



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

COMMISSION
CONFIDENTIAL

January 12, 1981



Mr. Herman Dieckamp, President
General Public Utilities Corporation
100 Interpace Parkway
Parsippany, New Jersey 07054

Dear Mr. Dieckamp:

This letter is in response to your letter of September 12, 1980 concerning your near-term planning of the cleanup of Three Mile Island Unit 2.

In your letter, you outlined the actions being taken by the General Public Utilities (GPU) Corporation to scale down the cleanup effort at the site. You state that, in addition to the recent denial by the Pennsylvania Public Utilities Commission of the request of the Metropolitan Edison Company for emergency rate relief, a major reason for scaling down the TMI-2 cleanup effort is your understanding of the schedule for future NRC actions regarding the cleanup. Specifically, you conclude that you should not rely on significant regulatory guidance, acceptance criteria, or approval to proceed with major cleanup activities until the NRC staff completes its final programmatic environmental impact statement (PEIS) related to the cleanup. You base your conclusion on your review of the draft PEIS (NUREG-0683), the NRC Plan for Cleanup Operations at Three Mile Island Unit 2 (NUREG-0698), Mr. Denton's letter of August 6, 1980 to Mr. Arnold (GPU), and NRC actions to date related to cleanup activities. Finally, you express concern about the schedule for publication of the final PEIS and question whether the document will contain the regulatory guidance and acceptance criteria necessary for you to establish firm cleanup plans.

The NRC has reviewed licensee efforts to maintain the safe shutdown of the TMI-2 facility and progress with certain cleanup operations in view of the actions being taken by GPU to scale down the cleanup effort at the site and issuance of the September 18, 1980 PREHEARING STATEMENT AND ORDER of the Pennsylvania Public Utility Commission (PPUC). The PPUC has ordered the licensee to cease and desist from using any operating revenues for cleanup and restoration costs at the damaged TMI-2 facility which are not covered by insurance. On September 23, 1980, Met Ed, in a petition for a temporary stay of the above cease and desist requirement, stated that it was unable to comply with that order "without violating Federal law." In response to this statement, the Commission issued a STATEMENT OF POLICY on September 29, 1980 to emphasize that all of our health, safety and environmental requirements applicable to TMI-2 must be fully complied with by the licensee, regardless whether those requirements appear to conflict with the PPUC order. A copy of the STATEMENT OF POLICY is enclosed for your information.

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While we understand that you are currently having discussions with the PPUC to clarify your understanding of that order, we intend to ensure compliance with standing Commission orders, regulations and other requirements imposed by this Commission for purposes of protecting public health and safety and the environment. To this end, the NRC has developed a list of activities required to be performed during the period in which discussions are ongoing with the PPUC and until Met Ed's financial status is clarified. These previously imposed requirements are summarized in the enclosed Table 1. Items 1-15 of the Table are considered to be minimum activities required in the near term to maintain the TMI-2 reactor in a safe shutdown condition to ensure public health and safety, along with protection of the environment. These activities include operation in compliance with the plant's Technical Specifications and necessary support functions (e.g., security, quality assurance and administrative functions). Items 16-23 of the Table are activities required to reduce potential threats to public health and safety, and the environment over a longer term.

With regard to Item 20, we are concerned about the lack of progress that has been made to comply with the Commission's order of October 16, 1979 requiring solidification of EPICOR-II spent resins. Over 12 months later, we have not received a plan for compliance with the Commission's order for even the low-level activity second and third stage liners. We have technical concerns about potential problems with the near-term stability of some of the resins and the integrity of some of the liners. Therefore, there should be no further delay in the development either of definitive plans to solidify the EPICOR-II spent resins or of proposals for alternative methods to stabilize these wastes. This could include a request to be relieved of the requirement for solidification. You are requested to submit such plans or proposed alternative methods, including a commitment to a schedule identifying major milestones, within six weeks of this letter.

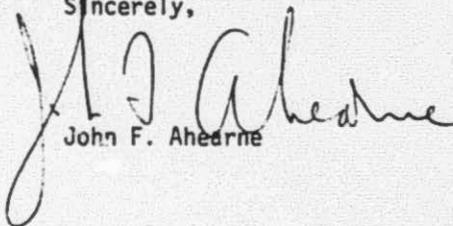
In addition, we believe Metropolitan Edison must take more positive action in planning and making entries into the now-vented containment.

You are aware that on September 12, 1980, the Commission agreed to extend the comment period on the draft PEIS to November 20, 1980 in response to requests by Governor Thornburgh, EPA and members of the public. In view of this action, the staff anticipates that the final PEIS will be issued by the end of March 1981, after review by the Commission. With regard to NRC approval of major cleanup activities prior to issuance of the final PEIS, I must point to the Commission's understanding of its responsibilities under the Atomic Energy Act and the National Environmental Policy Act. The Commission's interpretation of its responsibilities in connection with the decontamination of TMI-2, consistent with these laws, is generally expressed in its Statement of Policy and Notice of Intent to Prepare a Programmatic Environmental Impact Statement, dated November 21, 1979. Simply put, the Commission has a responsibility to fully evaluate the environmental impacts of decontamination, including involving the public into the Commission's decisionmaking process regarding environmental issues and alternatives before commitments to specific cleanup choices are made. The finalization of the PEIS will not preclude prompt Commission action if needed to cope with emergency situations. However, barring any unforeseen emergency situations, we intend to pursue our regulatory responsibilities in the manner outlined in our November 21 policy statement and in the August 6, 1980 letter from Mr Denton to Mr. Arnold.

Your letter states that it is your belief that the lack of definitive guidance and criteria from the NRC does not permit timely and effective progress toward cleanup. It is true that at this time, the NRC has not been able to prescribe complete criteria to you for ultimate disposal of the wastes.

