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UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

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In the matter of :

PENNSYLVANIA POWER & LIGHT COMPANY : Docket Nos. 50-387

and :

ALLEGHENY ELECTRIC COOPERATIVE, INC. : 50-388

(Susquehanna Steam Electric Station, :

Units 1 and 2) :

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Federal Building and Courthouse,  
197 South Maine Street,  
Wilkes-Barre, Pennsylvania.

Tuesday, January 30, 1979.

The hearing in the above-entitled matter was reconvened, pursuant to adjournment, at 9:00 a.m.

BEFORE:

CHARLES BECHHOEFER, Esq., Chairman,  
Atomic Safety and Licensing Board.

MR. GLENN O. BRIGHT, Member.

DR. OSCAR H. PARIS, Member.

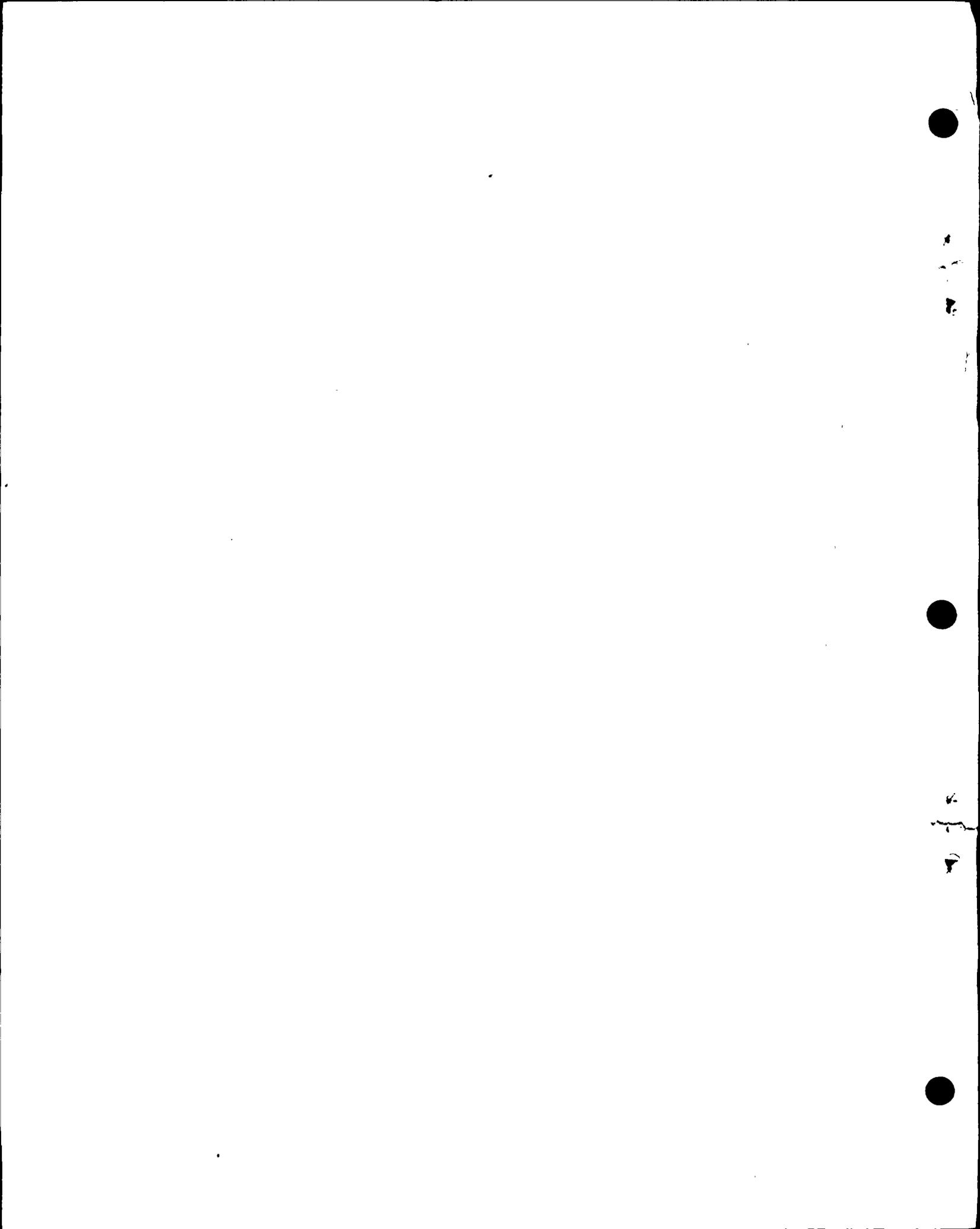
APPEARANCES:

7902090018

On behalf of the Applicants:

JAY E. SILBERG, Esq. and ALAN YUSPEH, Esq.,  
Shaw, Pittman, Potts and Trowbridge, 1800 M. Street,  
N.W., Washington, D. C.; and

BRYAN A. SNAPP, Legal Department, Pennsylvania  
Power and Light Company, Two North Ninth Street,  
Allentown, Pennsylvania 18101.



1 On behalf of the NRC Regulatory Staff:

2 JAMES M. CUTCHIN, IV., Esq. and EDWIN J. REIS, Esq.,  
3 Office of the Executive Legal Director, U. S.  
4 Nuclear Regulatory Commission, Washington, D. C.

4 On behalf of the Commonwealth of Pennsylvania:

5 WILLIAM DORNSIFE, Esq., Bureau of Radiation  
6 Protection, Commonwealth of Pennsylvania.

7 On behalf of Petitioners for Leave to Intervene:

8 DR. JUDITH H. JOHNSRUD and DR. CHAUNCEY KEPFORD,  
9 on behalf of Environmental Coalition on Nuclear  
10 Power.

11 GERALD SCHULTZ and CHRISTOPHER MILLER, on behalf  
12 of Susquehanna Environmental Advocates.

13 IRENE LEMANOWICZ and THOMAS HALLIGAN, on behalf  
14 of The Citizens Against Nuclear Danger.

15 COLLEEN MARSH, pro se.

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P R O C E E D I N G S

1  
2 CHAIRMAN BECHHOEFER: Good morning, ladies and  
3 gentlemen.

4 This morning we will begin by taking limited  
5 appearance statements.

6 For those who were not here earlier, this Atomic  
7 Safety and Licensing Board consists of Dr. Glenn Bright on my  
8 left, a reactor engineer, and Dr. Oscar Paris on my right,  
9 who is a nuclear scientist. My name is Charles Bechhoefer.  
10 I'm an attorney.

11 DR. PARIS: Excuse me. I'm an environmental  
12 scientist.

13 CHAIRMAN BECHHOEFER: I'm sorry.

14 I'm going to call off the names of the limited  
15 appearance requests that we received by mail first, in the  
16 order we received them. Each person should keep their state-  
17 ments to approximately five minutes. If anyone has a written  
18 statement, that can be submitted to the reporter and may be of  
19 any length.

20 First, Mrs. Harry Kahler.

21 Mrs. Stanley Shortz.

22 James E. Gormley.

23 David Anthony Sade on behalf of the Susquehanna  
24 Alliance.

25 MR. SADE: Here.

C\$

eb2 1 CHAIRMAN BECHHOEFER: You're welcome to make your  
2 statement. Why don't you come up here? It's close to the  
3 reporter. He'll be able to get your statement.

4 LIMITED APPEARANCE STATEMENT OF DAVID ANTHONY SADE  
5 FOR THE SUSQUEHANNA ALLIANCE

6 MR. SADE: My name is Tony Sade and I'm here on  
7 behalf of the Susquehanna Alliance.

8 The Alliance is a coalition of individuals and  
9 groups located in the central Susquehanna Valley area, the  
10 majority of whom live in the shadow of Berwick's planned PP&L --  
11 PP&L's planned Berwick plant.

12 We are interested in dedicating ourselves to find-  
13 ing safe, sane, and economically viable alternatives to the  
14 hazards posed by and questions unanswered about nuclear power.

15 The Alliance made a presentation to the Pennsylvania  
16 Public Utility Commission last month at their Town Meeting in  
17 Williamsport, and the substance of our presentation was basically  
18 a charge to the Pennsylvania Public Utility Commission to fully  
19 inform Pennsylvania citizens about the true nature of the cost  
20 of nuclear power, and it is to this issue that I would like to  
21 return this morning and specifically as it involves the nature  
22 and accuracy of PP&L's cost method analysis.

23 I think some serious questions must be posed to  
24 this Board before they can effectively evaluate that cost-  
25 benefit analysis.

eb3

1           The Army Corps of Engineers pretty much invented  
2 and defined the art of distorting the cost-benefit analysis  
3 and slanting it in favor of a project where certain government  
4 officials and private interests had already assumed that such  
5 a project was planned. That art has been redefined and raised  
6 to a new level by the nuclear industry and PP&L in particular,  
7 to the point where the true nature of the cost-benefit analysis  
8 is that you hide the costs and you hype the benefits.

9           We have long been faced with the myth, now exploded,  
10 that nuclear power is too cheap to meter, and I think one look  
11 at the utility bills of those who get their power from utili-  
12 ties now using nuclear power will show that not to be the case.  
13 In fact, PP&L has promised us that as soon as the plant goes  
14 on line we can expect a 25 percent increase in our rates; based  
15 on the fact that they are more than doubling their base rate,  
16 I'm a little bit at a loss to assume that that will be the true  
17 nature of the cost and expect it to be much greater.

18           I think the Board must ask whether that cost-benefit  
19 analysis truly reflects the economic impact that that plant  
20 will have on this area, the effect on employment, that after  
21 the construction workers leave, the majority of whom are not  
22 from this area, the only jobs left will be those of the white-  
23 coated university-degreed specialists, none of whom come from  
24 this area, and this at the cost of hundreds, perhaps thousands  
25 of job that could be created with the billions of dollars that

eb4  
1 are being spent by the development of alternative energy forms,  
2 safe, reliable alternative energy forms.

3 It mystifies me as to how the cost of storage can  
4 be included in the cost-benefit analysis if there is simply  
5 no currently safe, demonstrable way of storing that waste.  
6 It's my understanding that no technology has been created that  
7 will store that waste effectively, waste that retains its  
8 deadly toxicity for several hundred thousands of years.

9 How much is it going to cost to shoot the stuff  
10 in rocketships toward the sun, as someone suggested, and who  
11 is going to pay the cost when that rocketship explodes over  
12 Cape Canaveral? It's not just the waste, it's the by-products  
13 of the milling and mining process that we must be concerned  
14 with, that lasts for several hundreds of thousands of years.

15 Additionally there are costs of transportation  
16 which must be included in that cost-benefit analysis. What's  
17 going to happen when the reprocessing plants begin to close,  
18 as they have already done, when some of the states begin to  
19 erect costly tariffs levied on the transport of that waste  
20 material across their borders, when municipalities and other  
21 political subdivisions refuse to allow the transport of that  
22 material across their borders?

23 How much is it going to cost the citizens of  
24 Tennessee to clean up that spill that happened the day before  
25 yesterday, and what would have happened and how much would it

eb5

1 have cost to clean up the spill had there been contamination?  
2 This is not included in PP&L's cost-benefit analysis.

3           Additionally there's the cost of a major accident,  
4 a meltdown or a larger than design basis accident. The  
5 Nuclear Regulatory Commission through its repudiation of the  
6 Rasmussen Report has virtually said it does not know the  
7 likelihood, the probability of such an accident.

