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OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

United States of America
Nuclear Regulatory Commission

Before the Atomic Safety and Licensing Board

In the Matter of)	Docket Nos. 50-387-LR
PPL Susquehanna, LLC)	50-388-LR
Susquehanna Steam Electric Station,)	ASLBP No. 07-851-01-LR
Units 1 and 2)	

Office of the Secretary
U.S. Nuclear Regulatory Commission
Mail Stop O-16 C1
Washington, D.C. 20555-0001
Attn: Rulemaking and Adjudications Staff

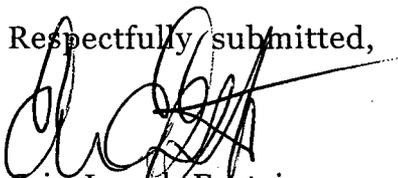
Eric Joseph Epstein's Response to the Atomic Safety
Licensing Board Panel's Request for Information

March 11, 2007

Dear Judges Young, Lathrop and Sager:

Enclosed for filing in the Matter of PPL Susquehanna, LLC, Susquehanna Steam Electric Station Units 1 and 2 (Docket Nos. 50-387-LR & 50-388-LR; ASLBP No. 07-851-01-LR), please find Eric Joseph Epstein's Response to the Atomic Safety Licensing Board Panel's Request for Information during the March 8, 2007 Teleconference. Specific information requests pertaining to citations for standing and "Category 2" delineations have been prepared and submitted by Mr. Epstein via electronic mail on March 11, 2007. This filing will also be sent via United States Postal Service on Monday March 12, 2007.

Respectfully submitted,



Eric Joseph Epstein
4100 Hillsdale Road
Harrisburg, PA 17112

TEMPLATE = SELY-037

SELY-02

Re: Standing

Georgia Power Co. (Vogtle Electric Generating Plant, Units 1 and 2), LBP-93-5, 37 NRC 96 (1993), *aff'd*, CLI-93-16, 38 NRC 25 (1993), the Nuclear Regulatory Commission (NRC) approved standing for a petitioner living 35 miles from the plant one week per month.

In the CFC Logistics proceeding, the Atomic Safety and Licensing Board (ASL&B) “hasten[ed] to add ... that the ‘obvious potential’ aspect of ‘proximity-plus’ standing is not a concept that can be applied with engineering or scientific precision...” 60 NRC 475, 485 (2004), p. 487.

“[A] minor exposure to radiation, even one within regulatory limits, is sufficient to state an injury in fact” for standing purposes. *Duke Cogema Stone & Webster (Savannah River Mixed Oxide Fuel Fabrication Facility)*, LBP-01-35, 54 NRC 403, 417 (2001), *rev'd* on other grounds, CLI-02-24, 56 N.R.C. 335 (2002) (citing *Yankee Atomic Electric Co. (Yankee Nuclear Power Station)*, CLI-96-7, 43 NRC 235, 247-48 (1996)); see also *id.* at 420 (standing inquiry does not require precision regarding probability of petitioner receiving unwanted dose of radiation). The asserted harm – injury to the health and safety – is clearly encompassed by the health and safety interests protected by the Atomic Energy Act. *Id.* at 417; see also 42 U.S.C. § 2013.

In *Pebble Springs*, (4 NRC at 614-617. See *Infra*, § II. A.5.) the Commission also held that even if a Petitioner for intervention could not satisfy the strict judicial standing test, intervention could still be allowed as a matter of discretion.

Mr. Epstein routinely pierces the 50 mile proximate rule during his day-to-day-activities simply by traveling to Lebanon, Schuylkill and upper Dauphin Counties. As noted during the teleconference, Mr. Epstein is a member of the Board of Directors of the Sustainable Energy Fund of Central Eastern Pennsylvania since its inception in 1999. He is also a director of GreenConnexions, Inc. since 2006 which is based in the same office. Both entities have a 29 county constituency that mimics PPL’s residential customer base.

