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

CHAIRMAN

October 3, 1980

The Honorable Thomas P. O'Neill, Jr.
Speaker of the United States
House of Representatives
Washington, D. C. 20515

Dear Mr. Speaker:

I am pleased to forward the following reports called for in Public Law 90-295:

NUREG-0728, "Report to Congress: NRC Incident Response Plan," required by Section 106.

NUREG-0729, "Report to Congress on NRC Emergency Communications," required by Section 306.

NUREG-0730, "Report to Congress on the Acquisition of Reactor Data for the NRC Operations Center," required by Section 305(b).

The reports summarize the status of many of the actions taken or being taken to improve the NRC response to emergencies and incidents at nuclear power plants. During and immediately after the accident at Three Mile Island-Unit 2, unforeseen difficulties in the response were overcome as quickly as possible. Later, additional improvements were made following major NRC, Congressional and Presidential reviews of the accident and response. The various individual changes are now being consolidated into more comprehensive and interrelated plans and programs such as those forwarded herewith.

The NRC Incident Response Plan assigns responsibilities for performing the functions and making the decisions that comprise the NRC response. It is based on early notification of an incident (as required by 10 CFR 50.72 and 10 CFR 20.403) and on deliberate escalation of the NRC response to whatever level is necessary to help limit risks to the public and the environment. The plan specifies that the Chairman direct the NRC response through a shortened chain of command, with provision for delegation of authority to a senior NRC official at the site of an incident as early as it is practical to do so. The plan will be exercised, modified as necessary, and expanded to cover incidents other than those at nuclear power reactors. Some procedures and decision criteria also remain to be formalized. The NRC plan and its implementing procedures will be made consistent with those now being prepared by the Federal Emergency Management Agency, but the NRC will continue to improve its own plan in the meantime.

The Report on Emergency Communications summarizes the findings of communications problems cited by six major reviews of the accident and response at Three Mile Island. The report also notes the status of corrective actions for those problems, then presents a more comprehensive evaluation of current capabilities to provide the communications needed to support the functions described in the new Incident Response Plan. Several important communications problems persist, so the report concludes with a description of some of the options now being considered for further improvements. The report also points out that an ongoing investigation is looking into inadequacies in Three Mile Island site personnel communications with others on the day of the accident. The investigation was described in my March 21, 1980, letter to Congressman Udall. This ongoing investigation is also addressing the concerns raised in the September 10, 1980, letter to me from Senators Hart and Simpson. The investigation, which began last Spring, has been delayed by the legal process resulting from challenges to our administrative subpoenas. We expect that the report of this investigation will contain further recommendations to improve information flow, with emphasis on other than hardware issues.

The Report on the Acquisition of Reactor Data for the NRC Operations Center describes in detail current plans for one major facet of the communications problem--a link between the site and NRC Headquarters. The data link will play a key and early role in some NRC functions and decisions, and because of the additional perspective which it makes possible, the link will broadly support the entire NRC Incident Response Plan. In response to a letter from the Senate Committee on Public Works and Environment dated May 12, 1980, and another letter from the House Committee on Interior and Insular Affairs dated May 5, 1980, the report describes the relationship of the data link to decision-making and further describes other means of providing similar information to decision makers.

I believe that these three reports satisfy the requirements of Sections 106, 305, and 306 of Public Law 90-295 and include sufficient additional information to provide the appropriate context.

The Commission recognizes that it would be impractical and unwise to attempt to take over reactor operation from our Headquarters. However, we cannot completely rule out a need for some level of NRC advice or involvement in an emergency situation, and our data requirements, while based primarily on our responsibility to recommend actions to protect the public around the reactor, must be established with this remote possibility in mind.

Commissioner Gilinsky adds:

I am troubled by the vague description of NRC's role in future emergencies in the enclosed reports on NRC incident response planning, emergency communications and data transmission and what this may portend.

Immediately at issue is whether the NRC is to acquire, for an expanded emergency role, electronic equipment for transmitting reactor control board information to NRC Headquarters. And if the answer is yes, how elaborate should the system be? The role of NRC in accidents should dictate the choice of equipment; I am concerned that the process is working the other way around.

None of the three reports state clearly that the NRC's main safety role in a reactor accident is to help local and state governments decide whether there is a need to protect the surrounding population--in the extreme whether to order an evacuation. There is no hint in the enclosed reports of what such decisions would turn on or on what basis an evacuation might be recommended.

A secondary NRC role would be to help the reactor's operator, the utility, to cope with the situation, and data on the reactor's status would obviously be helpful. It should be understood, however, that in practice it is the reactor vendor, the designer and fabricator, who is most familiar with the details of the plant and is in the best position to offer assistance.

What is most worrisome about these reports is that despite some caveats they open the door to a very much more active NRC role in running a nuclear reactor during an accident. This is not a role the NRC is competent to carry out--it does not have a cadre of individuals licensed for, or experienced in, the operation of commercial power reactors--or a role that makes sense in any case.

It is one thing to say that the possibility cannot be ruled out that the NRC will have to exercise more control than was planned for. It is quite another thing to say that however unlikely, an NRC takeover, possibly even from Bethesda, is nevertheless something to be planned for. What concerns me is that the planning for an NRC takeover, accompanied by acquisition of all the accompanying electronic paraphernalia needed to carry out such a task, threatens to tangle lines of responsibility and obscure our ultimate dependence during accidents on the competence of reactor operators and management. If that competence is lacking in a utility it should not be operating power reactors; it will not help to try to operate distant power reactors from Bethesda.

I believe the above points have been made by all Commissioners at each Commission meeting on the Nuclear Data Link (including Commissioner Kennedy, when he was here). It nevertheless may be read as to imply the NRC should not receive accurate and timely information during the time an accident is developing. Like others who actively participated in the early stages of the TMI accident, I am perhaps overly sensitive to the frustration of trying to find out what is going on du ng what may be critical moments. However, I share Commissioner Gilinsky's concerns that the data system may become too large, and we all will attempt to limit it to those few parameters needed to carry out our responsibilities.

Sincerely,

John F. Ahearne

Enclosures:
1. NUREG-0728
2. NUREG-0729
3. NUREG-0730