8           And the costs are not only those in human terms,  
9 the lost production, but the property costs which we've been  
10 told may run into billions of dollars. The utility companies  
11 are not going to bear that cost; the government is not going  
12 to bear that cost. They have Price-Anderson, and we have the  
13 Rasmussen Report to rely on.

14           Those health costs are those that are associated  
15 with a large disaster as well as those that manifest themselves  
16 over a period of 20 to 30 years from low-level radiation. How  
17 much is it going to cost to treat the people, to pay for the  
18 premature deaths, the cancers that manifest themselves, the  
19 genetic disorders, the leukemias that come as we move rapidly  
20 into the nuclear generation.

21           Additionally there's the cost of decommissioning  
22 which I don't believe has been adequately reflected in that  
23 cost-benefit analysis. We are being told that the estimated  
24 costs of decommissioning may run as high as the plants'  
25 construction costs themselves. After 20 or 30 years when the

eb6 1 plant life is over it is simply not a matter of painting it  
2 red and white and opening a Kentucky Fried Chicken stand.  
3 That thing is going to sit and it's going to be very costly  
4 and very difficult to dismantle.

5 Are the taxpayers and ratepayers of Pennsylvania  
6 going to be responsible for those costs? The example that  
7 comes to mind is the assumption of the costs by the taxpayers  
8 of the State of New York for the reprocessing plant at West  
9 Valley.

10 As more onsite storage is required, are the citizens  
11 of Bloomsburg and Berwick going to be forced to pay those  
12 decommissioning costs, those storage costs? And what's going  
13 to happen 20 to 30 years from now when the property values  
14 around that facility plummet and no one can sell their land,  
15 no one can get rid of the property that they own?

16 Additionally the ECNP has mentioned the cost of the  
17 fuel itself. If anyone believes that a fuel cannot double  
18 and triple in price within a very short time they have not  
19 paid very close attention to the example of the oil situation  
20 where prices have risen drastically in the last few years.

21 All of these costs are being forced upon the people  
22 of this area, the taxpayers, the ratepayers of Pennsylvania  
23 and the individuals who must live in the shadow of PP&L's  
24 Berwick plant. And these costs are being borne by people who  
25 are not even going to benefit from that power. The power is

eb7

1 going to be shipped out of here. It's going to light Times  
2 Square in Philadelphia and it is not going to be used here in  
3 Berwick.

4 And I don't think it is fair to ask people, the  
5 residents of this valley, to assume those costs. And I would  
6 ask that PP&L fully explain the cost-benefit analysis and that  
7 this Board pay very close attention to that cost-benefit  
8 analysis in deciding whether to grant PP&L an operating license.

9 And I would suggest if they cannot demonstrate  
10 a favorable cost-benefit analysis that that license be denied.

11 Thank you.

12 CHAIRMAN BECHHOEFER: Thank you.

13 Mary Kelchner Creasy.

14 LIMITED APPEARANCE STATEMENT OF MARY KELCHNER CREASY,  
15 224 East Second Street, Berwick, Pennsylvania

16 MS. CREASY: Please bear with me. I have laryn-  
17 gitis this morning.

18 I'm a resident of Berwick. I live a few miles  
19 from the plant. And I'm a member of the Environmental  
20 Coalition on Nuclear Power. I am a former employee of Bechtel  
21 Corporation. I was in their employ for nine months.

22 While I was with Bechtel, in my opinion I saw in-  
23 competence at all levels encountered from lost drawings, not  
24 meaning blueprints, drawings, to drunken inspectors and  
25 supervisors. The qualifications of the QC inspectors is also

eb8 1 questionable in my mind; a few people I know having no back-  
2 ground in the nuclear industry or construction industry were  
3 given jobs beyond their expertise.

4 In regard to evacuation, this area where the plant  
5 is is known for its old and worn bridges, some having very  
6 heavy restrictions for weight limits.

7 The area of the plant is accessible only by rail  
8 or Route 11. Radioactive fuel and waste must be carried  
9 through Berwick or the Nanticoke region.

10 This is too dangerous a material to risk the local  
11 populations for in a possible accident. If there ever was  
12 a militant, extremist, terrorist type organization who wanted  
13 to overcome the Susquehanna 1 and 2, it is very accessible and  
14 vulnerable by nearby hills, mountains and overlooks directly  
15 across the river. Anyone with enough training or fire power  
16 could render a lot of irreversible damage and control through  
17 such a plan.

18 I have questions about home owners' insurance. My  
19 home owners' insurance will not cover nuclear disaster.

20 There's a waste problem which has not yet been  
21 resolved, yet there are plants still being built and licensed.  
22 I do not understand this.

23 I am also wondering about who is monitoring the  
24 plants for contamination such as if there was a problem in the  
25 running of this plant is it a separate organization or is it

eb9  
1 the owners of the plant? From my understanding it's going to  
2 be PP&L which-- That's kind of like well, I promise I'll tell  
3 if something goes wrong.

4 This is my statement. Tony Sade had a lot to say  
5 that I had, and I will not continue.

6 Thank you.

7 CHAIRMAN BECHHOEFER: Thank you.

8 Joe de Raymond.

9 LIMITED APPEARANCE STATEMENT OF LOE DE RAYMOND,  
10 349 Main Street, Freemansburg, Pennsylvania

11 MR. DE RAYMOND: I'm Joe de Raymond and I live  
12 in Freemansburg, Pennsylvania.

13 I will be using power. I'm a PP&L consumer. And  
14 I just wanted to take this opportunity to say that I resent  
15 my utility not only burdening myself with the risks of this  
16 power but burdening the population for thousands of years  
17 when plutonium is beyond verbal description, the pernicious-  
18 ness of the substance. I think you understand that.

19 I would like to see all plants stopped now. I  
20 don't think we should create any more of this than we have to.

21 I know PP&L right now is charging its consumers  
22 over \$21 million a year for the excess capacity that they are  
23 now using. I know that in 1976 they paid over \$60,000 in  
24 penalties for violations. I don't think, in light of these  
25 facts, that they are being reasonable in asking the consumers

10 1 to pay for these kinds of risks.

2 CHAIRMAN BECHHOEFER: Thank you.

3 David Mann.

4 LIMITED APPEARANCE STATEMENT OF DAVID MANN,

5 231 North Third Street, Lewisburg, Pennsylvania

6 MR. MANN: My name is David Mann. I'm a resident  
7 and a home owner in Lewisburg, and I work in Milton, both of  
8 whose communities are, as has been expressed before, within  
9 the shadow of the power plant at Berwick.

10 About five years ago if someone asked me how I felt  
11 about nuclear power I probably would have given the answer that  
12 from what I knew, it seemed the most viable approach that we  
13 have to meet our growing energy needs in this country. However,  
14 during the past five years I've begun doing a lot of reading  
15 of various publications which have made me question the need  
16 for and also the safety of nuclear power.

17 As a result of this reading, several questions have  
18 been raised in my mind that I feel should be answered before  
19 PP&L is granted a license to operate their Steam Electric  
20 Plant at Berwick.

21 The first question I have is has PP&L chosen the  
22 safest available technology for the Berwick plant. It is my  
23 understanding from the reading I've done that the boiling water  
24 reactor of the type that is to be used at Berwick is not the  
25 safest type of reactor available.

ebll

1 If the power plant is needed, and I question that,  
2 why is PP&L not using the best and the safest technology avail-  
3 able?

4 The second question is what plans does PP&L have  
5 for disposal of both the high-level and the low-level radio-  
6 active wastes which will be created by this plant? To my know-  
7 ledge no proposed method for waste disposal has yet been proven  
8 safe enough to implement. Can PP&L prove that they can store  
9 these wastes in a manner that will contain the radiation for  
10 the thousands of years during which it will remain hazardous?

11 Even today, currently operating plants throughout  
12 the country are beginning to reach the stage where they no  
13 longer have enough temporary onsite storage to contain the  
14 wastes they're generating until a permanent site can be found.  
15 Does it seem prudent to add to this growing problem?

16 The third question I have is has PP&L proposed a  
17 viable plan for decommissioning the Berwick plant at the end  
18 of its useful life, which is generally agreed to be about 40  
19 years? What does PP&L plan to do with an entire power plant  
20 that is now radioactive? And if a decommissioning plan exists,  
21 who will pay for it? Will our children be forced to pay the  
22 huge costs of decommissioning a plant from which they have  
23 reaped no benefit?

24 The fourth question: Is there in fact a need for  
25 this plant? From what I have read, PP&L already has a surplus

b12

1 generating capacity for this region. The Berwick power plant  
2 will merely serve to increase the excess which PP&L can then  
3 sell to urban areas.

4 Should PP&L be allowed to increase their revenues  
5 at the cost of increased electric rates to all PP&L ratepayers  
6 in this region?

7 The fifth question: Has PP&L worked with the local  
8 authorities and communities to develop adequate evacuation  
9 plans in the event of a serious accident at the Berwick plant?  
10 Have these plans been publicized? Does each person in the  
11 surrounding community know what to do in the case of a serious  
12 accident? How will they be notified if this accident occurs?

13 I do not feel that this plant should be licensed  
14 to operate until such actions have been taken.

15 My sixth and final question is who will monitor the  
16 radioactive releases from the Berwick plant? Will PP&L's  
17 readings be the sole basis for determining whether or not the  
18 plant is operating within safe limits? In the event of a major  
19 accident resulting in injury or illness among the public, what  
20 readings will be available to the community for a citizen who  
21 wants to make a claim against PP&L?

22 Gentlemen, the task that lies before you is to  
23 determine whether or not to grant an operating license to the  
24 PP&L plant for their Berwick plant. To obtain this license  
25 PP&L should be forced to answer each of these questions. I

eb13

1 feel that they must prove that it is absolutely necessary to  
2 endanger the residents of surrounding communities, both the  
3 current and the future residents. Once they have proven this  
4 they must then prove that they've made every effort to minimize  
5 the dangers that the plant will pose.

6 They must prove that no further steps can be taken  
7 to decrease the public's exposure to both planned and acci-  
8 dental releases of radiation from the plant. I contend that  
9 they have not done this and that they should not be granted a  
10 license until they do.

11 I stand before you or, rather, I sit before you to  
12 raise these question and to plead with you. Please help us  
13 protect ourselves, our families, and the generations to come  
14 in this area.

15 Thank you.

16 CHAIRMAN BECHHOEFER: Thank you.

17 Margaret Csala.

18 LIMITED APPEARANCE STATEMENT OF MARGARET CSALA,  
19 STUDENT, WYOMING SEMINARY DAY SCHOOL

20 MS. CSALA: I'm Margaret Csala. I'm 13 years old,  
21 in the eighth grade at Syoming Seminary Day School.

22 In the past few months I've done a lot of research  
23 into nuclear energy for a term paper that I was writing for  
24 school. At first I was only going to interpret the controversy,  
25 not taking any side. But the more research I did, the more I

ebl4

1 realized that there were many more cons than pros. I became  
2 alarmed at the dangers presented by nuclear energy.

3 When I heard about this hearing I was glad to have a  
4 chance to give my view and to try to make your Commission  
5 aware of my concerns.

6 The number of arguments about nuclear energy is  
7 staggering.

8 In the 63 plants operating in the U. S. today there  
9 is much evidence of faulty construction. There have also been  
10 several near misses of catastrophic accidents. The worst was  
11 the Browns Ferry accident, a \$150 million fire in which nuclear  
12 catastrophe was averted by sheer luck.

13 Nuclear energy is safe according to promoters in  
14 industry but why won't insurance companies provide the public  
15 with full coverage against nuclear accidents?

