

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

Before the Atomic Safety and Licensing Board

In the Matter of the Appli-	)	
cation of Public Service	)	
Company of Oklahoma, Associ-	)	Docket Nos.
ated Electric Cooperative,	)	STN 50-556
Inc. and Western Farmers	)	STN 50-557
Electric Cooperative (Black	)	
Fox Station, Units 1 and 2)	)	

RESPONSE OF INTERESTED STATE OF  
OKLAHOMA TO APPLICANTS REQUEST  
FOR HEARINGS AND MOTION TO  
ESTABLISH HEARING SCHEDULE

Comes now the State of Oklahoma, participant in the above-styled proceeding as an Interested State under 10 CFR, §2.715(c), and makes response to the request filed August 11, 1979, by Public Service Company of Oklahoma, Associated Electric Cooperative, Inc., and Western Farmers Electric Cooperative (herein referred to as "Applicants") for the Board to re-open the record for additional hearings and Applicants' Motion to Establish a Hearing Schedule filed concurrently with the aforesaid request for hearings.

I. REQUEST FOR ADDITIONAL HEARINGS.

Applicants state that they now withdraw their former objection to the reopening of the record of the instant proceedings for the purpose of examining health and safety issues that arose as a consequence of the March 28, 1979, accident at the Three Mile Island Generation Station, Unit 2

(TMI-2) stating that:

"[t]his decision was based on a determination by Applicants that the public interest will best be served by openly reviewing the lessons learned from the TMI-2 accident as they might apply to Black Fox Station..."<sup>1</sup>

They request further hearings be held for the purpose of "generally exploring those aspects of the TMI-2 accident that are pertinent to this proceeding."<sup>2</sup>

The State of Oklahoma agrees with Applicants that it appears to be in the public interest that the record be reopened in order to explore the regulatory consequences of the TMI-2 accident. Oklahoma disagrees with Applicant's position that the public interest will be totally satisfied at this stage by the Applicants' commitment to the Short Term Recommendations issued by the TMI-2 Lessons-Learned Task Force. Oklahoma's position is that due to the fact of the relative proximity of the issuance of the Long Term Recommendations of the TMI-2 Lessons-Learned Task Force<sup>3</sup>, the final report of the President's Commission on the

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1/ "Request for Hearing and Motion to Establish Hearing Schedule" (hereinafter "Request/Motion"), mailed August 11, 1979, p. 4.

2/ Id., p. 5.

3/ The Task Force reported their intention to issue Long Term Recommendations "by about September 1, 1979." NUREG-0578, p. 4. Oklahoma has been orally informed that this formal estimate was ambitious and a more accurate date for release would be some time in October.

Accident at Three Mile Island (Kemeny Commission)<sup>4</sup>, and the NRC's Special Inquiry (Rogovin Commission)<sup>5</sup>, litigation of issues raised in said reports will no doubt be of weighty significance in determining whether the instant record has been adequately developed on the issues of health and safety to support the issuance of the Construction Permits sought in this proceeding.

## II. MOTION TO ESTABLISH HEARING SCHEDULE

### a. Preliminary Statement

Applicants apparently premise their Motion to Establish a Hearing Schedule upon their belief that the TMI-2 review process has been completed to the point that NCR Staff favors resuming the licensing process interrupted this spring by the moratorium.<sup>6</sup> Applicants assert that the "...entire complement of matters required by the NRC Staff to be addressed by construction permit applicants" were identified in NUREG-0578, in IE Bulletin No. 79-08 and the

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4/ Established by Executive Order 12130 on April 11, 1979. 44 Fed. Reg. 22027. The Commission is legally required to make a final report "not later than six months from the date of the Commission's first meeting." 44 Fed. Reg. at 22028. See Attachment I. Associated Press reports that the actual due date of the report is October 25, 1979. See Attachment II, Tulsa World, Friday, August 24, 1979, Section A 15.

5/ It was anticipated that the Rogovin Commission would require about six months to conduct their inquiry. 44 Fed. Reg. at 35065. See Attachment III.

6/ Request/Motion, p. 6.