His commute to the office in Allentown, and meetings at off site locations, must necessarily pierce the fifty mile proximity zone for substantial periods of time. Mr. Epstein's meeting schedule, as of March 9, 2007, was only available from April through June 2007, and includes business meetings in Allentown, Fogelsville, and Hazleton on the following days and evenings:

- April 10, 12, 16, 26 and 27.
- May 10, 15, 17 and 30.
- June 5, 6, 12, 19, 21, 26 and 28.

Please note more meetings will likely be scheduled as necessary in Conyngham (seven miles from Berwick) and Grantville (48 miles from Berwick). In addition, the SEF's counsel, Hourigan, Kluger & Quinn, PC is located in Kingston (28 miles from Berwick), and as Chair of the Human Relations Committee, Mr. Epstein must spend time in close proximity to Berwick for legal related matters.

For more information go to: www.theseef.org

Re: “Category 2” Declinations for Contentions

Contention 1:

(i) Provide a specific statement of the issue of law or fact to be raised or controverted.

PPL Susquehanna failed to provide the requisite data necessary to determine if it has the ability to maintain and service the financial obligations it inherited from the original licensee, i.e., PP&L. Regulatory conditions have materially changed and adversely affected PPL’s ability to guarantee it can finance the “back-end” of nuclear power production at the SSES.

(ii) Provide a brief explanation of the basis for the contention.

PPL Susquehanna LLC, the majority owner and operator of the Susquehanna Electric Station, is the corporate progeny of the original holding company, i.e., PP&L, that applied for, and obtained a license to operate the SSES, and the new corporation warrants a comprehensive financial due diligence to ascertain the ability of the nascent and emerging limited liability corporation to service its nuclear obligations under deregulation.

Category 2: Socioeconomic

Offsite land use (license renewal term)

SMALL, MODERATE, OR LARGE. Significant changes in land use may be associated with population and tax revenue changes resulting from license renewal

Contention 2:

(i) Provide a specific statement of the issue of law or fact to be raised or controverted.

PPL failed to factor, consider and address numerous water use and indigenous aquatic challenges present and anticipated for the Susquehanna River.

(ii) Provide a brief explanation of the basis for the contention.

The Susquehanna River Basin Commission and the Pennsylvania Department of Environmental Protection (PA DEP) are in the process of collecting, evaluating, and implementing a comprehensive water use plan for Pennsylvania, i.e., Act 220. Moreover, recent and consistent droughts in Pennsylvania (2002) as well as flooding (2006) have forced state and regulatory bodies to reexamine water as a commodity in the Commonwealth of Pennsylvania.

In addition, a number of infestations, specifically Asiatic clams and Zebra mussels, have required power plants to prepare plans to defeat these aquatic invasions.

Category 2:

Groundwater Use and Quality: *Groundwater use conflicts (potable and service water, and dewatering; plants that use greater than 100 gpm)*

SMALL, MODERATE, OR LARGE. Plants that use more than 100 gpm may cause groundwater use conflicts with nearby groundwater users. See § 51.53(c)(3)(ii)(C);

Contention 2 (Continued)

Category 2:

Groundwater Use and Quality: *Groundwater use conflicts (plants using cooling towers withdrawing make-up water from a small river)*

SMALL, MODERATE, OR LARGE. Water use conflicts may result from surface water withdrawals from small water bodies during low flow conditions which may affect aquifer recharge, especially if other groundwater or upstream surface water users come on line before the time of license renewal. See § 51.53(c)(3)(ii)(A);

Category 2:

Socioeconomics

Public services: public utilities

SMALL OR MODERATE. An increased problem with water shortages at some sites may lead to impacts of moderate significance on public water supply availability; and,

Category 2:

Human Health: *Microbiological organisms (public health) (plants using lakes or canals, or cooling towers or cooling ponds that discharge to a small river)*

SMALL, MODERATE, OR LARGE. These organisms are not expected to be a problem at most operating plants except possibly at plants using cooling ponds, lakes, or canals that discharge to small rivers. Without site-specific data, it is not possible to predict the effects generically. See § 51.53

Contention 3:

(i) Provide a specific statement of the issue of law or fact to be raised or controverted.