16 Another way in which the nuclear industry endangers  
17 people's lives is by transporting lethal wastes across the  
18 country. If some leaked out or if an accident occurred, the  
19 countryside for miles around would be contaminated. It is  
20 shipped on trucks, usually in 50-kilogram quantities. Fifty  
21 kilograms is about ten times the amount of plutonium used in  
22 the Nagasaki bomb.

23 Also in trucking the wastes from one nuclear faci-  
24 lity to another, they become more available to terrorists who  
25 could fashion a crude A-bomb by extracting the plutonium.

eb15 1 The possession of plutonium means power, tremendous power, so  
2 this material from nuclear reactors will require very extensive  
3 and costly guarding and control.

4 How dangerous a radioactive element is depends on  
5 its physical half-life, the period of time it takes a radio-  
6 active substance to cut its activity in half. Plutonium,  
7 which is found in nuclear wastes, requires tens of thousands of  
8 years before it loses its ability to harm human beings.

9 This means that no matter where the wastes are  
10 buried, no matter how they are disposed of, they will remain  
11 radioactive for at least this long. If prehistoric cavemen  
12 had generated nuclear wastes, our society would still be con-  
13 fronted with containing their lethal potency.

14 Currently the radioactive waste is stored in several  
15 facilities throughout the country, much of it in temporary  
16 installations at reactor sites. The inadequacy of certain  
17 facilities has been well demonstrated. In 1973 it was dis-  
18 covered that 115,000 gallons of high-level radioactive wastes  
19 had leaked from a tank at the Atomic Energy Commission's  
20 facility in Hanford, Washington. The official investigation  
21 showed that the tank had been leaking for weeks but no auto-  
22 matic alarm system had alerted anyone, that the management in  
23 charge did not review monitoring reports which should have  
24 alerted them, and that they had no formal training for these  
25 responsibilities.

eb16

1 We are over 30 years into the nuclear age and as  
2 of yet, there has been no scientifically proven way to safely  
3 store the wastes for a long period of time. But despite this  
4 fact, we senselessly keep piling up the waste with hope that  
5 a way will soon be found.

6 To show the inadequacy of the safeguards, some  
7 general information is needed.

8 In the heart of the reactor, uranium atoms are  
9 split to heat water that is circulated through the reactor.  
10 This heated water produces steam which is carried to a turbine  
11 generator which spins to produce electricity.

12 If a pipe breaks which carries water to the fuel,  
13 emergency cooling water needs to reach the fuel within 60  
14 seconds to prevent overheating, melting, and release of radia-  
15 tion from the massive fuel core. An emergency core cooling  
16 system has been developed to prevent such a catastrophe. If  
17 this system were to fail and the core overheated, a major  
18 radiation release would occur.

19 This sounds unlikely but the fact is there has been  
20 only limited testing of the emergency core cooling system.  
21 Internal government documents, suppressed by federal officials  
22 but obtained by the Union of Concerned Scientists' investiga-  
23 tions, catalogue numerous defects in current ECCS equipment.  
24 And yet this is the most important safety system installed in  
25 all U. S. nuclear plants.

17  
1 Doubts about the safety of nuclear energy were  
2 reflected in the refusal of power companies to develop nuclear  
3 energy until Congress released them from full financial respon-  
4 sibility to the victims of any accidents.

5 Not only are nuclear plants dangerous but they are  
6 also very expensive. It seems wasteful to spend millions of  
7 dollars to build a reactor when it has only a 30-year life  
8 span. After about 30 years the plant's radiation level reaches  
9 a point where it's too dangerous to go on operating. Then it  
10 must be closed down and sealed or dismantled. It will be a  
11 threat for at least 200 years.

12 These inoperable plants cannot be dismantled and  
13 moved without great expense and enormous risk of exposure to  
14 surrounding areas due to the thousands of tons of steel and  
15 concrete permeated with intense levels of radiation. Fifteen  
16 plants in the U. S. have already been closed and their disposal  
17 is a major problem today.

18 Construction costs are reported to increase at the  
19 rate of nearly 20 percent annually. And it appears that nobody  
20 has yet attempted to add up the costs of dismantling and safe-  
21 guarding the inoperable plants as well as the cost of storing  
22 the wastes.

23 I have outlined the risks of nuclear energy: faulty  
24 construction, transporting of radioactive wastes, storing of  
25 the wastes, inadequate safeguards, and costs. Weighing the

eb18

1 evidence, it seems to me that the government should put more  
2 of its money into research of other energy sources such as  
3 solar energy and fossil fuels because nuclear energy is not  
4 the solution to our energy needs.

5 How can PP&L even think of building nuclear reactors  
6 when they are risking their own lives and the lives of hundreds  
7 of thousands of other people in this generation and many  
8 generations to come?

9 DR. PARIS: We don't often hear from students your  
10 age. You did a very good job. You obviously did your homework  
11 well. Thank you.

12 CHAIRMAN BECHHOEFER: Are there any other persons  
13 in the room who desire to make statements?

14 Come up one by one and identify yourselves, please,  
15 and make your statement.

16 LIMITED APPEARANCE STATEMENT OF JOAN HARRIS,

17 204 Hanover Village, Wilkes-Barre, Pennsylvania

18 MS. HARRIS: My name is Mrs. Joan Harris. I'm a  
19 resident of Luzerne County, and I speak as a private citizen;  
20 I'm not a member of any of the organizations that I've heard  
21 about today. And I think it is fine that they came to speak.  
22 But the first time that I heard about a hearing was yesterday  
23 on the radio, and I've often wanted to speak on this subject.

24 I am not learned on it in the way that the young  
25 lady was but I have read both sides with an open mind, and I



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1 speak just as a resident of the Valley, and it's very short  
2 and I have copies.

3 I tell you I'm involved with gifted education.  
4 I'm director of a program that's called College for Kids so my  
5 mind is always 50 years ahead of today. I'm always thinking  
6 about what is going to happen tomorrow, and my concern for the  
7 last 20 years has been in the youth, particularly the talented  
8 youth of our nation, and so I base my statements with that  
9 consideration.

10 I am here today to give testimony in opposition  
11 to installing a nuclear plant at Berwick for the four following  
12 reasons:

13 First, the incidence of cancer which increases in  
14 the areas of nuclear plant, and already cancer is the Number 1  
15 killer of American children.

16 Second, the unsatisfactory procedure with nuclear  
17 waste disposal. Until this problem is satisfactorily resolved  
18 I feel a moritorium should be on the construction of more  
19 wastes and more pollution.

20 Third, the danger of an accident. Recently the  
21 federal government has rescinded its approval of a safety re-  
22 port. Until a new safety report can be conducted and the neces-  
23 sary measures put into effect to assure the safety of the  
24 operation of a nuclear plant, I call for a moritorium on the  
25 operation of all nuclear plants and on the production of any new

eb20

1 nuclear plants.

2 Fourth, the geological location of this plant poses  
3 a threat not only to the residents of the community and adjoin-  
4 ing region in the event of an accident but this region is  
5 acknowledged as having one of the world's largest supplies of  
6 fossil fuel, anthracite coal.

7 Now should a nuclear accident occur it would en-  
8 danger the value of the world's supply of that fuel. It could  
9 conceivably destroy in one moment a 200-year supply of fuel.  
10 It's like lighting a match to see how much gasoline is in the  
11 tank.

12 So for these reasons I do recommend that the nuclear  
13 plant not be put in operation for PP&L, and strongly recommend  
14 that a substitute fuel be used.

15 I thank you.

16 I used to testify for gifted programs which we do  
17 have now mandated for Pennsylvania, and at that time it was  
18 required to give copies, so I have copies.

19 CHAIRMAN BECHHOEFER: Thank you.

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1 CHAIRMAN BECHOEFER: Whoever is next, please come  
2 forward.

3 LIMITED APPEARANCE STATEMENT OF GUY LEWIS BURT,  
4 CHAIRMAN, CITIZENS CHOICE COALITION

5 MR. BURT: I'm Guy Lewis Burt. I'm Chairman of  
6 the Citizens' Choice Coalition, which is a coalition of  
7 taxpayer groups, other concerned groups here in Luzerne County,  
8 about 20 groups who send representatives to us. The membership,  
9 depending on how you count it, could go as high as 10- to  
10 15,000 people, are represented through us.

11 At our annual conventions the last three years,  
12 one of our resolutions has been against the power plant, the  
13 Susquehanna power plant, simply because the answers are not  
14 in as to how nuclear power can be safely used.

15 I think it is indicative of what's happening, the  
16 fact that we're having a hearing in a situation where there  
17 isn't even enough room to have a hearing. And if the agencies  
18 and things like this that are trying to deal with the safety  
19 of the world can't even set up a hearing so that it's comfort-  
20 able for everybody, what confidence should we have in the fact  
21 that they're going to be able to handle things through the,  
22 you know, 100 years.

23 We are now in this valley having major problems  
24 with the mine cave-ins that we're told were not going to happen  
25 when they took the coal out about 100 years ago or less, and now

ngbl

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1 we're having major problems with that. And that was on promises  
2 made by mining engineers and persons who said they did it, so  
3 there wouldn't be any problems, there wasn't anything to fear.  
4 Because you're all safe, because we've done it with the best  
5 technology available. And now, almost once a month, we have  
6 somebody's backyard disappear or the bottom falls out underneath  
7 their home.

8 Now, with that kind of technical ability and promise  
9 you're talking about storing something for over 200,000 years  
10 and we haven't yet been able to work out over 100 years' safety  
11 for our citizens, so I think you are into an area that is well  
12 beyond the technical competence that we have today. Maybe  
13 someday we'll figure out how to do that, we haven't yet.

14 I think it's incumbent on the regulatory agencies  
15 to say No, you can't have an operating license until the  
16 problems are solved. It's silly to try to solve the problems  
17 after we have them, if we can't prevent the problem by not  
18 starting it in the first place.

19 So as the Coalition, we stand firmly against the  
20 licensing of this particular plant.

21 Thank you.

22 CHAIRMAN BECHOEFER: The next gentleman, will you  
23 come forward please?

24 LIMITED APPEARANCE STATEMENT OF JOSEPH P. NOTERMAN  
25 A RESIDENT OF PENNSYLVANIA

AGB3

1 MR. NOTERMAN: Here is something on the earnings  
2 of PP&L being cut because they're not selling energy. This  
3 was in yesterday's paper.

4 You see, they don't need the power plant because  
5 they're soon going to be out of business.

6 My name is Joseph P. Noterman. I'm just a citizen  
7 of the United States, that is one 300 millionth, something like  
8 that, I do not have as much voice as a snail darter or as  
9 much impact. I wish I was just a snail darter, maybe I can  
10 stop this plant.

11 You have a man in Washington, D.C. by the name  
12 of Schlesinger, who is head of the Energy Commission. And he  
13 isn't doing his job because the utilities, the power companies  
14 today are the biggest wasters of energy in the nation and I  
15 can prove it. Right now, I'm going to prove it to you.

16 As you know, there is a steam heat plant in Scranton.  
17 There's a steam heat plant here in Wilkes-Barre. There's a  
18 steam heat plant in Harrisburg. And there has been several  
19 of them phased out, in Allentown, Reading and York.

20 Now, all of these steam heat and power companies  
21 were formerly owned by utilities. By Pennsylvania Power and  
22 Light Company and Metropolitan Edison Company.

23 Now today, all they produce is the waste material  
24 which is steam. They do not use the steam to generate  
25 electricity and that is a waste, as you well know. And if...

1 you don't believe me, just go down to State College in  
2 Pennsylvania, which is a great big city university.