"information paper" SECY-79-450<sup>7</sup> and expressed confidence that the commitments made by Applicants in their July 27, 1979, licensing document as later clarified on August 8, 1979, would be approved in the Staff's upcoming Supplement No. 3 to the Safety Evaluation Report.<sup>8</sup>

Due to public criticism from the Kemeny Commission, the Director of NRC's Office of Reactor Regulation reportedly told the Kemeny Commissioners recently that the Staff would not favor proceeding with the licensing process until the NRC commissioners themselves gave their clear approval to proceed with the licensing process.<sup>9</sup> As a result of this intervening event it is submitted that the question of establishing a hearing schedule should be deferred by the Board until the NRC commissioners have an opportunity to consider Mr. Denton's recommendation that the licensing process be resumed.

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7/ Id., p. 7.

8/ In the conference call of the parties and Board held on August 23, 1979, Mr. Davis stated he believed SER Supp. 3 would be issued August 24, 1979.

9/ Attachment II.

b. Scheduling of Hearings

In the Douglas Point case<sup>10</sup> the Appeals Board determined that scheduling is a matter left to the discretion of the Licensing Board, but identified three factors relevant for determining when hearings should be held on specific issues. The Appeals Board stated:

"... the absence of any rigid scheduling criteria established by statute or regulation suggests that the adjudicatory boards were to decide for themselves in such circumstances when hearings should be held on specific issues. It seems to us that a variety of factors appropriately should be taken into account in reaching that decision. Principal among them are: (1) the degree of likelihood that any early findings on the issue(s) would retain their validity; (2) the advantage, if any, to the public interest and to the litigants in having an early, if not necessarily conclusive, resolution of the issue(s); and (3) the extent to which the hearing of the issue(s) at an early stage would, particularly if the issue(s) were later reopened because of supervening developments, occasion prejudice to one or more of the litigants."/11

Applicants, being the moving party, bear the burden of proving that their motion should be granted.<sup>12</sup>

1. Likelihood findings would remain valid.

The Lessons Learned Task Force explained how they

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10/ Potomac Electric Power Co. (Douglas Point Nuclear Generating Station, Units 1 & 2) ALAB-277, 1 NRC 539, 3 AELR 17, 841-15 (1975).

11/ Id., 3 AELR at 17, 841-18 and 17, 841-19.

12/ 10 CFR §2.732.

developed their list of Short Term Recommendations in the Introduction to their report. They state in relevant portion:

"The decision-making process followed by the Task Force in determining which safety issues required short-term licensing action versus those that could be deferred for further evaluation by the Task Force or others, was based upon engineering evaluation and qualitative professional judgment of the safety significance of the various issues. In this regard, the Task Force has selected items for "short-term action" if their implementation would provide substantial, additional protection required for the public health and safety. Our recommendations for short-term action are prompt, specific, and safety significant in their character and are not likely to be overturned or contradicted by continuing studies or investigations. Some of them may eventually be displaced, however, by more comprehensive long term changes in nuclear power plant regulation. In some cases, an immediate action may not be amenable to precise description on the basis of information or analyses developed to date; however, the item has been judged by the Task Force to be of sufficient safety significance to require an immediate commitment to get studies or testing underway. In this case the recommended action is to obtain a 'short-term commitment' for a longer term modification, study, or test by affected licensees." (Emphasis added)/13

Thus, although the Task Force attempted to make short-term recommendations of lasting validity, they cautioned that some were subject to changes should regulatory policy standards change. The Task Force goes on to state that certain issues to be examined in their Long Term Recommendations report

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13, NUREG-0578, at 3.



were "inextricably tied" to fundamental policy questions. They indicate that other fundamental issues would require work over a period of time in excess to that available to the task force due to the fact that the licensing basis for nuclear regulation may be required to be changed.<sup>14</sup> They recommend in the latter case that the fundamental policy decisions should not be made without taking into consideration the Kemeny and Rogovin studies.<sup>15</sup> Thus, although the Short Term Recommendations were sought to be drafted to be of time-enduring quality, said recommendations may be subject to change once the long-term significance of the TMI-2 event is understood. It is submitted that because the issuance of reports dealing with the long term significance of TMI-2 are relatively soon forthcoming, prudence would require consideration of long term regulatory recommendations to be made in order to determine if the short term recommendations maintain their validity.

