

June 12, 2007 (4:15pm)

June 12, 2007

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)
PPL SUSQUEHANNA LLC) Docket Nos. 50-387 -388
Susquehanna Steam Electric Station) Units 1 and 2; ASLB
) No. 07-854-01-OLA-BD01

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

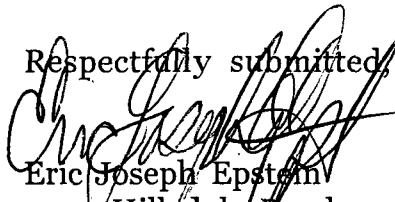
**Re: Eric Joseph Epstein's Reply to PPL Susquehanna LLC and
the NRC Staff's Responses to Eric Joseph Epstein's Petition for
Leave to Intervene, Request for Hearings and Contentions**

Dear Sir or Madam:

Please find enclosed for filing in the above-stated matter an original and two copies of Eric Joseph Epstein's Reply PPL Susquehanna LLC and the NRC Staff's Responses to Eric Joseph Epstein's Petition for Leave to Intervene, Request for Hearings and Contentions Epstein in the above-captioned matter.

Thank you for your attention to this matter.

Respectfully submitted,


Eric Joseph Epstein
4100 Hillsdale Road
Harrisburg, PA 17112
(717)-541-1101 Phone

TEMPLATE= SELV-037

SELY-02

I. Introduction.

Eric Joseph Epstein ("Mr. Epstein" or "Epstein"), pursuant to 10 C.F.R. § 2.309 (d) and (e), petitioned for Leave to Intervene, Request for Hearing, and Presentation of Contentions with Supporting Factual Data in response to the Notice of Opportunity for a Hearing relating to PPL Susquehanna LLC's Proposed Amendment Requests for the Susquehanna Steam Electric Station's 1 & 2 ("SSES" or "Susquehanna" or "the Company" or "the applicant") as published in the Federal Register on March 13, 2007 (Vol. 72, No. 48), pp. 11392-11399.

Mr. Epstein requested a hearing consistent with 10 C.F.R. § 2.309(a). Pursuant to 10 C.F.R. § 2.309(o), and should be granted leave to intervene because he has standing; and, submitted three admissible contentions.

II. History of Proceeding

PPL's amendment request was initially submitted to the Nuclear Regulatory Commission ("NRC" or "Commission") on October 11, 2006, and supplemented on October 25, November 21, and December 4, 2006.

A notice of opportunity for a hearing, as well as the NRC's staff's review and determination that "processes to determine that the amendment request involves no significant hazards consideration," was published in the Federal Register on March 13, 2007 (Vol. 72, No. 48), pp. 11392-11395.

Eric Joseph Epstein's Petition for Leave to Intervene, Request for Hearing and Presentation of Contentions and Supporting Factual Data was submitted to all identified entities in a timely manner on May 11, 2007.

On June 12, 2007, PPL and NRC filed Responses in opposition to Mr. Epstein's Leave to Intervene, Standing and Contentions on June 5, 2007.

¹ Hard copy of both filings was received by Mr. Epstein on June 8, 2007.

IV. Standing

A. Eric Joseph Epstein Has Standing

Mr. Epstein meets the criteria of standing on his own behalf. The standing requirements for Nuclear Regulatory Commission (NRC) adjudicatory proceedings derive from the Atomic Energy Act (AEA), which requires the NRC to provide a hearing "upon the request of any person whose interest may be affected by the proceeding." (42 U.S.C. 2239(a)(1)(A)). In addition, §2.309 establishes that requests for petitions to intervene must meet the basic standing *and* "one good contention" requirements of the old §2.714; and stand by his initial filing and the findings, In the Matter of PPL Susquehanna, LLC, Relicensing Application for the Susquehanna Steam Electric Station, Units 1 and 2, Docket Nos. 50-387-LR & 50-388-LR, ASLBP No. 07-851-01-LR, the Atomic Safety & Licensing Board panel held:

We do, however find that the petitioner Epstein has made a sufficient showing to establish standing for himself under the "proximity presumption." Mr. Epstein admits that he resides more than fifty miles from the plant. However, significant contacts with an affected area can be sufficient to establish standing, the regularity of Mr. Epstein's trips to the area around the plant, for a number of years, weighs in his favor. In addition, he resides six miles outside the area in question and can therefore be expected to continue to conduct business there in the future. Because of this pattern of regular contacts within the 50-mile radius around the plant, we find that Mr. Epstein has standing on his own behalf. (2)