3 Now, they have a power plant down there that not  
4 only provides heat but provides all the electricity and it  
5 even cools their offices in the summertime.

6 So it wonders me why you're having this hearing  
7 now, why don't you have it after the plant is built? Because  
8 that's usually the way the government works. Why don't you  
9 have it after the thing is built, why have it now?

10 CHAIRMAN BECHOEFER: Any other individuals?

11 Come forward, please.

12 LIMITED APPEARANCE STATEMENT OF JAMES E. GORMLEY,  
13 A RESIDENT OF PENNSYLVANIA

14 MR. GORMLEY: I thank you for the opportunity to  
15 speak to you about the owning and operating license for the  
16 Berwick Nuclear Power Plant.

17 My name is Jim Gormley, and I was born in Hazelton,  
18 about 10 miles downwind from Berwick, 32 years ago last ..  
19 December. It was just 16 months after Arthur Compton decided  
20 to impress the world particularly the Russian part by incinerat-  
21 ing two Japanese cities and several hundred thousand souls by  
22 demonstrating America's nuclear dexterity.

23 The good nuns at Saint Joe's on North Laurel Street  
24 convinced me back in the 50s that it ended the war much quicker  
25 therby sparing much greater bloodshed. I tended to believe

1 them because my parents and uncles had all served in the war  
2 and by war's end they had had their fill of patriotic mayhem  
3 and were never reluctant to tell me so throughout the '50s.

4 They were eager to return to the general turbulence  
5 of northeast Pennsylvania and resume their careers. To them  
6 the nuclear age meant preeminent nuclear power and the prospect  
7 of energy too cheap to meter.

8 I, too, was enthralled by the narcotic vision of  
9 Compton's handiwork and optimistic of Zade Jeffries nucleonic  
10 industrial future. Many years have passed since that mis-  
11 placed faith in the leadership of physicists, statesmen, and  
12 industrialists as a part of my plans.

13 My family later moved to Berwick and I moved  
14 through the Vietnam experience along with the nation. Please  
15 recall those years. Weren't we a proud and powerful force to  
16 contend with, so we thought, in those years before Teit, Kent  
17 State and Hamburger Hill? We slaughtered people and ravaged  
18 that strangely Pennsylvania-like landscape, but we did not  
19 overcome the Vietnamese strength. Their strength was the land  
20 and the land will never be defeated. All we had was fire  
21 power.

22 Three years after I was out of the service a  
23 strangely imposing ritual was conducted at the Berwick High  
24 School auditorium. Word had it that the ritual was conducted  
25 for the nuclear power plant to be constructed in the Berwick

eb2

1 area. Men of obvious importance, attired in suits, testified  
2 to the urgent necessity of a nuclear power station there.  
3 Little did I know that they belonged to a club known as the  
4 vendors.

5 A small band also attended that ceremony. They  
6 were of obvious unimportance, being attired in simple print  
7 dresses and flannel shirts. They spoke of their fears of the  
8 peaceful atom and of the subtle ravage such a plant would have  
9 on the land. Their advice was not heeded and the construction  
10 went ahead. Those were heady days for the proponents of nuclear  
11 power. Those were days before the cost of nuclear power  
12 commanded serious inspection, before the net employment impact  
13 of nuclear power was understood, and before the health effects  
14 of the nuclear station on workers and nearby residents could  
15 no longer be soft-pedaled.

16 It was before people grew to understand that elec-  
17 tricity is but one form of energy, and a very high quality one  
18 at that, one suitable for electric motors signalling data  
19 processing but of disastrous consequences when applied to the  
20 heating needs of a nation.

21 It was before people understood that central power  
22 stations, fossil or nuclear, delivered about 30 percent of  
23 their fuel's available energy to the ultimate user and  
24 wasted the rest in a steam plume and transmission losses.

25 It was before people questioned the necessity of

ab3  
1 new proposals to expand capacity. It was before Americans  
2 demonstrated their ability to use less electric energy by  
3 using it wisely, and by investing their savings in insulation  
4 and other forms of conservation.

5 Compounding the inefficiency of the central station  
6 power plant by selecting the most hazardous and expensive  
7 means of driving the system only served to amplify the damage.

8 As the test at that time demonstrated the reactor  
9 safety study to be overconfident in its summary of accident  
10 probability, the teachings of experience confirmed the hazards  
11 of low-level radiation to be underestimated grossly, possibly  
12 by the order of magnitude.

13 The Berwick project has generated over 30 million  
14 man-hours of employment in trades such as welding, pipefitting,  
15 carpentry, iron working, masonry and other skills. It had a  
16 peak employment of over 3,000 people. A sensible conservation  
17 and solar program could have generated an equivalent yield  
18 of usable energy while simultaneously employing over twice as  
19 much labor.

20 Why wasn't this undertaken? Why did PP&L and  
21 Allegheny Electric invest over two billion dollars in capital  
22 to construct two of General Electric's boiling water reactors  
23 with their dubiously reliable Mark-2 containment? I can only  
24 conclude that it was to serve interests other than those modest  
25 needs of electric consumers, to serve other interests than those

eb4  
1 whose employment is contingent on a sensible and equitable use  
2 of available energy, to serve other interests than those most  
3 vulnerable to the health effects consequence to nuclear radia-  
4 tion.

5           The nuclear fuel cycle only serves the interests  
6 of those most callously indifferent who, for reasons of  
7 avarice, self-promotion and prideful ignorance are committed  
8 to force an electric economy and a nuclear future on this and  
9 future generations. I feel that to approve PP&L's and  
10 Allegheny Electric's request to operate this nuclear power  
11 station is a mistake, and I oppose it.

12           This project, if allowed to be completed, will  
13 accelerate the deterioration of employment and health in the  
14 region. It should be decommissioned immediately, along with  
15 this river's four other nuclear power stations.

16           I don't want the ugly specter of the Compton  
17 brothers' cruelty brutalizing my family, my friends, and my  
18 land. Please disapprove this license.

19           Thank you.

20           CHAIRMAN BECHHOEFER: Thank you.

21           Are there others who wish to make a statement?

22           Come forward, please.

23           LIMITED APPEARANCE STATEMENT OF NANCY TATE,

24           ON BEHALF OF LEHIGH-POCONO COMMITTEE OF CONCERN

25           MS. TATE: My name is Nancy Tate. I live in

eb5  
1 Freemansburg, Pennsylvania, and I am here representing the  
2 Lehigh-Pocono Committee of Concern, a citizen organization with  
3 members in the Lehigh Valley and an office in Bethlehem,  
4 Pennsylvania. Most LEPOCO members are residents of PP&L's  
5 service area.

6 We oppose the granting of an operator's license  
7 for PP&L's Susquehanna Nuclear Power Station.

8 Nuclear power is becoming more and more expensive  
9 as uranium prices rise, construction costs escalate, and safety  
10 and security factors become more depending and therefore, more  
11 costly. Beyond this, we have the unknown but anticipated  
12 exorbitant costs of decommissioning aged and very radioactive  
13 plants.

14 Coming approximately 30 years after construction,  
15 some expect this to cost as much as the construction itself.  
16 In a study released a year ago by the Environmental Action  
17 Foundation we learned that PP&L had an excess generating  
18 capacity of 23.5 percent. With this already high excess  
19 generating capacity, why are PP&L's customers being led down  
20 the expensive path to nuclear power dependency? Will further  
21 excess capacity lead to promotion of increased consumption  
22 rather than the conservation of energy everyone agrees is so  
23 essential?

24 In fact the growth of nuclear power is premised on  
25 an expansion of electricity demand at a time when the consumer

eb6  
1 has been consistently proving the experts wrong in their demand  
2 forecasts. Again this past year the industry predicted 6.2  
3 percent growth and the consumer allowed only 2.3 percent  
4 growth. Doesn't this tell us something about the willingness  
5 of the consumer to deal conservatively with our energy crisis?

6 Finally, on the economic front, nuclear power,  
7 being highly capital-intensive, results in a few very skilled  
8 jobs and the influx of workers from outside the local com-  
9 munity, often doing little to provide jobs for the local  
10 residents.

11 Nuclear power also raises severe questions for us as  
12 we function politically from the local to the international  
13 level. How many civil liberties are we willing to sacrifice  
14 for the supposed security of the radioactive materials at each  
15 step of the fuel cycle? How much plutonium are we willing to  
16 produce for possible use by individual terrorists and planned  
17 uses by terrorists states?

18 Nuclear power is a highly centralized industry,  
19 run on the underlying assumptions of maximizing profits and  
20 the public utility be damned. Beyond the environmental need  
21 for simpler alternative energy production, we would benefit  
22 from decentralization that makes local participatory decision-  
23 making possible and again saves dollars in transmission costs.

24 As always in our very interdependent world we  
25 cannot simply look at the effects near Berwick, Pennsylvania,

eb7  
1 in the PP&L service area, or even in the entire state of  
2 Pennsylvania. Which community or state will we ask to bear the  
3 burden of long-term storage of radioactive wastes? Which  
4 communities and states will we ask, or should we now say which  
5 communities and states will allow the transport of radioactive  
6 materials on their highways and rails, and into their air-  
7 ports? To what length are we willing to go to preserve the  
8 brutal minority government in South Africa to assure our access  
9 to uranium reserves there?

10 Finally, nuclear power raises serious moral and  
11 spiritual problems. We are now witnessing the mass marketing  
12 of radioactive consumer goods in smoke detectors and other  
13 devices. This recycling of the nuclear power industry's waste  
14 in homes throughout the land is apparently done, ignoring the  
15 danger this radiation poses to human beings. It entangles more  
16 parts of our society in a nuclear-dependent economy.

17 An overriding concern has to be for the workers in  
18 the nuclear industry in every phase of the cycle from mining to  
19 transportation to waste disposal.

20 We must remember those who were among the first  
21 victims of our nuclear age, forced to participate in nuclear  
22 weapons testing. They are finally receiving some attention  
23 to the health problems they have suffered and will probably  
24 continue to suffer due to exposure to low-level radiation.

25 How many similar victims will we create in our

eb8

1 hell-bent, forward push for nuclear power which ignores the  
2 multitudinous danger signals to workers and the broader com-  
3 munity.

4 Kerr-McGee began mining uranium in the 1950s at  
5 Red Rock, Arizona. Of the Navajo men hired to work there  
6 without safety shoes or clothing, over 59 have lung cancer  
7 and unknown diseases and only 20 or fewer are alive today.

8 And what about the young men hired to work only a  
9 few hours in the West Valley, New York, nuclear reprocessing  
10 facility when it was still open? Even with the higher ex-  
11 posure levels allowed workers as compared to the general public,  
12 these young men received a three-month dose of radiation in  
13 a few hours of work, totally unaware of the hazards they were  
14 encountering.

15 How can we continue a dependency on a power source  
16 that has endangered and will continue to endanger our brothers  
17 and sisters in such wide-ranging situations?

18 Nuclear power is a profoundly selfish answer to  
19 our energy needs. Serving only one generation, by most esti-  
20 mates, it is a small return for the price of mortgaging the  
21 future for the thousands of years that its wastes will remain  
22 radioactive.

23 We conclude our statement by noting that all the  
24 problems we have mentioned will occur even if there is no major  
25 accident in the nuclear power industry. We don't want nuclear

1 power on these terms, even without the accidents.

2 But now one of the most quoted sources of proof  
3 that we should not expect nuclear power plant accidents has been  
4 repudiated by its sponsor. The evidence mounts. A nuclear  
5 moratorium, that is, no new construction and immediate closings  
6 of all operating plants, is the only sane nuclear power policy.