2. Advantage to the Public Interest and the Litigants in Having an Early, if not Necessarily Conclusive Resolution of Issues.

The Board indicated in the Douglas Point decision, *supra*, that it was probably in the public interest and in the interest of the Applicant in that case for an early decision

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14/ *Id.*, at 4.

15/ *Ibid.*

on site suitability even though construction at any site would be delayed by as many as five years. The Appeal Board stated that an early rejection of a site would enable the search for an alternate site to begin immediately, a process calculated by that applicant to require as many as nine and one-half years.<sup>16</sup>

Early hearing in the instant case would allow only the litigation of the adequacy of Applicants' commitments to fulfill NUREG-0578 recommendations plus the issues identified in IE Bulletin No. 79-08 and SECY-79-450. Most of Applicants' commitments defer all detail of how they propose to fulfill their commitments to later description in the FSAR. A delay generated by waiting for the Long Term Recommendations of the Lessons Learned Task Force, the report and recommendations of the Kemeny Commission and the report and recommendations of the Rogovin Commission could be put, it is submitted, to good use by providing more clarifying detail concerning how Applicants propose to go about fulfilling their proclaimed objective of satisfying the Short Term Recommendations. At the same time availability of the aforesaid studies would reveal whether the Short Term Recommendations were subject in the near future to modification caused by fundamental policy changes.

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<sup>16</sup>/ 3 AELR, at 17, 841-20.



3. Prejudice to a Litigant Caused by  
Re-opening Due to Supervening  
Developments.

Apart from the burden required to cause the Board to accept for re-litigation a matter that has already been litigated, reopening the record to show changed circumstances impacts upon all parties by increasing litigation expenses. The burden of going forward with evidence to support a finding of changed circumstances is, therefore, not only a burden of persuasion but also a monetary burden. The fact that both such burdens might completely be avoided by awaiting the forthcoming reports would make the necessity of making such a showing of changed circumstances even more burdensome.

In short, the availability of the instant issues for litigation at this time does not in itself justify early hearings on the issues when the validity of the recommendations is subject to qualification in the near future should fundamental policy changes be forthcoming as the result of longer-term analysis of the TMI-2 event. Applicants show no particular advantage to the public interest or themselves in early hearings that would not potentially remain were scheduling deferred until the upcoming long-term reports are made available. Applicants state only that the issues are ripe for inclusion in the record at this time. Finally, due to the fact that the long-term reports will be available in

the near future, any required re-litigation of issues will be most pernicious to all parties.

The State of Oklahoma would conclude by submitting it is prudent to defer having hearings until the issuance of the Long Term Recommendations of the Lessons Learned Task Force, the Kemeny Commission Report and the Rogovin Commission Report.

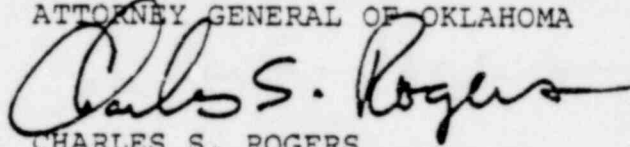
#### CONCLUSION

The State of Oklahoma agrees that it is in the Public Interest to re-open the record for litigation of issues raised by the TMI-2 accident. The question of scheduling should first be deferred until the NRC Commissioners have an opportunity to rule on the propriety of proceeding with the licensing process. Apart from the question of the propriety of whether the licensing moratorium should continue, Oklahoma submits that Applicants have not met their burden of showing that hearings before the issuance of the Long Term Lessons Learned Task Force Report, the Kemeny Commission Report and the Rogovin Commission Report are in the Public Interest.

