

TERA

JUL 2 1980

Lee Brown Musselman  
2221 North Third Street  
Harrisburg, Pennsylvania 17110

Dear Ms. Musselman:

Your Letter to Commissioner Hendrie regarding the shutdown of the Three Mile Island nuclear station 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 comments concerning the possible future operation of TMI-1, the Commission has ordered that a public hearing be conducted to determine whether the facility should be operated and, if so, under what conditions the restart would take place. 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 that 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. A copy of the Commission Order that outlines the issues to be considered is enclosed for your information.

With regard to 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 shut down, was suspended by Order of July 20, 1979.

In response to your concern about the criteria for an Extraordinary Nuclear Occurrence (ENO), this 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.

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Lee Brown Musselman

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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.

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.

Sincerely,

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

Enclosure: Commission Order  
of August 9, 1979

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