There has been no material change in Mr. Epstein's status since the decision was rendered. Based on case law, precedent and the recent unchallenged ruling relevant to Mr. Epstein's standing in relation to the the Susquehanna Steam Electric Station, Mr. Epstein has established standing, and will be potentially adversely affected if the proposed amendment causes the release of radiological emissions or atmospheric releases into the environment, or the proposed uprate increases the likelihood of toxic, caustic or carcinogenic discharges into the environment.

² Memorandum and Order, **III. The Board Ruling on Standing of Petitioner to Participate in Proceeding**, Docket No's. 50-387-LR, 50-388-LR, ASLBP No. 07-851--01-LR, BD01, pp. 9-10, March 22, 2007.

Mr. Epstein's commute to the office in Allentown, and meetings at off site locations, pierces the fifty mile proximity zone for substantial periods of time on a regular basis. Mr. Epstein's meeting schedule through the end of the fiscal year (June 30, 2007), includes business meetings in Allentown, Conyngham, Fogelsville, Hazleton and Scranton on the following days and evenings: May 15, 16, 17 and 30, and June 5, 6, 7, 12, 19, 21, 26 and 28, 2007.

In addition to the above noted schedule, which was ignored by both the Staff and the PPL, Mr. Epstein spent the afternoon of June 7, 2007 engaged in informal discovery with PPL Electric Utilities in Allentown. (3) PPL's attorney of record for that meeting was Mr. Paul Russell, Assistant Counsel, Regulatory Affairs, PPL Utilities Corporation, 2 North Ninth Street, Allentown, Pa. (4)

³ PPL Susquehanna LLC is a subsidiary of PPL Generation, LLC which is a subsidiary of PPL Energy Supply, LLC, which is an indirect and wholly owned subsidiary of PPL Corporation, an energy and utility holding company. PPL Susquehanna is grouped under Generation in the Annual Corporate Summary Report (p. 4) with Brunner Island, Holtwood and Martin's Creek. (Epstein Petition, p. 17). Moreover, as of **June 11, 2007, PPL Susquehanna was still advertising the relationship** between the SSES and its Holtwood, Montour and Martin's Creek facilities (PPL, *Susquehanna Nuclear Energy Guide*, www.pplweb.com, p. 14.)

The NRC staff noted, "Section 1.1 of PPL's LRA provides general information regarding the overall corporate structure of PPL and a general description of its business. Section 1.1.1, "Name of Applicant," provides in part that "PPL Susquehanna, LLC, the current licensee and renewal applicant, is a subsidiary of PPL Generation, LLC." This description clearly shows that PPL Susquehanna, LLC, the same company that received the license transfer, is both the current licensee and renewal applicant." (NRC STAFF RESPONSE TO ERIC JOSEPH EPSTEIN'S MOTION TO COMPEL AND REQUEST FOR SCHEDULAR EXEMPTION, February 15, 2007.)

This interrelated corporate family, which provides **supports services** (PPL Services Corporation), **financing** (CEP Lending and CEP Lending Reserves, PPL Deposit Corporation, PPL Energy Funding Corporation) and **legal assistance** (PPL Services Corporation) to one another, can not be dismissed when unwanted facts are brought to bear on the familial environmental stewardship (PPL Answer, p. 22.)

⁴ PPL can not play a shell game with its affiliates or filings. This type of corporate schizophrenia allows PPL to diminish their global responsibilities to the Susquehanna River. There is a negative cumulative impact to the Susquehanna Rivers' health caused by PPL's generating facilities. In fact, on April 29, 2006, PPL shut the SSES to repair a water leak. (Please refer to Footnotes 5 & 17.)

PPL took umbrage with Mr. Epstein's characterization of TC-2 and his representation of a "hastily filed comments." However, the factual record has clearly established that the SRBC filing made on December 20, 2006 has been held in abeyance. In fact, Peach Bottoms' Surface Water Withdrawal Application to the SRBC (Docket #20061209) was filed on October 3, 2006 and approved on December 5, 2006. **The ASLBP is encouraged to contact** the SRBC and ask for their characterization of PPL's application at 717-238-0423.