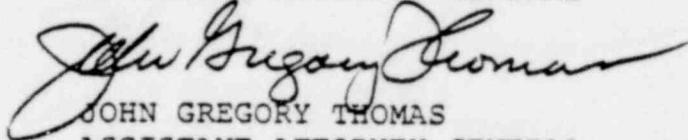
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Respectfully submitted,

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ATTORNEYS FOR STATE OF OKLAHOMA

CERTIFICATE OF MAILING

On this 27th day of August, 1979, a true and correct copy of the foregoing was mailed, postage prepaid, to the following:

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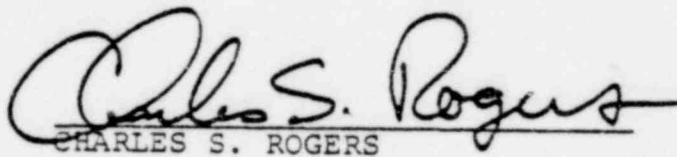
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CHARLES S. ROGERS

Executive Order 12130 of April 11, 1979

President's Commission on the Accident at Three Mile Island

By the authority vested in me as President by the Constitution of the United States of America, and in order to provide, in accordance with the provisions of the Federal Advisory Committee Act (5 U.S.C. App. 1), an independent forum to investigate and explain the recent accident at the nuclear power facility at Three Mile Island in Pennsylvania, it is hereby ordered as follows:

1-1. *Establishment.*

1-101. There is established the President's Commission on the Accident at Three Mile Island.

1-102. The membership of the Commission shall be composed of not more than twelve persons appointed by the President from among citizens who are not full time officers or employees within the Executive Branch. The President shall designate a Chairman from among the members of the Commission.

1-2. *Functions.*

1-201. The Commission shall conduct a comprehensive study and investigation of the recent accident involving the nuclear power facility on Three Mile Island in Pennsylvania. The study and investigation shall include:

- (a) a technical assessment of the events and their causes;
- (b) an analysis of the role of the managing utility;
- (c) an assessment of the emergency preparedness and response of the Nuclear Regulatory Commission and other Federal, state and local authorities;
- (d) an evaluation of the Nuclear Regulatory Commission's licensing, inspection, operation and enforcement procedures as applied to this facility;
- (e) an assessment of how the public's right to information concerning the events at Three Mile Island was served and of the steps which should be taken during similar emergencies to provide the public with accurate, comprehensible and timely information; and
- (f) appropriate recommendations based upon the Commission's findings.

1-202. The Commission shall prepare and transmit to the President and to the Secretaries of Energy and Health, Education and Welfare a final report of its findings and recommendations.

1-3. *Administration.*

1-301. The Chairman of the Commission is authorized to appoint and fix the compensation of a staff of such persons as may be necessary to discharge the Commission's responsibilities subject to the applicable provisions of the Federal Advisory Committee Act and Title 5 of the United States Code.

1-302. To the extent authorized by law and requested by the Chairman of the Commission, the General Services Administration shall provide the Commission with necessary administrative services, facilities, and support on a reimbursable basis.

1-303. The Department of Energy and the Department of Health, Education and Welfare shall, to the extent permitted by law and subject to the availability of funds, provide the Commission with such facilities, support, funds and

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services, including staff, as may be necessary for the effective performance of the Commission's functions.

1-304. The Commission may request any Executive agency to furnish such information, advice or assistance as it deems necessary to carry out its functions. Each such agency is directed, to the extent permitted by law, to furnish such information, advice or assistance upon request by the Chairman of the Commission.

1-305. Each member of the Commission may receive compensation at the maximum rate now or hereafter prescribed by law for each day such member is engaged in the work of the Commission. Each member may also receive travel expenses, including per diem in lieu of subsistence (5 U.S.C. 5702 and 5703).

1-306. The functions of the President under the Federal Advisory Committee Act which are applicable to the Commission, except that of reporting annually to the Congress, shall be performed by the Administrator of General Services.

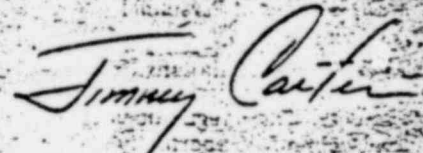
**1-4. Final Report and Termination.**

1-401. The final report required by Section 1-202 of this Order shall be transmitted not later than six months from the date of the Commission's first meeting.

1-402. The Commission shall terminate two months after the transmittal of its final report.

THE WHITE HOUSE,

April 11, 1979.



