publication of the final Environmental Statement.

On the related matter of alternative siting policy, the Commission has already published for public comment (45 Federal Register, 24168, April 9, 1980) a proposed rule to amend its regulation in 10 CFR Part 51. A copy of this notification is enclosed along with two background documents:

Preliminary Statement on General Policy for Rulemaking to Improve Nuclear Power Plant Licensing (NUREG-0499), December 14, 1980.

Robert Pagano, Workshop on Alternative Site Rulemaking: Summary Report, A report prepared under contract to the U.S. Nuclear Regulatory Commission by the Mitre Corporation, Report No. MTR-79W00112, May 1979.

Resolution No. 210

This resolution urges the Nuclear Regulatory Commission to immediately institute a program for the education of the citizens of the United States in the basic aspects of nuclear energy, radiation and the role of nuclear power in the foreseeable future.

In recognition of the importance of improved public understanding of nuclear power, the NRC has a number of initiatives under way. The Office of Public Affairs and the Office of Inspection and Enforcement are planning a pilot program for news media representatives to explain the operation of nuclear power plants, radiation and its health effects and protective actions.

The NRC has recently published a proposed rule for emergency preparedness. (See enclosed copy, 44 Federal Register 75167, Dec. 19, 1979.) The proposed rule calls for each power reactor licensee to disseminate to the public general information regarding nuclear energy and particular information regarding protective action to be taken in the event of a nuclear accident. In addition, the Federal Emergency Management Agency (FEMA) is conducting training courses for appropriate public officials to ensure that they are aware of the importance of, and techniques for, adequate emergency preparedness.

Based on the experience from the accident at Three Mile Island and the official studies and investigations of the accident, an Action Plan has been developed to provide a comprehensive and integrated plan for actions judged appropriate by the Nuclear Regulatory Commission to correct and improve the regulation and operation of nuclear facilities. (See the enclosed NUREG-0660, NRC Action Plans Developed as a Result of the TMI-2 Accident, hereinafter referred to as the Action Plan.) As part of this Action Plan, the NRC Office of Public Affairs will review publicly available documents in safety-related areas and, where sufficient information is unavailable, this Office will recommend to the Department of Energy's Education Programs Division what additional information should be published.

As a regulatory agency whose purpose is to license and regulate commercial nuclear power in the interest of public health and safety, it would not be appropriate for us to address the "role of nuclear power to the overall energy future of the United States" as noted in the resolution. This subject is covered in the President's Second National Energy Plan (U.S. Government Printing Office, May 7, 1979.)

In response to the requirements of the National Environmental Policy Act to consider alternatives to the proposed nuclear power plant licensing action, our Environmental Impact Statements provide comparative analyses of alternative sources of energy for generating electricity following an examination of the need for adding baseload electrical generating capacity versus the no-action alternative. At present, the comparative energy analyses focus principally on coal and nuclear fuels for generating electricity and include health and safety along with environmental and economic effects.

Resolution No. 211

This resolution has three basic parts which will be responded to in turn. In the first part, the resolution urges the Nuclear Regulatory Commission to provide, at each operating nuclear power plant, a continuous team of personnel trained in the individual plant characteristics and emergency procedures and that these personnel have the communications facilities necessary to immediately be in contact with appropriate officials of the NRC in the case of accidents.

Although the NRC will have personnel at a nuclear power plant in the event of an emergency, there is no present policy or plan to have a team continuously present. Resident inspectors, whose primary function is to monitor the normal operation of the plants, are assigned to each nuclear power plant site, live nearby and will immediately go to a plant in the event of an emergency.

Moreover, each plant also has a dedicated telephone link to NRC headquarters. Thus, the operators or the resident inspector can be in continuous communication with the NRC headquarters in the event of an emergency. Personnel from the NRC Regional offices will proceed immediately to a plant in an emergency, but this may take up to several hours, depending on the location of the plant. The NRC is now reviewing the development of a data communication system which could be installed at each plant. This Nuclear Data Link (NDL) would be activated immediately if an accident occurs and have the capability of transmitting without delay critical plant and environmental parameters continually to NRC. The type of system needed is currently under review. The NRC believes an NDL type of arrangement is needed to permit the NRC to fulfill adequately its functions of promptly monitoring accidents and advising the licensees if necessary.

In the second part, the resolution urges the Nuclear Regulatory Commission to immediately review its procedures for the dissemination of information, reports and corrective actions taken at any facility as a result of operational malfunction among all operating nuclear power plants under its jurisdiction.

The NRC recognizes the importance of these matters and has revised its organization to include an Office for Analysis and Evaluation of Operational Data (AEOD). This Office analyzes and evaluates operational data associated with all NRC-licensed activities, and develops specific recommendations for action by other NRC offices. AEOD also develops formal guidance for the agency on the collection, evaluation and feedback of operational data. AEOD serves as the central point of coordination for data collection and analysis within the NRC and with outside organizations. The NRC has also required licensees to improve their analysis and dissemination of operating experience.

In the third part, the resolution urges the Nuclear Regulatory Commission to review operations room physical configurations to assure that operating personnel will have immediate, direct access to all controls and instrumentation necessary to properly respond to operating difficulties and equipment malfunctions.

In this regard, the NRC intends to require licensees to perform comprehensive reviews of control rooms using human factors design guidelines and evaluation criteria. These reviews and corrections of short lead-time revisions are to be completed by January 1983. NRC also intends to require that all licensees install by early 1982 a safety parameter display console in the control room that will consistently display to operating personnel a minimum set of critical parameters which defines the safety status of the plant.

The foregoing actions taken by NRC are described more fully in the enclosed NUREG-0660, NRC Action Plans Developed as a Result of the TMI-2 Accident.

Enclosures:

1. Sub-Agreement 2 between the Oregon Department of Energy and the U.S. Nuclear Regulatory Commission
2. Technical Criteria for Regulating Geologic Disposal of High-Level Radioactive Waste (45 Fed. Reg. 31393, 5/13/80)
3. Notice of Proposed Rulemaking: Storage and Disposal of Nuclear Waste (44 Fed. Reg. 61372, 10/25/79)
4. Disposal of High-Level Radioactive Wastes in Geologic Repositories: Proposed Licensing Procedures (44 Fed. Reg. 70408, 12/6/79)
5. Final Environmental Assessment for Decontamination of the Three Mile Island Unit 2 Reactor Building Atmosphere, Volume 1, (NUREG-0662)
6. Report of the Siting Policy Task Force (NUREG-0625)
7. Licensing and Regulatory Policy and Procedures for Environmental Protection; Alternative Site Reviews (45 Fed. Reg. 24168, 4/9/80)
8. Preliminary Statement on General Policy for Rulemaking to Improved Nuclear Power Plant Licensing (NUREG-0499)
9. Workshop on Alternative Site Rulemaking (MITRE Report No. MTR-79W00112)
10. Emergency Planning, 10 CFR Part 50: Proposed Rule (44 Fed. Reg. 75167, 12/19/79)
11. NRC Action Plans Developed as a Result of the TMI-2 Accident (NUREG-0660)