



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

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July 18, 1985

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The Honorable John R. Miller  
United States House of Representatives  
Washington, D.C. 20515

DOCKETING SERVICE  
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Dear Representative Miller:

I have been asked to respond to your letter of July 5, 1985 in which you requested an explanation of the procedures the Nuclear Regulatory Commission used to authorize the restart of Three Mile Island Unit 1 ("TMI-1"), and a description of the safety risks the communities surrounding that plant are now subject to.

After the March 28, 1979 accident at TMI-2, the Commission issued an order stating that TMI-1 would not be allowed to operate until after the Commission had conducted a public hearing on whether the facility should be allowed to restart. On August 9, 1979 the Commission issued an order setting forth the hearing procedures. The Commission appointed a three-person Atomic Safety and Licensing Board to conduct an adjudicatory hearing. The most comprehensive adjudicatory proceeding ever conducted by the NRC was held. Thirteen parties participated. The issues proved to be especially difficult and the hearing became protracted because of additional issues that were raised regarding the competence and good character of the licensee. More than 155 days of hearings were held over a five-year period and transcripts were generated that exceeded 30,000 pages. The total record of the proceeding far exceeded 100,000 pages. On the basis of that record the Licensing Board, after imposing numerous conditions on GPU Nuclear Corporation, the licensed operator of TMI-1, found that the facility could be operated consistent with the public health and safety. Among the issues addressed by the Licensing Board were management competence and integrity, emergency planning, adequacy of hardware/plant design, and whether ongoing TMI-2 cleanup efforts could interfere with the safe operation of TMI-1.

The Licensing Board's decisions were subject to appellate review by the Atomic Safety and Licensing Appeal Board and thereafter by the Commission. That appellate review has been completed except for two issues in the management competence and integrity areas. As a result of an appellate remand one minor issue remains before the Licensing Board.

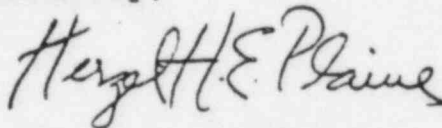
The Commission on May 29, 1985 determined that it had reasonable assurance that TMI-1 could be operated consistent

with the public health and safety and that the plant should be permitted to operate during the pendency of the remaining administrative proceedings. A copy of that order, which sets forth in greater detail the procedures used by the Commission and fully explains the Commission's restart decision, is enclosed for your information.

The Commission's decision has been challenged in the United States Court of Appeals for the Third Circuit. The Court has stayed the Commission's decision; the case has been briefed and argued and the Court's opinion is expected to be issued in the near future.

With respect to safety risks, before authorizing restart the Commission found that GPU Nuclear had satisfied the 155 conditions imposed upon it in the restart proceeding, and was in compliance with NRC regulations. The Commission determined that it had reasonable assurance that the plant could be operated consistent with the public health and safety.

Sincerely,

A handwritten signature in cursive script, reading "Herzel H. E. Plaine".

Herzel H. E. Plaine  
General Counsel

Enclosure:  
May 29, 1985 Order

JOHN R. MILLER  
1ST DISTRICT, WASHINGTON

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# Congress of the United States

House of Representatives

Washington, DC 20515

July 5, 1985

Nunzio J. Palladino  
Chairman  
Nuclear Regulatory Commission  
1717 H Street N.W.  
Washington DC 20555

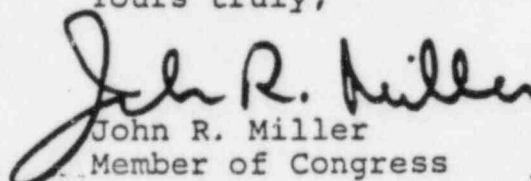
Dear Mr. Palladino:

During the past several weeks, I have received a number of letters from constituents expressing concern over the procedures the Nuclear Regulatory Commission used in relicensing the Three Mile Island facility.

Would you please forward to me an explanation of the procedures you used along with a summary of safety risks the communities surrounding the plant are now subject to.

Thank you for your cooperation.

Yours truly,

  
John R. Miller  
Member of Congress

JRM:cb