V.Eric Joseph Epstein Submitted Three Admissible Contentions Contention T-1

PPL failed to consider the impact of the proposed uprate on certain state and federal water use issues, and the potential impact these regulations will have on water flow, water volume and surface water withdrawal for the SSES's cooling systems. The traditional implications of the Pennsylvania Public Utility Commission ("Pa PUC") policy and regulations relating to "withdraw and treatment" of water, i.e., referred to as "cost of water" under the Public Utility Code, Title 66, have to be factored in this application absent a PUC proceeding as well as Act 220 water usage guidelines. PPL has not established (nor has the NRC reviewed) compliance milestones for EPA's Act 316 (a) or 316 (b) and their impact on power uprates at the Susquehanna Electric Steam Station. (5) State and federal regulations which many impact, constrict or restrict water flow that would adversely impact cooling systems at the plant, and lead to health and safety challenges for local communities.

A basis for a contention can be a reference to a source and an assertion; there is no need to detail evidence in support of it. (6) An NRC licensee must meet Commission regulations, technical specifications, and various requirements in a regulatory scheme where "public safety is the first, last and permanent consideration." Where a contention alleges a deficiency or error in the application, the deficiency or error must have some independent health and safety significance." (7)

⁵ "NRC boards may without further inquiry accept and utilize in their cost-benefit analysis EPA's determinations under Sections 316 or 402 of FWPCA of the impacts on the aquatic ecosystem of the condenser cooling discharge of a nuclear plant whether or not all parties to NRC proceedings were before the EPA." (Public Service Company of New Hampshire, Seabrook Station, Units 1 and 2), CLI-78-1, 7 NRC 1, 23-29 (1978), and later affirmed in *New England Coalition on Nuclear Pollution v. NRC*, 582 F.2d 87 (1st Cir. 1978). However, the NRC rulings has redefined the application of 316 (a) and (b) to the amendment process, and **allowed the ASLB to adopt a global evolution**. "We stated in *Riverkeeper I* that the EPA can consider cost in establishing BTA, but only in a limited fashion and not as a primary consideration" (*Riverkeeper, inc. et al v US EPA*, US Court of Appeals for the Second Circuit, January 25, 2007, p. 22.) The Court also noted, "The EPA took this 'economically practicable' concept from the text of a floor speech of a single representative - the only specific reference to section 316(b) in the congressional debates." (p .27)

⁶ Houston Lighting & Power Company (Allens Creek Nuclear Generating Station Unit 1) ALAB-590, 11 NRC 542, 547-548 (1980); Mississippi Power & Light Company (Grand Gulf Nuclear Station Units 1 and 2), ALAB-130, 6 AEC 423, 426 (1973).

⁷ *In the Matter of Dominion Nuclear Connecticut, Inc.* (Millstone Nuclear Power Station, Units 2 and 3) Docket Nos. 50-336-LR, 50-423-LR ASLBP No. 04-824-01-LR July 28, 2004, p. 7. See *Private Fuel Storage, L.L.C.* (Independent Spent Fuel Storage Installation), LBP- 98-7, 47 NRC 142, 179-80 (1998), aff'd in part, CLI-98-13, 48 NRC 26 (1998).

Staff alleges that T-1 is “outside of the scope” and “not material” to this proceeding, and that there is not enough information to establish a “genuine dispute.” Furthermore, the NRC erroneously alleges that “vague data” and references to “anticipated enactment of state regulations” do not provide sufficient information. (NRC Staff, p. 8) Staff misinterprets and omits contrary findings relating to state, Basin and federal regulations, and creates a specious syllogism by stating, “Petitioner offers no support for his assertion that PPL must anticipate a future a law...” (Staff, p. 10.)

Act 220 of **2002 is the law**, and mandates that the Department of Environmental Protection update the state water plan by **2008**. “The Environmental Quality Board (EQB) will adopt regulations addressing water use registration, period reporting and record keeping (Section 3118), and the DEP is authorized to enforce the Act. The Act “establishes the duty of any person to proceed diligently in compiling with orders of the DEP.” (Section 3133)

Had PPL Susquehanna and staff scratched the regulatory surface in their uprate application and review, they would have disclosed the need to coordinate, and perhaps submit an “alternative plan” as a result of Act 220. (8) The Company simply failed to include this data in their application.