[FR Doc. 79-11831

Filed 4-12-79; 10:46 am]

Billing code 3195-01-M

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# Probers Accuse Nuclear Agency of Favoring Perilous Policies

WASHINGTON (AP) — A presidential commission, angered by a decision to resume issuing licenses for atomic power plants, accused the Nuclear Regulatory Commission Thursday of advocating policies which could lead to another Three Mile Island incident.

Harold Denton, director of the NRC's Office of Reactor Regulation, had made public a decision Wednesday for the agency's staff to resume processing license applications for new nuclear power plants after a three-month freeze prompted by the Pennsylvania nuclear accident.

Licensing considerations include Alabama's Black Fox Units 1 and

Later, however, Denton told the panel the agency's staff will hold off the licensing process until the NRC commissioners give a clear go-ahead. The order, which had yet to be approved by the five NRC commissioners, would have directly affected attempts to get operating licenses for five new reactors and construction permits for five

others.

The Wednesday directive brought the strongest reaction yet by members of the 12 person presidential panel which has been investigating the Three Mile Island accident March 28 near Harrisburg, Pa.

After questioning Denton for more than three hours, the commission voted to call the five NRC commissioners to testify and said subpoenas would be issued if the commissioners didn't show.

Acting NRC Chairman Richard Kennedy appeared and assured the presidential panel, "The commission has taken no position in respect to this (Denton) memorandum." But he stopped short of assuring the panel that licensing would not be resumed before the investigative report is issued.

NRC spokesman Frank Ingram said the other four commissioners were unavailable to testify.

Prior to the critical outburst from the presidential commission, the NRC staff had made it clear it would resume the licensing proceedings

pending before the federal agency.

Commission Chairman John Kemeny, president of Dartmouth College, told reporters earlier the NRC should not consider resuming the licensing process before his panel's report is issued.

The presidential panel must submit a report on Three Mile Island to President Jimmy Carter by Oct. 25.

Kemeny said he and other panel members were particularly concerned about the NRC's planned resumption of licensing because their investigation so far has prompted numerous questions about whether the licensing process is safe.

Kemeny said he read of the NRC's decision to resume the licensing process for new reactors in the newspaper, as did others on the panel.

"The NRC seems to be thumbing

its nose at this commission," declared commission member Carolyn Lewis as Denton testified.

Harry McPherson, a lawyer and onetime adviser to President Lyndon Johnson, told Denton the move was another sign of poor management and policymaking within the agency, which regulates the nuclear industry.

"These policy situations will result in future TMI-2s (the crippled reactor is Unit No. 2 at Three Mile Island) unless things are changed," McPherson said.

Denton argued that future licensing of the new plants depends on the utilities conforming with 21 changes which have been required as a result of the Three Mile Island accident.

Denton told the skeptical presiden-

tial panel members the resumption of licensing will not "foreclose" the possibility of other requirements as a result of what various Three Mile Island investigations produce.

"Mr. Denton, I think you're kidding me," snapped back Arizona Gov. Bruce Babbitt, a panel member. "What you're saying is that you can ignore the recommendations" of this commission.

Babbitt and another commission member, Telford Taylor, implied that once construction or operation

began, economic consideration could easily foreclose certain changes which the presidential panel might, in fact, call for.

Taylor, a nuclear physicist from Princeton University, said he had "not seen the basis" for Denton's conclusions that the two dozen changes required by the NRC would make nuclear plants safe. "I find myself unsure that the NRC is organized to do its job in the guaranteeing of safe operation of reactors," he said.

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[Docket No. 50-245]

**Northeast Nuclear Energy Co., et al.  
Issuance of Amendment to Provisional  
Operating License**

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 62 to Provisional Operating License No. DPR-21, issued to Northeast Nuclear Energy Company, The Hartford Electric Light Company, Western Massachusetts Electric Company, and Connecticut Light and Power Company (the licensees), which revised Technical Specifications for operation of the Millstone Nuclear Power Station, Unit No. 1 (the facility) located in Waterford, Connecticut. The amendment is effective as of its date of issuance.

