

February 5, 2009

Mr. Eric Epstein, Chairman
Three Mile Island Alert, Inc.
4100 Hillsdale Road
Harrisburg, PA 17112

SUBJECT: RESPONSE TO JANUARY 13, 2009, COMMENTS REGARDING THE
SCOPING OF AGING MANAGEMENT FOR SUSQUEHANNA STEAM
ELECTRIC STATION LICENSE RENEWAL APPLICATION

Dear Mr. Epstein:

Thank you for the scoping comments submitted January 13, 2009 on behalf of Three Mile Island Alert (TMI Alert) regarding the license renewal application for the Susquehanna Steam Electric Station (SSES). The comments appear to be presented in the form of petition with a formal caption that references the Nuclear Regulatory Commission (NRC) Atomic Safety and Licensing Board (Board) proceeding number (07-851-01-LR). In summary, these comments are about your general concerns associated with the PPL Susquehanna LLC's labor outsource practices, and socioeconomic matters regarding the aging population, potential utility rate increases, and tax issues.

The timely opportunity to raise safety and environmental concerns regarding the SSES license renewal application has previously been afforded to TMI Alert and the public. Moreover, in response to a January 2007 TMI Alert petition, these issues were formally addressed in a decision that was published by the Board. As a matter of clarification and in response to your recent comments the following is provided.

By letter dated September 13, 2006, the PPL Susquehanna LLC submitted a license renewal application to extend the operation of the Susquehanna Steam Electric Station. On November 2, 2006, the NRC issued a federal register notice that docketed the application for review and provided notice of an opportunity for a hearing. Subsequently, the NRC published a correction to the notice, and extended the comment period for scoping of the Environmental Impact Statement to January 2, 2007. On January 2, 2007, you timely filed a petition to intervene and requested a hearing with contentions that were almost identical in language to the concerns contained in your recent January 13, 2009, comments (*See, e.g.* Contentions 3 and 4 in January 2007 petition).

On March 23, 2007 the Board served you with its decision (ADAMS Accession No. ML070820022). While, the Board found that you had made a sufficient showing to establish standing for yourself (but not your organization – TMI Alert), the Board did not grant your petition. Under the applicable Commission procedures, the contentions that were presented in your petition were not admissible. Moreover, the Board found that while your petition discussed in general the aging population, outsourcing, utility rates and tax issues, it did not address any issues involving the aging of any relevant plant systems, structures, or components, or any aging-management issues which is the scope of review of a license renewal application. Nor did that petition adequately demonstrate how any of the issues raised were within scope of any of the Commission

regulation's site specific Generic Environmental Impact Statement (GEIS) Category 2 issues or provide new and significant information that challenged the GEIS findings for Category 1 issues.

On May 2, 2008, a federal register notice announced an opportunity to provide comments on the Draft Supplemental Generic Environmental Impact Statement (DSEIS). Additionally, a public meeting regarding the DSEIS was held on May 28, 2008, which you attended and at which time you offered comments in both spoken and written form (the NRC staff is currently in the process of responding to these comments in preparation for issuing the Final SEIS, scheduled for March 11, 2009). Many of the issues you raised in your spoken comments are similar to the issues you raised in your comments from January 13, 2009. Further, the federal register notice established July 21, 2008 as the date ending the public comment period on the DSEIS. Your recent January 13, 2009, comments were provided well beyond the date set for receipt of comments to the DSEIS.

As discussed in the prior Board's decision and in the NRC staff's response to your 2007 petition, the concerns that you repeatedly assert either fall outside the scope of the License Renewal Application review process or outside the NRC's regulatory authority. Moreover, you have not provided any new and significant information in your January 13th comments that has not previously been presented for consideration.

Sincerely,

/RA/

Brian E. Holian, Director
Division of License Renewal
Office of Nuclear Reactor Regulation

Docket Nos. 50-387 and 50-388

cc: See next page

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As discussed in the prior Board's decision and in the NRC staff's response to your 2007 petition, the concerns that you repeatedly assert either fall outside the scope of the License Renewal Application review process or outside the NRC's regulatory authority. Moreover, you have not provided any new and significant information in your January 13th comments that has not previously been presented for consideration.

Sincerely,

/RA/

Brian E. Holian, Director
Division of License Renewal
Office of Nuclear Reactor Regulation

Docket Nos. 50-387 and 50-388

cc: See next page

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ADAMS Accession Nos.: **ML090330388**

OFFICE	PM:DLR:RPB2	LA	BC:DLR:RPB1	OGC	NRR/DLR
NAME	DStuyvenberg w/comments	YEdmonds	DPelton w/changes	LSubin w/comments	BHolian
DATE	2/2/09	2/4/09	2/3/09	2/4/09	2/5/09

OFFICIAL RECORD COPY

Letter to E. Epstein from B. Holian dated February 5, 2009

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SUBJECT: RESPONSE TO JANUARY 13, 2008, COMMENTS REGARDING THE
SCOPING OF AGING MANAGEMENT FOR SUSQUEHANNA STEAM
ELECTRIC STATION LICENSE RENEWAL APPLICATION

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