The ultimate disposal of radioactive solid materials is a complex issue. We have long endorsed the disposal of normal reactor low level solid wastes at commercial shallow land burial sites. Certain types of waste generated by TMI-2 cleanup operations will contain types and amounts of radioactivity that are significantly greater than normal reactor low level wastes. Such wastes will have to be put into an interim form which can be safely stored until subsequent steps can be developed. These steps will probably include transfer to a DOE site. Regarding the processed water, as you have indicated to the TMI Advisory Panel, sufficient storage will be available on site to allow at least two years of storage. Consequently the disposal criteria for this waste need not be decided in order for you to move ahead with the cleanup process. I would be pleased to discuss these matters with you.

Sincerely,

A handwritten signature in dark ink, appearing to read "John F. Ahearne". The signature is written in a cursive style with a large, sweeping initial "J".

John F. Ahearne

Enclosures:

1. September 29, 1980 Commission Statement of Policy
2. NRC Staff's List of Activities to be Performed by the TMI-2 Licensee

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

STATEMENT OF POLICY

The Pennsylvania Public Utility Commission (PUC) has ordered Metropolitan Edison Company (Met Ed) to cease and desist from using any operating revenues for clean-up and restoration costs at the damaged Three Mile Island Unit 2 reactor which are not covered by insurance. Met Ed's activities at Three Mile Island are licensed by the Nuclear Regulatory Commission. On September 23, 1980, Met Ed, in a petition for a temporary stay of the above cease and desist requirement, stated that it was unable to comply with that order "without violating Federal law." It is that statement by Met Ed which prompts this Commission to issue this policy statement.

While we will continue to work cooperatively with the State of Pennsylvania on all aspects of the Three Mile Island accident, this Commission emphasizes most strongly that all of our health, safety and environmental requirements applicable to Three Mile Island Unit 2 must be fully complied with by Met Ed. We take no position on whether the actions of the PUC create an irreconcilable conflict with NRC requirements which have been imposed on Met Ed or which may be imposed in the future. We wish to state clearly, however, that in the event of any such conflict NRC health, safety and environmental requirements must supersede State agency requirements that result in a lesser degree of protection to the public. In short, the Commission will not excuse Met Ed from compliance with any order, regulation or other requirement imposed by this Commission for purposes of protecting public health and safety or the environment.

issued 9/26/80

TABLE 1

NRC Staff's List of Activities Required to be Performed by the TMI-2 Licensee to Protect the Public and Worker Health and Safety and the Environment

1. Maintain adequate control and confinement of radioactive materials.^{1/}
2. Minimize the volume of water used in cleanup activities, maximize reuse of processed water, and reduce cross-contamination of processed water to the maximum practicable extent.^{1/}
3. Maintain the facility and perform surveillance activities required by the Technical Specifications. Included in this activity is the performance of a test to verify stable core cooling by losses to ambient.^{1/}
4. Perform necessary maintenance, including minor modifications, of equipment and facilities (i.e., winterization of the Reactor Building cooling system). Included in this activity is the associated training of operators, and minor modifications identified as being desirable based upon design reviews and initial operating experience.^{1/}
5. Decontaminate the Auxiliary Building as necessary to facilitate maintenance and operation of safety-related equipment.^{1/}
6. Process radioactive waste generated by activities in this list, including handling and packaging for offsite disposal. Continue shipments for disposal of radioactive material.^{1/}
7. Perform radiological controls necessary to support activities in this list, including: surveillance of work in radiation areas; in-plant surveys and monitoring; personnel exposure, measurement and documentation; maintenance and calibration of equipment; emergency response capability; and training. Included in this activity is a continuation of the upgrading of the radiological controls program to meet revised performance standards which have resulted from the TMI-2 accident.^{1/}
8. Perform measurement, analysis and documentation of the environmental impact of the facility.^{1/}
9. Perform engineering functions(e.g., review of plant procedures) incident to conduct of required operation and surveillance of conditions of plant equipment, systems and facilities.^{1/}
10. Administer the technical and administrative interface with the regulatory agencies of the federal and state governments, including maintaining knowledge of current and proposed regulatory requirements.^{1/}

^{1/} Minimum activities required to maintain the TMI-2 reactor in a safe shutdown condition and to insure public and worker health and safety and environmental protection in the near term.

11. Provide technically oriented services to implement quality assurance, training, emergency preparedness and independent safety assessment programs. 1/
12. Provide minimum required services in various support functions (e.g., security). 1/
13. Provide repair or replacement of the failed source range neutron monitor. Continue efforts to achieve improved monitoring of core neutronics, utilizing other instruments. 1/
14. Perform decontamination efforts inside the Containment Building necessary to support required maintenance activities. 1/
15. Complete, subject to NRC approval, an interim solid waste storage facility. 1/
16. Support finalization of the Draft Programmatic Environmental Impact Statement (PEIS). 2/
17. Develop the capability to decontaminate the radioactive water within the reactor building sump and the reactor coolant system. 2/
18. Continue the technical planning effort, including the gathering of data on conditions inside the Containment Building and the development of criteria to be applied to cleanup activities. 2/
19. Provide engineering to support licensing and completion of base line engineering documents. 2/
20. Complete development, engineering and design efforts necessary to obtain NRC approval for construction and operation of a system for solidification of EPICOR-II liners or propose alternative methods for the stabilization of these wastes. 2/
21. Continue decontamination of the Auxiliary Building. 2/
22. Continue to improve the Company's management control programs. 2/
23. Continue operation of the EPICOR-II System on an as needed basis. 2/

1/ Minimum activities required to maintain the TMI-2 reactor in a safe shutdown condition and to insure public and worker health and safety and environmental protection in the near term.

2/ Activities required for reducing the intermediate and long-term threats to public and worker health and safety.