7 The American people are learning what is good for  
8 them. A recent NBC/Associated Press poll found 52 percent  
9 opposed to further nuclear plant construction until safety  
10 questions are resolved.

11 CHAIRMAN BECHHOEFER: Thank you.

12 Will the next person come forward, please?

13 LIMITED APPEARANCE STATEMENT OF DR. KEITH TINGLE,  
14 RESIDENT, ALLENTOWN, PENNSYLVANIA

15 DR. TINGLE: Hi. I'm Dr. Keith Tingle from  
16 Allentown, Pennsylvania, and I wish to speak in opposition to  
17 the licensing of PP&L to operate the Berwick nuclear power  
18 plant. I'm speaking both as a doctor of medicine and as a  
19 representative of the Quaker Meeting near Bethlehem,  
20 Pennsylvania.

21 First I would like to share with you a resolution  
22 that was unanimously adopted by the Quakers of the Lehigh  
23 Valley less than one year ago. It states in part:

24 "The Lehigh Valley monthly meeting of  
25 the religious Society of Friends urges all who are

eb10  
1 concerned about the future of our country, of our  
2 world, and of mankind, to actively seek a moratorium  
3 on the use and development of nuclear power and  
4 weapons, both in this country and in the rest of the  
5 world for the following reasons:

6 "Number one: The extent and nature of  
7 the risks to the environment, human life, and genetic  
8 validity are not completely known and may be immeasur-  
9 ably greater than ever before assumed.

10 "Number two: We believe that the nuclear  
11 safety standards and controls, while high, are not  
12 adequate for the risks involved.

13 "Number three: The refusal of private  
14 insurance companies to insure nuclear power plants  
15 confirms the above points.

16 "Number four: The radioactive waste  
17 problem has not yet been solved, in indeed a true  
18 solution is possible.

19 "Number five: Any atomic-related emer-  
20 gency would, in our opinion, call forth governmental  
21 powers which would be very detrimental to the basic  
22 civil liberties and human rights.

23 "Number six: We are convinced that a  
24 moratorium would substantially diminish those inter-  
25 national tensions which are the harbingers of war,

eb11  
1 which tensions Friends and others seeks to understand  
2 and remove. A moratorium would allow time both for  
3 the development of alternative forms of energy and  
4 for a better evaluation of the environmental and  
5 genetic effects of nuclear power and weapons.

6 "Number eight: Most importantly, we con-  
7 sider it morally wrong to pass on to future genera-  
8 tions the dreadful risk that accompanies nuclear  
9 weapons, and the ever-accumulating radioactive waste  
10 from nuclear power plants."

11 Singed on behalf of Lehigh Valley Meeting, Joseph  
12 C. Osborne, Clerk.

13 Secondly, I would like to address the issue of  
14 nuclear power from my own perspective as a physician.

15 It seems to me the greatest danger of the domestic  
16 use of nuclear power is the accumulation of vast amounts of  
17 radioactive materials that will contaminate the earth for many  
18 thousands of years after our own civilization has flourished  
19 and disappeared.

20 A particularly insidious radioactive element is  
21 plutonium which has a half-life of 25,000 years. An amount of  
22 plutonium the size of a dust particle, if inhaled by a human,  
23 will produce lung cancer over a 20-year period of time. I can  
24 personally testify that lung cancer is an unpleasant way to  
25 die and it's not cheap.

eb12  
1 The Berwick nuclear power plant, if licensed and  
2 operated, would produce plutonium at a rate of some 500 pounds  
3 per year. Furthermore, if all projected nuclear power plants  
4 were put into operation, then several million pounds of  
5 plutonium would be produced by the end of this century.

6 It can be seen from these figures that large  
7 amounts of plutonium in all likelihood will be released into  
8 the natural environment. The United States General Accounting  
9 Office reported in 1976 that over 100,000 pounds of plutonium  
10 and uranium were lost and unaccounted for by 34 government  
11 facilities.

12 This demonstrates that even if all the technical  
13 problems of the disposal of nuclear waste were solved, and I  
14 don't believe they are, there would still be the risk of  
15 accidents during transportation and storage, the risk of theft  
16 and sabotage, and the very real risk of a war involving the  
17 North American Continent some time in the next several decades  
18 or millenia.

19 Moreover, to counter the risk of theft or sabotage  
20 in nuclear power plants, the government is likely to impose  
21 greater restrictions on our freedom of movement and expres-  
22 sion and in cases of emergency to impose martial law in order  
23 to preserve domestic security. Over time, this could com-  
24 pletely erode our civil liberties and what we now know as the  
25 American way of life.

ebl3

1 In response to these sobering considerations, I  
2 concur with my Monthly Meeting in urging that the Berwick  
3 nuclear power plant not be licensed for operation.

4 Secondly, I recommend that alternate sources of  
5 energy, including sunlight, wind, tide, hydroelectric, and geo-  
6 thermal energy be diligently investigated while we rely in the  
7 meantime on the dwindling supplies of fossil fuel.

8 Thirdly, I call upon both citizens and the federal  
9 government to undertake a soul-searching reappraisal of the  
10 way in which we use energy. By way of illustrating this I  
11 will point out that there is only one public bus that runs  
12 between Wilkes-Barre to Allentown where I live each day, and  
13 it leaves at one o'clock p.m. Meanwhile there are perhaps  
14 several thousand private automobiles that traverse the same  
15 route along the turnpike each day.

16 This not only represents a deplorable waste of  
17 gasoline, steel and road maintenance but also a misuse of many  
18 person-hours of time spent in driving that could just as well  
19 be spent in reading on a bus or a train.

20 We urgently need to completely restructure not only  
21 our transportation system but also the construction and loca-  
22 tion of our houses, the immoderate use of heating and air  
23 conditioning in our buildings, our acquired tendency toward  
24 overconsumption and perhaps most important, the size of our  
25 families and of the total American population.

eb14

1 This restructuring of our manner of living is not  
2 only prudent in the context of our energy crisis, it is in-  
3 evitable, yet the longer we delay in facing it, the harder it  
4 will be to attain and the harsher will be the price in terms  
5 of human want and suffering.

6 So out of consideration for yourself and others, I  
7 urge you to act now.

8 CHAIRMAN BECHHOEFER: Thank you.

9 Will the next person come forward, please?

10 LIMITED APPEARANCE STATEMENT OF JOHN DONAGHY,  
11 RESIDENT OF SCRANTON, PENNSYLVANIA

12 MR. DONAGHY: I'm John Donaghy, a resident of  
13 Scranton, Pennsylvania, which is about 20 miles up the Valley.  
14 I'm a part-time instructor at the University of Scranton,  
15 and a user of electricity provided by the Pennsylvania Power  
16 and Light Company.

17 I hope that the NRC will not license this plant  
18 for operation. The reasons are many, but they can be cate-  
19 gorized in four areas: safety, security, economics, and local  
20 utility demands.

21 Many questions about the safety of this and of  
22 other nuclear power plants are not satisfactorily answered for  
23 me. First of all, there's the question of low-level radiation.  
24 There are corn fields adjacent to the plant. People live less  
25 than a mile from the plant I believe, and people will be



eb15

1 working within the plant complex.

2           How much low-level radiation will this plant re-  
3 lease? How will this affect the crops and the people in the  
4 area? And how are these people, in constant proximity to a  
5 source of radiation, to be adequately protected?

6           Secondly, there's the question of the safety of the  
7 nuclear plant itself and of the possibilities of accidents.  
8 If the NRC has come to doubt the so-called Rasmussen study,  
9 how can it license this or any other reactor before a reliable  
10 answer can be given to the question about the possibility of  
11 nuclear reactor accidents?

12           Thirdly, there is the very serious question of the  
13 transportation of nuclear materials and wastes on the highways  
14 of northeastern Pennsylvania to and from Berwick. This is very  
15 important for myself since I live less than a mile from the  
16 Interstate 81 in Scranton.

17           How are we to be protected from the possible acci-  
18 dental spills of nuclear materials? The roads in this area  
19 are treacherous during the winter. I-84, which goes from  
20 Scranton to Port Jarvis, is occasionally closed, as it was very  
21 recently. Major accidents occur on I-80 and I-81; witness  
22 the 27-vehicle crash on I-80 in Monroe County last Wednesday,  
23 January 24th.

24           And here's a very interesting statement from the  
25 editor of the Pike County Dispatch, Douglas Hay, who wrote,

1 pertinent to this problem:

2 "Serious doubt has been raised on the  
3 feasibility of nuclear power and the adequacy of  
4 radioactive waste disposal means. On top of that,  
5 our highways, I-84 and Route 209, and population  
6 centers of Milford, Matamoras, and Port Jarvis  
7 are already subject to frequent shipments of radio-  
8 active materials and other hazardous substances.

9 "Our firemen and emergency officials  
10 say they lack sufficient information on how to  
11 respond to the numerous substances already on the  
12 road in the event of accidents, and there was one  
13 fatal incident a few years ago. The public should  
14 know the risks and have a voice about whether they  
15 want to accept more."

16 That's the end of the quote from the editor of the  
17 Pike County Dispatch.

18 Even more to the point of transportation safety  
19 problems, you should consider what occurred September 15,  
20 1978, on I-80 near Blakeslee, Pa.

21 "Seven canisters of cobalt, at first  
22 feared to be radioactive, apparently tumbled off  
23 a truck on Interstate 80...."

24 But this wasn't ascertained by authorities very  
25 quickly, for four canisters were picked up by motorists and

ebl7

1 one of the three remaining was split open, littering the high-  
2 way with cobalt before it was discovered by the state police.  
3 It took them several hours to discover the apparent harmless-  
4 ness of the material.

5 This time delay could be extremely hazardous to the  
6 health of individuals if the material were highly radioactive.  
7 In the light of inadequate safeguards for the shipment of  
8 nuclear materials and waste in this area, I believe this plant  
9 should not be licensed.