In March 2008 areas will be identified where water use exceeds (or is projected to exceed) available supplies. If the SSES is designated as an endangered or sensitive area, PPL will have to comply with a “water budget” established by the Regional Water Resource Committee and the Critical Advisory Committee and **codified** by the EQB.

8 Act 220 of **2002** mandates that the Department of Environmental Protection update the state water plan by **2008**. “The **Environmental Quality board will adopt regulations addressing** water use registration, period reporting and record keeping (Section 3118), and the **DEP is authorized** “to enforce the Act. It also “establishes the duty of any person to proceed diligently in compiling with orders of the DEP.” (Section 3133)

9 The US EPA and Army Corps of Engineers issued new guidelines fort the protection of wetlands and bodies of water under the Clean Water Act on June 6, 2007. This is an **“unanticipated future”** regulatory guideline promulgated after the uprate amendment was filed by PPL. While the problem of hypoxia is critical, Mr. Epstein did not suggests that this issue had to be revisited after PPL filed its amendment request.

PPL's current surface and groundwater withdrawals are "grandfathered" under an obsolete protocol. **New or increased withdrawals of 10,000 bgd** trigger a review and permit process from the Susquehanna River Basin Commission (10). PPL must also demonstrate that their proposed withdrawals will not significantly impair or reduce the flow of perennial streams in the area," (18 CFR § 430.13 (d) (4)), and the Company must now comply with drought restrictions. (SRBC Compact § 11.4.)

PPL argues, "Mr. Epstein makes unsupported and inaccurate assertions in alleging that during the 2002 drought did not take any measures or precautions to conserve water." (PP Response, p. 19.) PPL failed to defeat this claim, and the SSES continued to operate and consume the same level of water (based on "grandfathered" protocols) during the drought of 2002. In fact, PPL Susquehanna acknowledged, "Water from the Susquehanna River makes up for cooling water lost to evaporation." (12)

A restricted and generic review brush unnecessarily isolates, regional and unique water safety challenges. Nuclear safety is a fluid issue and can not be restricted to a regulatory moat in the era of deregulation. (See footnote 17).

¹⁰ Susquehanna River Basin Commission, established as a Basin Compact, is composed of one federal representative for the U.S. Army Corps of Engineers and state representatives from New York, Pennsylvania, Maryland, Virginia and Washington, D.C.

§801.6 Water supply

(b) The Commission may regulate the withdrawal of waters of the basin not regulated by the signatory parties for domestic, municipal, industrial, and agricultural uses if regulation is considered essential to further the aims set forth in the comprehensive plan.

(c) The Commission shall study the basin's water supply needs, the potential surface and ground water resources, and the interrelationships to meet these needs through existing and new facilities and projects. Efficient use and management of existing facilities with emphasis on the full utilization of known technology will be explored in meeting water supply needs for domestic, municipal, agricultural, and industrial water supply before new programs or projects are approved.

¹¹ The NRC routinely issues Information Notices that caution operating licensees of "unanticipated" technical and developments; including, safety challenges to water systems. The most recent water related notice was issued on February 9, 2007, i.e., "Potential Common Cause Vulnerabilities In Essential Service Water Systems."

¹² PPL, *Susquehanna Nuclear Energy Guide*, www.pplweb.com, June 11, 2007 p. 13.

PPL's lack of "defense in depth" presumes an isolated and unconnected cooling network: "However, the Susquehanna River is not relied upon as a safety-related source of water for reactor cooling. Rather SSES has an UHS...Thus while a regulatory restriction on surface withdrawals by the SSES might affect generation of electricity, it would not endanger the health and safety of the public." (PPL Response, p. 17) Yet, the same company publicly advertises, "Water level in the pond is maintained by adding water from the Susquehanna River as needed." (Ibid.)

Water use and consumption by large consumers have an innate and overt relationship with the health and safety of the local community. Most components at the SSES have inherent safety related consequences and are part of the "defense in depth" system deployed by PPL. Water supply and water chemistry are intimately connected to the health and vitality of the River. (12) The Intake is a safety related system that impacts the Susquehanna River. (13)

PPL's comments defy logic and science, unless the Company uses a magical pond that does not suffer from evaporation. As PPL admitted, the pond requires replenishment from the the Susquehanna River. PPL can not argue that it's consumption has no relationship to plant cooling, the state of the River, ground water supplies and aquatic life. "Consumptive water" use at the SSES results from evaporation from detention basins, thermal loading, along with evaporation and drift losses when the cooling towers are in operation.