This amendment authorizes revisions to Appendix A Technical Specifications to ensure compliance with the fracture toughness requirements of Appendix G to 10 CFR Part 50 during heatup and cooldown operations, system hydrostatic tests and reactor core criticality.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated June 8, 1976, and supplement thereto dated July 1, 1977, (2) Amendment No. 62 to License No. DPR-21, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Waterford Public Library, Rope Ferry Road, Route 156, Waterford, Connecticut 06385. A single copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission.

Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 1st day of June, 1979.

For the Nuclear Regulatory Commission,  
Dennis L. Zieman,

Chief, Operating Reactors Branch No. 2,  
Division of Operating Reactors.

[FR Doc. 79-18600 Filed 6-15-79; 8:43 am]

BILLING CODE 7590-01-M

[Docket No. 50-346]

**The Toledo Edison Co. and the  
Cleveland Electric Illuminating Co.;  
Issuance of Amendment to Facility  
Operating License**

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 15 to Facility Operating License No. NPF-3, issued to The Toledo Edison Company and The Cleveland Electric Illuminating Company (the licensees), for operation of the Davis-Besse Nuclear Power Station, Unit No. 1 (the facility) located in Ottawa County, Ohio. The amendment is effective as of its date of issuance.

The amendment removes a satisfied condition of the license which required submission of operating reactor coolant system flow data.

The Commission has made appropriate findings as required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the licensee's letter dated January 18, 1979, (2) Amendment No. 15 to License No. NPF-3, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Ida Rupp Public Library, 310 Madison Street, Port Clinton, Ohio.

A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 5th day of June 1979.

For the Nuclear Regulatory Commission:  
Robert W. Reid,

Chief, Operating Reactors Branch No. 4,  
Division of Operating Reactors.

[FR Doc. 79-18601 Filed 6-15-79; 9:43 am]

BILLING CODE 7590-01-M

**Three Mile Island Inquiry; Statement of  
Policy**

June 4, 1979.

The Nuclear Regulatory Commission has instituted a Special Inquiry to review and report on the accident which took place at the Three Mile Island Nuclear Station No. 2 beginning on March 28, 1979. The primary objective of the inquiry will be to prepare a report which makes factual determinations concerning the actual events which occurred and their causes; and the actions of utility and Commission personnel before and during the accident. The inquiry will also identify areas of deficiency revealed by the accident and areas in which further investigation is warranted.

The Commission will contract with the law firm of Rogovin, Stern and Huge, Washington, D.C., to conduct the Special Inquiry. The inquiry will be headed by a Director, Mitchell Rogovin. Mr. Rogovin will have the authority to designate a staff of his choosing, including both NRC personnel, and staff and consultants from outside the Commission. It is expected that in assembling a staff, the Director will draw substantially on senior Commission staff, including Commission personnel and consultants currently engaged in conducting an interim inquiry into the matter. The Director will possess full independence in carrying out the inquiry and will be removable only for malfeasance or neglect of duty. To further such independence the Director will maintain records of all discussions bearing on the inquiry between those conducting the inquiry and any member of the Commission or a Commissioner's personal staff. The Commission will designate a senior NRC official to whom it will delegate its statutory power to conduct investigations, issue subpoenas, and administer oaths in order that these powers will be available to further the Special Inquiry. The Commission will grant to the Director access to any and

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ATTACHMENT 111

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Commission that he deems necessary to conduct a full and complete inquiry, and will provide appropriate administrative support for carrying out the inquiry. It is expected that reports issued and analyses performed by other persons and organizations will be utilized where useful. It is anticipated that the Special Inquiry will take approximately six months.

The Special Inquiry represents a major phase of the Commission's evaluation of the accident and its implications. It is not intended to duplicate the efforts of the President's Commission on the Accident at Three Mile Island. It is designed instead so that the Nuclear Regulatory Commission, in order to fulfill its own regulatory responsibilities, will have the fullest possible understanding of the events at Three Mile Island, both from the technical standpoint and from the standpoint of how its regulatory processes functioned. The purpose of that evaluation is to permit the Commission to take whatever further steps may be necessary to prevent any similar accident in the future, and to improve the NRC's ability to respond to accidents.