PPL's demographic profile is flawed and incomplete and fails to consider the aging population and workforce which impacts supports services, emergency planning, workforce replenishment and traffic patterns.

(ii) Provide a brief explanation of the basis for the contention.

Pennsylvania is the second oldest state in the nation after Florida and its fastest growing population segment is octogenarians. An aging population base has unique and sensitized needs that were not factored, considered, or analyzed in the licensee's application. Moreover, PPL's intent to raise electric prices by at least 20% to 30% in the near future hits fixed-income and aging population bases especially hard.

Category 2:

Socioeconomics *Offsite land use (license renewal term)*

SMALL, MODERATE, OR LARGE. Significant changes in land use may be associated with population and tax revenue changes resulting from license renewal.

Contention 4:

(i) Provide a specific statement of the issue of law or fact to be raised or controverted.

PPL's tax analysis is fatally flawed and lacks historical perspective. The Company failed to assess the impact of Revenue Neutral Reconciliations at the SSES on local citizens, residents, taxpayers, and homeowners.

(ii) Provide a brief explanation of the basis for the contention.

By limiting their historic snapshot from 2001-2005, PPL provides a false and incomplete fiscal picture of the impact their property devaluations and legal suits had on local taxing bodies. The transition from the PURTA to RNR has been a disaster. PPL has conveniently omitted the tax strain it has caused the Berwick Area School District, Salem Township, Luzerne County, residential consumers and senior citizens living on fixed incomes.

Category 2: Socioeconomics

Offsite land use (license renewal term)

SMALL, MODERATE, OR LARGE. Significant changes in land use may be associated with population and tax revenue changes resulting from license renewal.

Contention 5:

(i) Provide a specific statement of the issue of law or fact to be raised or controverted.

PPL is in violation of the following Federal Regulations: 10 CFR § 50.47; 10 CFR § 50.54; 10 CFR § Part 50 Appendix E; and 44 CFR § 350.

(ii) Provide a brief explanation of the basis for the contention.

The Nuclear Regulatory Commission should hold a final decision for relicensing the SSES in abeyance until such time that PPL can demonstrate and verify its compliance with emergency preparedness measures at the Susquehanna Steam Electric Station under the Radiological Emergency Protective Measures outlined in 10 CFR § 50.47 (Condition of Licenses).

Category 2:

Socioeconomic

Public services, Transportation

SMALL, MODERATE, OR LARGE. Transportation impacts are generally expected to be of small significance. However, the increase in traffic associated with the additional workers and the local road and traffic control conditions may lead to impacts of moderate or large significance at some sites.

CERTIFICATE OF SERVICE

I hereby certify that copies of enclosed correspondence dated February 23, 2007, were served on the persons listed below by deposit in the U.S. Mail, first class, postage prepaid and electronic mail.

Administrative Judge
Ann Marshall Young, Esq., Chairman
Atomic Safety and Licensing Board
Mail Stop T-3 F23
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001
amy@nrc.gov

Susan L. Uttel, Esquire
Molly L. Barkman, Esquire
US N.R.C. - OGC
Mail Stop O-15 D-21
Washington, D.C. 20555-0001

Administrative Judge
Dr. Kaye D. Lathrop
Atomic Safety and Licensing Board
Mail Stop T-3 F23
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001
klathrop@independence.net

Pillsbury, Winthrop et al
David R. Lewis, Esquire
PPL Susquehanna, LLC
2300 N Street, N.W.
Washington, D.C. 20037-1128

Administrative Judge
Dr. William W. Sager
Atomic Safety and Licensing Board
Mail Stop T-3 F23
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001
wsager@tamu.edu

Office of Commission Appellate
Adjudication
Mail Stop O-16 C1
U.S. NRC
Washington, D.C. 20555-0001

Secretary
Att'n: Rulemakings and Adjudications Staff
Mail Stop O-16 C1
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001
secy@nrc.gov; hearingdocket@nrc.gov

Dated: March 11, 2007