¹² The Susquehanna Steam Electric Station is a large industrial consumer of a valuable and limited commodity from the Susquehanna River,. A comprehensive and substantive water management plan must include the impact of uprates planned for the SSES. (See discussion in footnotes 4, 5 & 17.)

The Susquehanna River was named America's **Most Endangered River** on April 13, 2005, by American Rivers. As a point of reference, please note that the SSES is located in the "West Branch, Upper, Middle Susquehanna and Chemung River Basins" Region. This area also suffers from **chronic acid mine drainage** runoff. The mines have been abandoned, but their 3,000 miles of underground tunnels -- some of them 5,000 feet below ground -- still cause problems along the Susquehanna River. Water fallout of the Susquehanna' River bottom enter and flood the coal tunnels. That fresh water flushes out heavy metals and toxic pollutants. According to Pennsylvania's Susquehanna River Basin Commission, acid mine drainage is the source for more than 70% of the stream impairment in the Middle Susquehanna subbasin . The Wyoming Valley in the Middle Susquehanna subbasin includes Scranton, Wilkes-Barre, Carbondale and Sunbury.

¹³ The SSES will require accurate metering to within five percent on the water diverted to the SSES, which can not be achieved if the intake pipes are impaired by residual deposits.

DEP confirmed that zebra mussel adults and juveniles have been found in Goodyear Lake, the first major impoundment on the Susquehanna River's main stem below Canadarago Lake in New York. Zebra mussels are an invasive species posing a serious ecological and economic threat to the water resources and water users downstream in the river and Chesapeake Bay. (14) Zebra mussels, like Asiatic clams, shad and other biological fouling, (15) can invade the SSES from north or the south on the Susquehanna River. (16)

Staff incorrectly opined, "PPL's excessive use of water is also an issue outside of the NRC's jurisdiction." (Staff, p. 10) However, the Staff and PPL ignore a recent ASLBP Memorandum and Order:

Certainly, 511 (c) bars the NRC from reviewing limitations, water quality certification requirements, or other FWPCA requirements. But it does not bar NRC from including water quality matters in the assessment of the environmental impact of the license renewal. To the contrary, NEPA requires the NRC to do so. The required, EIS, including water quality matters, then become a basis for the NRC's ultimate EPA determination of "whether or not the adverse environmental impacts of license renewal are so great that preserving the option of license renewal for energy planning decision makers would be unreasonable at the license renewal stage." (17)

14 "In 2002, the first report of zebra mussel populations in the Chesapeake Bay Watershed were reported from Eaton Reservoir in the headwaters of the Chenango River, a major tributary to the Susquehanna River in New York. A short time later, zebra mussels also were found in Canadarago Lake, a lake further east in the Susquehanna main stem headwaters. Now, through DEP's Zebra Mussel Monitoring Network, reports were received that both zebra mussel adults and juveniles, called veligers, have made their way down to the Susquehanna main stem headwaters." (Pa DEP, *Update*, July 16, 2004.)

15 Algae blooms recently "caused continuous clogging of multiple strainers of all pumps in TMI the intake structure; including: the two safety related DR pumps, all three safety related NR pumps, and all three non-safety related secondary river pumps." (NRC IR 05000289/2006004, p. 7)

16 Shad passages occur through two of the four hydroelectric dams owned and operated by PPL on the Lower Susquehanna River. These dams are not attracting and funneling shad; especially, at PPL's Holtwood Dam, where a proposed \$275 million expansion is contingent upon PPL solving shad lift problems. While PPL noted that the dams are 100 miles south of the SSES (p. 21), the failed to note that 30% to 50% of the shad stock is wild and migrates north to south. This natural stock is critical since 2002, 2003 and 2004 were bad years for stocked fry. (*Shad run tanks in the Susquehanna* Mike Hendricks, PA Fish and Boat Commission, fisheries biologist, "Pennsylvania Outdoor News).