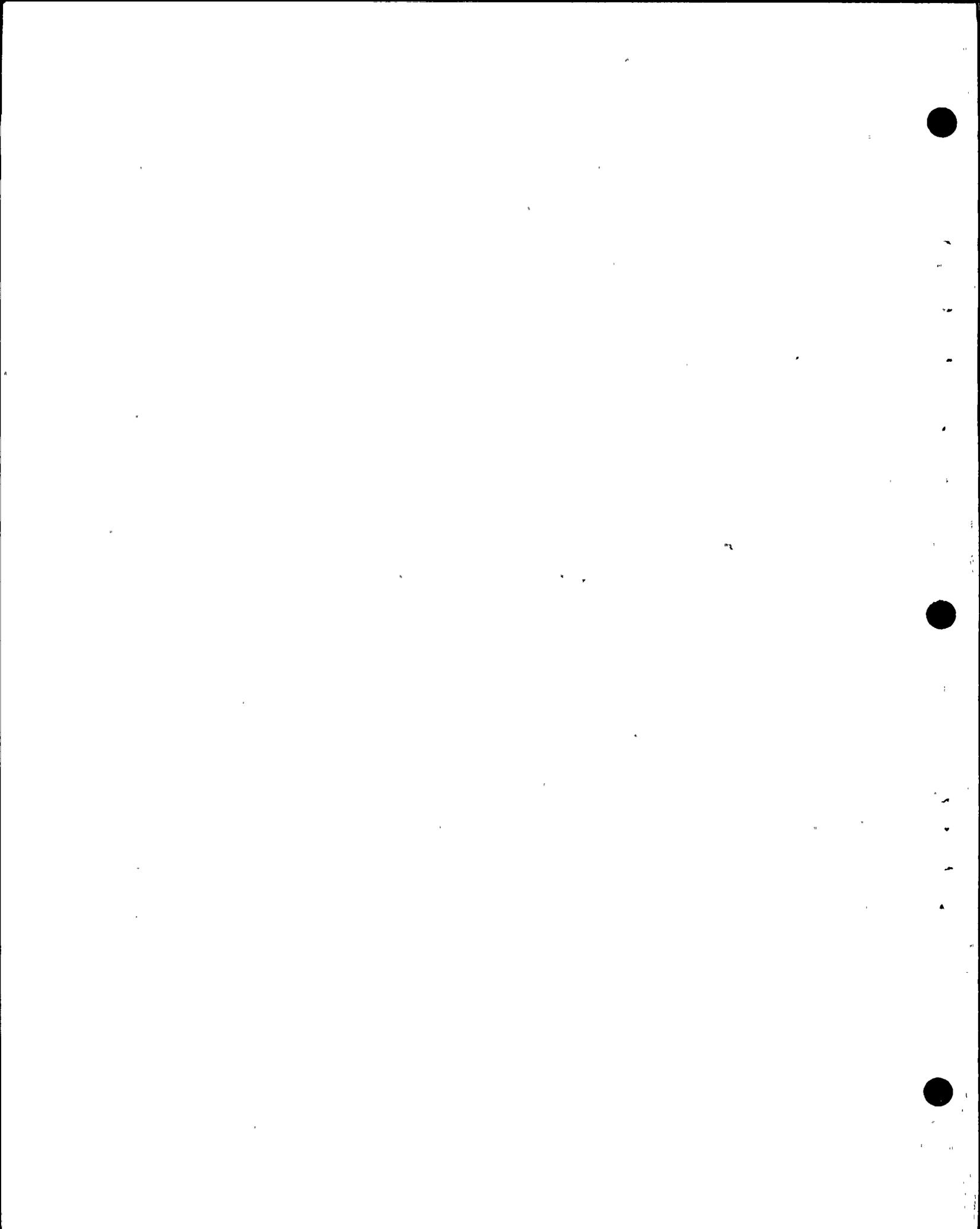
10 Fourth, there's the question of radioactive wastes.  
11 Are there adequate means for the disposal of these wastes from  
12 the reactor? Is it planned to store them on the grounds of  
13 the plant? If so, how safe is this in terms of possible leak-  
14 age of radiation into the atmosphere or water supply in the  
15 area?

16 If it is not to be stored, how are the wastes to be  
17 transported safely? These are serious questions.

18 Even Congressman Joseph McDade from the Scranton area  
19 has said:

20 "Without proven methods for long-term  
21 safe disposal of nuclear wastes, this nation must  
22 face the hard question of whether nuclear generation  
23 of energy can continue."

24 In the light of this and other serious questions on  
25 the safety of nuclear power plants, I would hope the NRC would



b18

1 not at this time license the Susquehanna plant.

2 The second major problem I would like to address  
3 briefly is the issue of security.

4 Is the Susquehanna plant adequately secure from  
5 possible encroachment of persons, either accidentally or on  
6 purpose? A stranded boater managed to penetrate the Three  
7 Mile Island plant near Harrisburg fairly easily on July 14,  
8 1978. What if his goal were sabotage of the plant, or theft  
9 of materials?

10 Is the Susquehanna plant any more protected than  
11 that plant and if so, are these measures not inimical to the  
12 basic freedoms guaranteed to Americans?

13 The third major problem I see is the economic issue.  
14 How much will this plant affect our utility bills? Will con-  
15 struction, operation and maintenance and repair costs, as well  
16 as the future decommissioning costs, be a major burden on rate  
17 payers? Just look at the rising cost of uranium?

18 Also, what about the efficiency of the plant? How  
19 efficient will it be and how long will it be in operation?

20 Also, let's look at the economic impact of this  
21 plant on the area's employment. Sure, there have been some  
22 jobs, but these are for only a few years. Pursuit of other  
23 forms of energy by PP&L would help create more jobs, and  
24 there are several different studies that have been done on  
25 this which, in the full copy which I would like to give you

eb19

1 you may read.

2           There is also the possibility of using the abundant  
3 coal found in this area. There are many other economic ques-  
4 tions. The only one I would like to mention further is this:  
5 What would be the economic effect of a major or minor acci-  
6 dent at the plant? And who would pay for damages?

7           The last issue I would like to raise is the issue  
8 of energy demands. An article in a 1977 Scrantonian, a  
9 Sunday paper in Scranton, stated that PP&L --

10                   "...admits it already has so much  
11 capacity that it is able to sell one-third of its  
12 electrical power to neighboring utilities."

13           If this is so, why is another plant, in fact an ex-  
14 pensive nuclear plant, needed? What present or future indi-  
15 cators are there to show that there is or will be a need for  
16 significantly more electricity to be provided in this area?

17           In the absence of such a proven need, and in con-  
18 sistency with PP&L's purported conservation concerns, why  
19 should we risk the hazards of a nuclear plant in the valley?

20           In the face of so many unanswered questions, in the  
21 face of potential dangers, both known and unknown, to human  
22 life and the environment, I hope the Nuclear Regulatory  
23 Commission will not grant a license to PP&L to run its  
24 Susquehanna steam generating plant as a nuclear power plant.

25           Any calculation of risks and advantages that

b20

1 purports to consider the human dimensions of the problems will  
2 clearly arrive at the conclusion that a nuclear power plant in  
3 northeastern Pennsylvania is unnecessary, uneconomical, un-  
4 healthy, and dangerous.

5 Thank you.

6 CHAIRMAN BECHHOEFER: Thank you.

7 The Reporter would like a brief recess. We'll take  
8 a ten-minute recess at this time.

9 (Recess.)  
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2A ebl

1 LIMITED APPEARANCE STATEMENT OF MRS. JOSEPH  
2 SCHUMACHER, CANCER INFORMATION CRUSADE,  
3 SCRANTON, PENNSYLVANIA

4 MRS. SCHUMACHER: My name is Mrs. Joseph Schumacher  
5 Secretary of Taxpayers Association of Lackawanna County and  
6 Chairman of the Cancer Information Crusade of Scranton,  
7 Pennsylvania.

8 First, I have been giving much thought to a hearing  
9 members of TALC attended in Harrisburg two years ago. And  
10 during the day five executives of corporations testified that  
11 they were unable to continue with their atomic experimenta-  
12 tions because they could not dispose of the atomic wastes.  
13 They said that burying it would kill fish life and vegeta-  
14 tion and poison the drinking water..

15 Now as a citizen I ask: What means does PP&L have  
16 to dispose of these atomic nuclear wastes? Is it true that  
17 these wastes are buried in mines near this area?

18 Could I have an answer? Or are there no answers?

19 CHAIRMAN BECHHOEFER: I don't believe we will  
20 answer questions.

21 MRS. SCHUMACHER: Well, you don't answer questions.  
22 I'll give you a copy of this when I'm finished.

23 Atomic energy is noted to cause cancer also.

24 Dr. Ernest Sternglass, Professor of Radiological Physics  
25 at the University of Pittsburg, Pa., has found a direct link

1 between cancer rates and how far people live from nuclear  
2 reactors. His research of a five-year study has shown cancer  
3 increases of 58 percent in Waterford, Connecticut where the  
4 huge Millstone plant is located.

5 In five states that have nuclear plants the study  
6 showed increased deaths from cancer. Yet in cities without  
7 nuclear plants cancer victims have been decreasing.

8 Is any atomic waste entering the Susquehanna River  
9 at present into the drinking water below Danville?

10 There is no answer I am to understand.

11 Sunday Times, January 28, 1979. Caption: Re-  
12 evaluation of Low Level Standards Urged. Radiation Rated  
13 Hazard to Millions of Workers" Concord, New Haven, A.P.  
14 Almost seven million Americans, including workers at Ports-  
15 mouth Naval Shipyard, may be exposed to harmful amounts of  
16 radiation where they work.

17 Gene Moss, a health physicist with the National  
18 Institute of Occupational Safety and Health, states: But  
19 since people are apparently dying of radiation-caused cancer  
20 those levels must be evaluated."

21 Leukemia and other types of cancer have been  
22 reported among people in Colorado living near uranium mine  
23 tailings, in men who observed atomic bomb testing, in nuclear  
24 shipyard workers, and people in many other areas. There is  
25 a higher level of leukemia at the Portsmouth Naval Shipyard.

eb3.

1 I Am You Journal, a paper from Moosic, Pa., "The  
2 Soldier as Guinea Pig. Jim O'Connor of Burkland, California  
3 is a veteran of the Korean War. He suffers from an incur-  
4 able muscle disease which was caused by exposure to low level  
5 radiation, not while in combat in Korea but when transferred  
6 to Nevada. He was assigned to the atomic test site at  
7 Yucca Flats in January 1955. "They didn't give us any pro-  
8 tective clothing: they said the tests were harmless," Jim  
9 recalls."

10 Cancer Crusade asks: How many innocent men, women  
11 and children are subjected to these same measures. I did  
12 have a set of brochures. I will send you one.

13 I Am You Journal again, August 1978. "Making the  
14 U.S. an International Dump." While one branch of the govern-  
15 ment, the Nuclear Regulatory Commission, continues its  
16 bureaucratic pushing for nuclear power generatin- stations  
17 another branch, the House Government Committee on Operations,  
18 had to conclude differently.

19 In hearings on low-level radioactive waste dis-  
20 posal, April 1976, the Committee concluded "We may have to  
21 face realization that at no time a conscientious effort  
22 that it may not be possible to guarantee the containment of  
23 radioactive wastes over the ages to determine they are  
24 harmless to mankind and environment."

25 NRC states there are currently sixty-five operating

eb4

1 nuclear reactors in the United States and another 168 being  
2 built as planned. An average nuclear plant generates about  
3 twenty tons of deadly radioactive wastes each year, not  
4 including wastes from the nuclear weapons program for over  
5 thirty years.