The specific areas which the Special Inquiry will examine include the following:

- the sequence of events during the accident, what was happening to the reactor and the plant, including, where feasible, an assessment of important alternative sequences; the response of the operating personnel; radioactive releases and exposures; events at the plant before the accident that might be related to the accident.
- the history of the NRC review of the utility's application for a license to operate Three Mile Island No. 2; NRC license conditions on TMI-2 operations, including technical specifications; the operating and inspection history at TMI-2; the operating and inspection histories of other Babcock & Wilcox plants, focused on any indications of the types of problems that arose in the TMI-2 accident; a summary of NRC past consideration of such problems; the extent to which financial or tax consideration influenced conditions in the plant in any way that might have contributed to the accident; any other precursor events or analyses relevant to the accident.
- the susceptibility of Babcock & Wilcox plants to accidents; unique features of TMI-2 that may have increased or decreased the severity of the accident; other design effects related to the TMI-2 accident.
- TMI-2 operations, including training and qualifications of personnel, operating procedures and management overview; technical support to operating personnel and management.
- emergency response to the TMI-2 accident by the utility, other utilities and utility groups, and industrial organizations, including coordination with NRC and other Federal, State, and local officials, and assessment and dissemination of information.
- emergency planning by, and emergency response plans approved by, the NRC; actual emergency response to the accident by NRC, including staff, ACRS and Commissioners, on site and at headquarters; NRC coordination with Federal, State, and local officials, the utility, industry sources, and the national laboratories; NRC assessment and dissemination of information; communications and chain of command within NRC.

The Special Inquiry will also assess the possible implications of the accident at TMI-2 (including design of the facility, operations, regulatory actions, emergency preparedness) for other nuclear power plants and identify areas where further study is recommended. Based on these assessments and recommendations, the Commission will undertake such additional investigations, analyses and actions as it considers appropriate in the discharge of its responsibilities.

The Director will keep the Commission informed on a periodic basis of the progress of the inquiry. Any information of immediate public health or safety significance will be reported promptly to the Commission. The Commission emphasizes that it will take whatever regulatory action it deems necessary at any time, based on information available to it at that time. By instituting the Special Inquiry, the Commission intends no suggestion that it will withhold regulatory action with respect to identified deficiencies until the inquiry is completed.

Dated at Washington, D.C. this 13th day of June, 1979.

For the Commission,  
Samuel J. Chilk,  
Secretary of the Commission.

(FR Doc. 79-12944 Filed 6-15-79; 8:45 am)  
BILLING CODE 7590-01-M

## OFFICE OF MANAGEMENT AND BUDGET

### Agency Forms Under Review

#### Background

When executive departments and agencies propose public use forms, reporting, or recordkeeping requirements, the Office of Management and Budget (OMB) reviews and acts on those requirements under the Federal Reports Act (44 USC, Chapter 35). Departments and agencies use a number of techniques including public hearings to consult with the public on significant reporting requirements before seeking OMB approval. OMB in carrying out its responsibility under the act also considers comments on the forms and recordkeeping requirements that will affect the public.

#### List of Forms Under Review

Every Monday and Thursday OMB publishes a list of the agency forms received for review since the last list was published. The list has all the entries for one agency together and grouped into new forms, revisions, or extensions. Each entry contains the following information:

The name and telephone number of the agency clearance officer;  
The office of the agency issuing this form;  
The title of the form;  
The agency form number, if applicable;  
How often the form must be filled out;  
Who will be required or asked to report;  
An estimate of the number of forms that will be filled out;  
An estimate of the total number of hours needed to fill out the form; and  
The name and telephone number of the person or office responsible for OMB review.

Reporting or recordkeeping requirements that appear to raise no significant issues are approved promptly. In addition, most repetitive reporting requirements or forms that require one half hour or less to complete and a total of 20,000 hours or less annually will be approved ten business days after this notice is published unless specific issues are raised; such forms are identified in the list by an asterisk (\*).

#### Comments and Questions

Copies of the proposed forms and supporting documents may be obtained from the agency clearance officer whose name and telephone number appear under the agency name. Comments and questions about the items on this list should be directed to the OMB reviewer or office listed at the end of each entry.

If you anticipate commenting on a form but find that time to prepare will

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