17 US NRC, "Memorandum and Order", In the Matter of Entergy Nuclear Vermont Yankee, LLC and Entergy Nuclear Operations, Inc. (Vermont Yankee Nuclear Power Station), Docket No. 50-271-LR., ASLBP No. 06-849-03-LR, September 22, 2006, pp. 54-55.)

Contention T-2

PPL failed to disclose damaging information included in a hastily filed Application for Surface Water Withdrawal (18)."[W]hen a party has relevant evidence within his control which he fails to produce, that failure gives rise to an inference that the evidence is unfavorable to him." (19)

PPL Susquehanna actually references the NRC filings in the Susquehanna River Basin Commission ("SRBC") application, yet their amendments (and the NRC's subsequent review) fails to include action plans to repair faulty and corroded piping identified by the applicant in another venue. (20)

PPL and the Staff both provide excuses for failing to explicitly report this information, and never explain why the information was omitted from PPL's supplemental filings. The NRC refers to a pre-hearing conference that took place over the phone six months **after the uprate application was filed**. The NRC also relies on an oblique reference in Section 3.1.2.1 of the license renewal application as an adequate representation that deposits in the intake valve have not impaired PPL's ability to monitor flow. (Staff, pp. 12-13). (21)

PPL never directly addresses or rebuts T-2, but is pained to describe why their inability to monitor the withdrawal of River water (PPL, pp. 22-27) is irrelevant, "...the Susquehanna River is not relied upon as a safety -related source of water for reactor cooling, and the River intake is not a safety-related system." (PPL, p. 23) The Company never addressed or explained their failure to submit this damaging data in their uprate filing. The NRC has found that withholding negative information is not to be countenanced (10 C.F.R. & 51.45 (e)), and the present instance is no exception to the rule.

¹⁸ Request to Modify Application 19950301 EPUL-O578 PPL's Letter to the Susquehanna River Basin Commission was filed on December 20, 2006, p. 2)

¹⁹ Public Service Company of New Hampshire, Seabrook Station Units 1 and 2), ALAB-471, 7 NRC 477, reviewed as to other matters, CLI -78-14, 7 NRC 952 (1978)

²⁰ "In order to fulfill its regulatory obligation, the NRC is dependent on all of its licensees for accurate and timely information...[L]icensees are the first line to ensure the safety of the public." (Petition for Emergency and Remedial Action, CLI-78-6, 7 NRC 400, 418 (1978). See also Consumer Power Co. (Midland Plant, Units 1 and 2), CLI-74-3, 7 NRC 7, 11 (1974)

²¹ Please note there is no Pa PUC filing related to the uprate.

Contention T-3

The proposed change involves a significant increase in the "consequences" of an accident than previously evaluated, and the amount of radioactivity in the reactor core (and thus available for release in event of an accident) is significantly more at 120% power than at 100% power.

PPL and the NRC are overly reliant on compliance with NRC's regulations, without examining the "consequences" of an accident caused by the proposed uprate. The amount of radioactivity in the reactor core (and thus available for release in event of an accident) is significantly more at 120% power than at 100% power.

PPL and the Staff's chief complaint is that the petitioner "fails to point to any specific section in the application that he asserts is deficient." (Staff, p. 14) Mr. Epstein can cure that concern but listing the following scenarios that were omitted from PPL's "new accident" evaluation: spent fuel failure in Transnuclear NuHoms 61BT casks from HTU waste; and, density problems associated with re-racking spent fuel cells to accommodate off-core fuel loads.

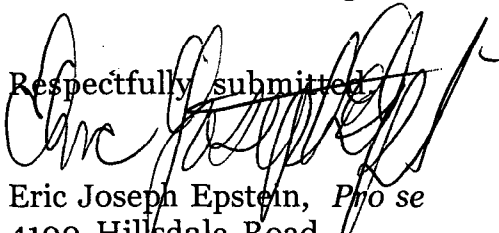
VI. Selection of hearing procedures.

Mr. Epstein defers to the the ASLBP, but prefers Subpart G procedures, based on T-2. Or; at a minimum, Mr. Epstein requests that the Panel treat T-2 as 10 CFR Part 2 Subpart G issue based on the higher level of procedural access Mr. Epstein will require of PPL's expert witnesses. (10 CFR § 2.309(g) & 2.310 (d)).