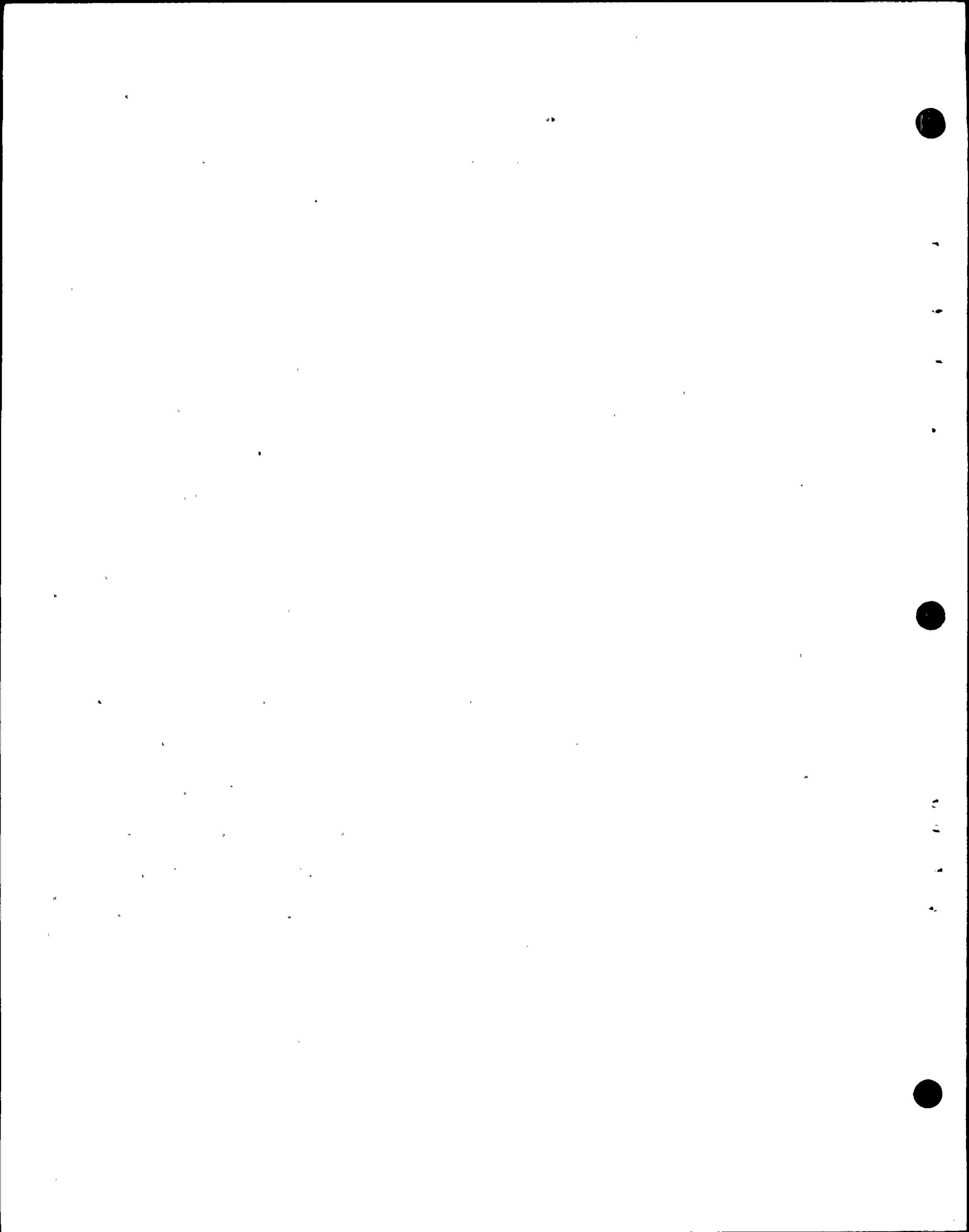
6 Scrantonian. Mary McGrory. April 9, 1978.

7 Schlesinger manipulates Carter's nuclear policy. It appears  
8 that President Carter was expected to drop the other shoe  
9 on nuclear energy. Tony Roisman of the Natural Resources  
10 Defense Council calls it the final corruption of the  
11 President's moral and political courage on the nuclear issue.  
12 But Schlesinger was successful in changing President Carter  
13 to retreat from his stated positions about nuclear energy  
14 but made what environmentalists consider 'unacceptable  
15 compromises.' The irony is that President Carter may tilt  
16 toward nuclear just when the public is tilting away.

17 Peerralatte, France. Uranium hexafluoride has  
18 been released accidentally in the USA but without very  
19 serious consequences.

20 New Hampshire citizens have begun rate withholding  
21 campaign when citizens pledge not to pay recent utility  
22 rate increases when the increases in costs is traceable to  
23 nuclear power plant construction.

24 In Raykjavik, Iceland, there are no radiation  
25 worries, no air pollution, because 96 percent of energy is



eb5

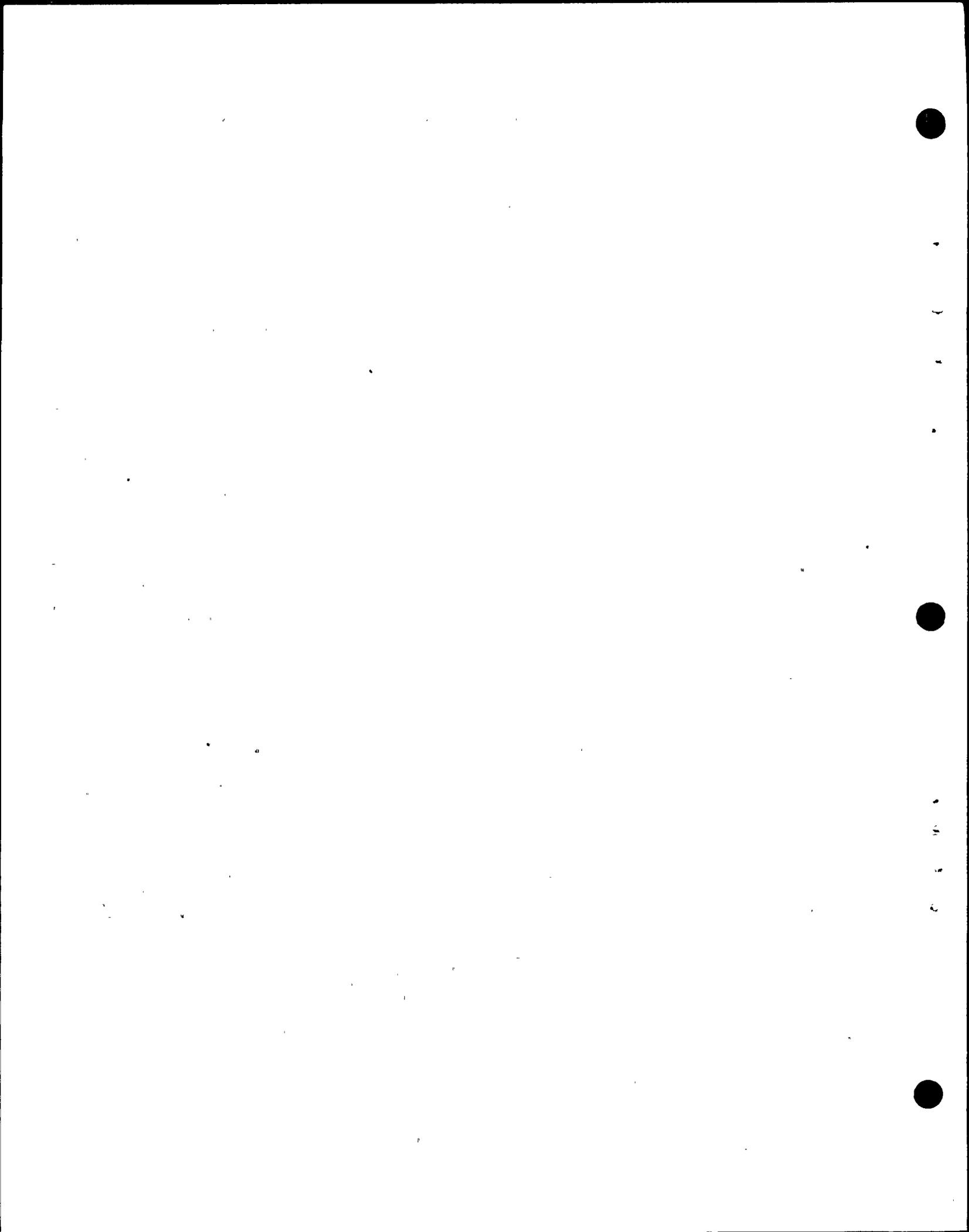
1 supplied with water energy, thermal power from the branch of  
2 the earth. In 1928 the first borehole for hot water was  
3 realized. Now it pipes hot water of 175 to 282° to 96 per-  
4 cent of its population.

5 We have a member of TALC who has many ideas of  
6 energy: garbage, water, and other methods as methane, and  
7 so on. But PP&L is not interested, they would rather  
8 purchase electricity at the consumers' expense without  
9 shopping for economical rates.

10 We too should hold out on our rate increases. It  
11 appear money talks.

12 Atomic energy should be the last resort. Solar,  
13 water and garbage should be first for the protection of  
14 mankind.

15 PP&L Chairman guesses that atomic plant would not  
16 have been constructed if the \$2 billion price tag was known  
17 a few years ago, according to a news story appearing in the  
18 Tribune on January 11th, PP&L Chairman of the Board, Jack K.  
19 Busby, a veteran of twenty-five years in the corporate  
20 structure of PP&L said on Wednesday, January 10th, 1979,  
21 that PP&L didn't spend as much over its entire history as  
22 they have trying to construct the nuclear power plant in  
23 Berwick. And he ventured a guess that if company executives  
24 knew a few years ago that two billion dollars would have  
25 been spent on the plant by the present date, the decision



eb6

1 would have been against construction. Busby was President  
2 of PP&L when the decision was made to build the atomic plant.  
3 The high cost, he said, will mean that PP&L customers will  
4 pay more for electricity. Busby made the observations while  
5 presenting a slide lecture on energy issues to political  
6 science students at the University of Scranton.

7 I feel like millions of people here that the  
8 Nuclear Regulatory Commission should not grant this Berwick  
9 atomic plant to continue with its nuclear operation. I  
10 think it's a crime to subject innocent people to cancer, to  
11 drinking water that will be contaminated with the waste.

12 As far as answers, there are no answers here.  
13 But I think PP&L owes the public the courtesy of telling  
14 them just what dangers are involved if this plant is construc-  
15 ted.

16 Thank you.

17 DR. PARIS: Mrs. Schumacher, the question you asked  
18 us was whether there are radioactive wastes stored in the  
19 mines in this vicinity; is that correct?

20 MRS. SCHUMACHER: Yes. Are they being stored in  
21 the mines in this vicinity?

22 DR. PARIS: Okay. The Board does not answer  
23 questions except on procedural matters. However if we go to  
24 a hearing we will ask the applicants and the staff to  
25 respond to the concerns expressed by the citizens in this

eb7

1 prehearing conference today. And I think that we can ask the  
2 NRC staff if they can answer your question.

3 Mr. Cutchin, do you think you can respond to that  
4 question?

5 MR. CUTCHIN: We will seek an answer.

6 MRS. SCHUMACHER: Well I think some answers  
7 should be given. I think the public is entitled to them.

8 CHAIRMAN BECHHOEFER: Thank you.

9 Will the next gentleman come forward, please?

10 LIMITED APPEARANCE STATEMENT OF GALEN DUGAN

11 MR. DUGAN: My name is Galen Dugan. I'd like to  
12 enlarge on the statements that the good woman just made.

13 She spoke about Jack Busby and his overtones to  
14 political science students about his decision to continue  
15 with the plant. Corporate officials of PP&L have made  
16 overtones to the Susquehanna Lions that they had wished we  
17 could have effectively intervened in the power plant earlier.  
18 That's five years ago.

19 My statement now will be based mainly on the prob-  
20 lems of bureaucratic traps, economic planning, and the  
21 peoples' rights for intervention.

22 We cannot take you now before a federal court and  
23 challenge environmental impact statements. That's a  
24 procedural question: Can we? Can we challenge you before  
25 a federal court on the environmental impact statement?

eb8

1 CHAIRMAN BECHHOEFER: I think the general procedures  
2 are set out in the NRC rules.

3 VOICE: Will you speak up, please?

4 CHAIRMAN BECHHOEFER: I think the general procedures  
5 are covered in the NRC rules.

6 MR. DUGAN: You'll have to excuse my general ig-  
7 norance. Right at this point in time, as intervenors, we  
8 are up before you people, and we cannot take you before a  
9 federal court as is done with many other projects and  
10 challenge the environmental impact statement. Procedurally  
11 that's what I'm asking you to address.

12 CHAIRMAN BECHHOEFER: I think we would have to  
13 reach a decision on-- Some of the contentions which are  
14 alleged do challenge at least aspects of the environmental  
15 impact statement.