VII. Conclusion

Eric Joseph Epstein has met all for the requirements stated in "2.309 Hearing requests, petitions to intervene, requirements for standing, and contentions," and his Petition to Intervene should be granted and all three contentions accepted.

Respectfully submitted,


Eric Joseph Epstein, *Pro se*
4100 Hillsdale Road
Harrisburg, PA 17112

Contention T-3

The proposed change involves a significant increase in the "consequences" of an accident than previously evaluated, and the amount of radioactivity in the reactor core (and thus available for release in event of an accident) is significantly more at 120% power than at 100% power.

PPL and the NRC are overly reliant on compliance with NRC's regulations, without examining the "consequences" of an accident caused by the proposed uprate. The amount of radioactivity in the reactor core (and thus available for release in event of an accident) is significantly more at 120% power than at 100% power.

PPL and the Staff's chief complaint is that the petitioner "fails to point to any specific section in the application that he asserts is deficient." (Staff, p. 14) Mr. Epstein can cure that concern but listing the following scenarios that were omitted from PPL's "new accident" evaluation: spent fuel failure in Transnuclear NuHoms 61BT casks from HTU waste; and, density problems associated with re-racking spent fuel cells to accommodate off-core fuel loads.

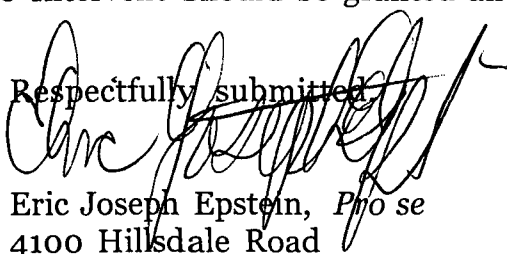
VI. Selection of hearing procedures.

Mr. Epstein defers to the the ASLBP, but prefers Subpart G procedures, based on T-2. Or; at a minimum, Mr. Epstein requests that the Panel treat T-2 as 10 CFR Part 2 Subpart G issue based on the higher level of procedural access Mr. Epstein will require of PPL's expert witnesses. (10 CFR § 2.309(g) & 2.310 (d)).

VII. Conclusion

Eric Joseph Epstein has met all for the requirements stated in "2.309 Hearing requests, petitions to intervene, requirements for standing, and contentions," and his Petition to Intervene should be granted and all three contentions accepted.

Respectfully submitted,


Eric Joseph Epstein, *Pro se*
4100 Hillsdale Road
Harrisburg, PA 17112

I hereby certify that on June 12, 2007, a copy of Eric Joseph Epstein's Reply Petition for Leave to Intervene, Request for Hearing, and Contentions regarding the matter of the PPL Susquehanna LLC Proposed Amendment Requests for the Susquehanna Steam Electric Station's 1 & 2 Would Increase Thermal Power to 3,952 Mega-Watts Which is 20% Above the Original Rated Thermal Power (RTP) 3293 MWt, And Approximately 13% Above the Current RTP of 3,489 MWt, Docket Nos. 50-387 PLA-6110 and 50-388 was sent via electronic mail, USPS and by overnight delivery with tracking numbers to:

Office of the Secretary
U.S. Nuclear Regulatory Commission
16th Floor
One White Flint North
11555 Rockville Pike,
Rockville, Maryland 20852
Attn: Rulemaking and Adjudications Staff

Office of the Commission
Appellate Adjudication
US NRC - Mail Stop O-16 C1
Washington, DC 20555-0001

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

ALJ US NRC
G. Paul Bollwerk, III, Esq.,
Chair
Mail Stop T-3 F23
Washington, DC 20555-0001

US NRC
Office of the General Counsel
Lloyd B. Subin, Esquire
Mail Stop O-15 D21
Washington, DC 20555-0001

ALJ US NRC
Dr. Richard F. Cole
Mail Stop T-3 F23
Washington, DC 20555-0001

David Lewis, Esquire
PPL c/o Pillsbury, Winthrop et al
2300 N. Street, NW
Washington, DC 20037

ALJ US NRC
Dr. Lester S. Rubenstein
Mail Stop T-23 F23
Washington, D.C. 20555-0001

ALJ US NRC
Dr. Lester S. Rubenstein
1820 Avenida del Mundo
Coronado, CA 92118