16 VOICE: We can't hear you.

17 CHAIRMAN BECHHOEFER: I said some of the conten-  
18 tions that have been proposed, which we have not ruled on  
19 yet, do challenge certain aspects of the environmental  
20 review.

21 MR. DUGAN: But can we take them up before a  
22 federal court, outside of the NRC's regulatory bureaucracy,  
23 or bureaucratic procedures?

24 CHAIRMAN BECHHOEFER: I think those are technical  
25 questions which I don't believe we could answer. I think you

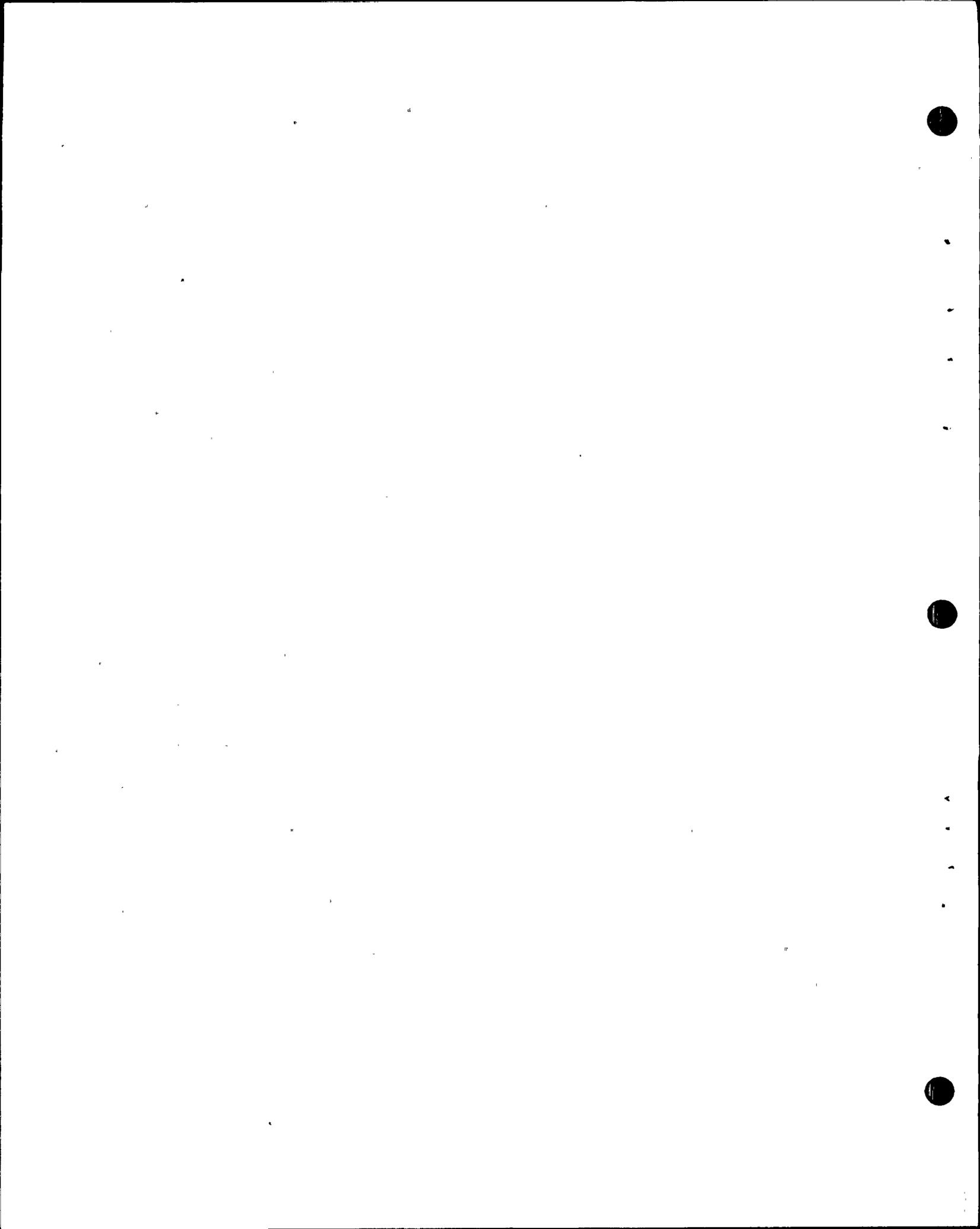
eb9

1 would have to consult an attorney on that.

2 MR. DUGAN: You see, we have no means, as far as  
3 the economic planning around here, we have no means with which  
4 to draw you people out and challenge it. We cannot ask you  
5 to prove, to guarantee that that plant will not suffer a  
6 meltdown accident, whether it be a power excursion, power-  
7 cooling mismatch; reactor vessel failure, many accidents.  
8 You have no statistical methodology -- you have no means to  
9 say what the chances are of that accident. And it's hard  
10 for us within your proceedings to effectively challenge an  
11 environmental impact statement on cost-benefit analysis  
12 alone as relates to the safety problem.

13 CHAIRMAN BECHHOEFER: I think a number of petitioners  
14 are doing just that. And to the extent the contentions are  
15 accepted they will be heard in the hearing which will follow.

16 MR. DUGAN: PP&L is trapped now: they have to  
17 spend more money on this plant. They have to recoup their  
18 costs. I believe the NRC people should recognize the  
19 national movement to stop nuclear power. That also should  
20 be brought up in the environmental impact statement; such as  
21 the cost for atomic waste disposal. We have now to find a  
22 solution to the wastes that are now on this planet. But  
23 you cannot in the impact statement, as far as cost-benefit  
24 analysis for this plant, say how much the PP&L ratepayers  
25 are going to pay for waste disposal right now at this time.



1 I guess that's all I have to say for now.

2 CHAIRMAN BECHHOEFER: Thank you.

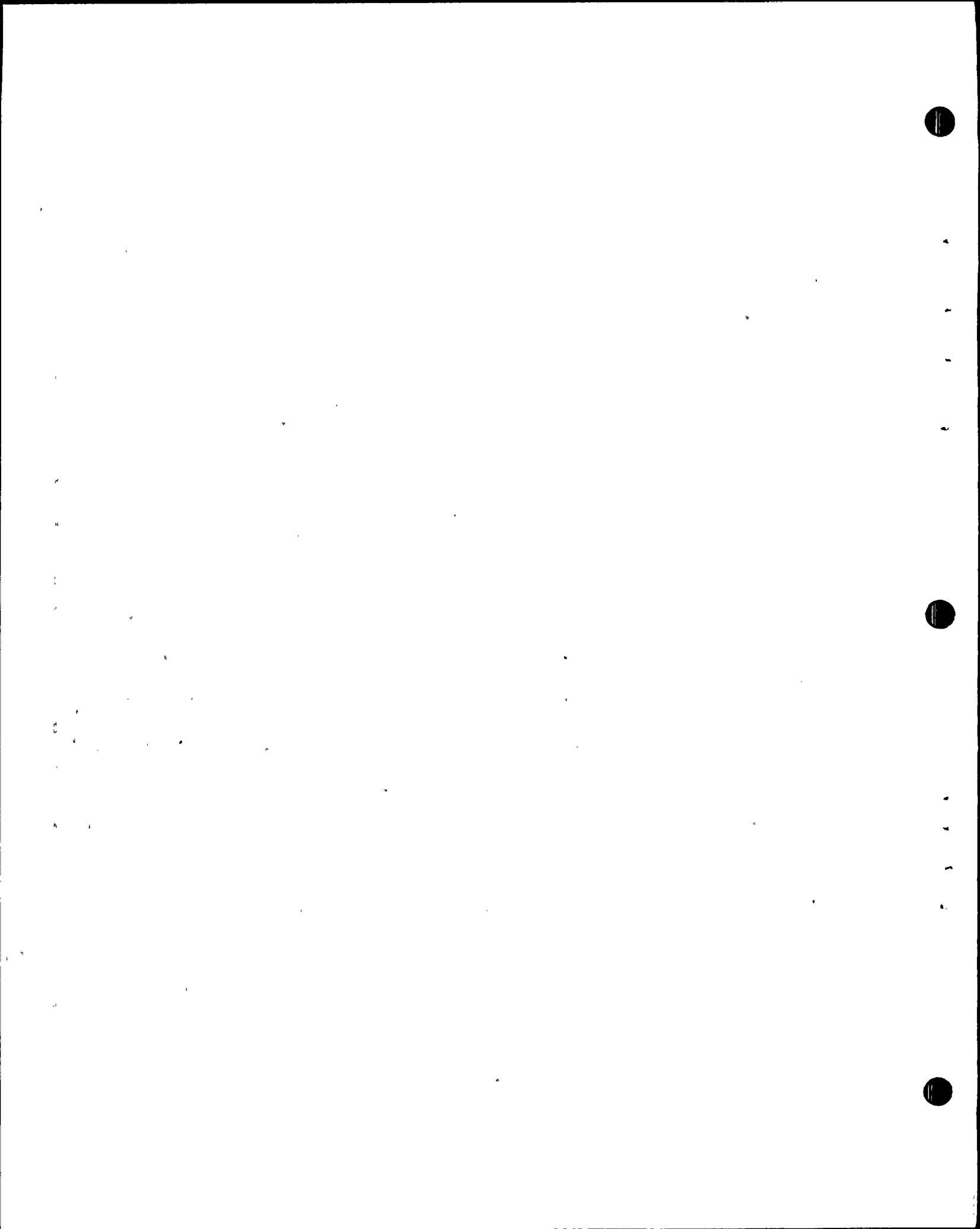
3 Are there others who wish to make a statement?

4 Come forward please.

5 LIMITED APPEARANCE STATEMENT OF JOHN ALLEN

6 MR. ALLEN: This is more an emotional appeal, I  
7 suppose, than one based on my own reasoning. Because  
8 throughout these hearings you're going to hear all kinds of  
9 facts and figures, I would suspect, evidence that I don't  
10 have at my fingertips and don't feel qualified to make.

11 However I would like to say that only those persons  
12 in this room who may have an economic interest in nuclear  
13 power, whether as an investor or employee, would dare to  
14 ignore the potential destruction of the eco-system by attempt-  
15 ing to either ignore that potential or to forge ahead in  
16 the hope that technology will somehow find an answer to the  
17 problem; no need to reiterate the potential loss of thousands  
18 of lives in the event of a meltdown, faulty design,  
19 earthquake, sabotage or actual destruction of a nuclear  
20 plant by enemy bomb or the fact that the nuclear industry  
21 still has no way of disposing of lethal wastes, or even the  
22 fact that the cheap energy industry officials earlier hoped  
23 for is not and will not be a reality. For what needs to be  
24 constantly publicized is the fact, even if nuclear generating  
25 plants are 99 and 99/100ths percent fail-safe, how dare we



eb11

1 risk the enormous catastrophe that can result from even that  
2 miniscule 1/100th. And even that small fraction was just  
3 this month demonstrated to be an incorrect figure. The  
4 study that serves as the basis for allowing 'x' number of  
5 people to die from a nuclear accident has, by the govern-  
6 ment's own admission, been proven faulty: the risks are now  
7 much higher.

8 Further, how dare we leave a radioactive wasteland  
9 for our children and our children's children, knowing full  
10 well that earth will be nothing but a hot hell for hundress  
11 of thousands of years? What kind of people are we that we  
12 would even chance such long term disaster for current gain,  
13 despite the fact that the so-called gain is extremely doubt-  
14 ful.

15 I believe this entire nuclear business is total  
16 madness, and suggest that we the people use every means at  
17 our disposal to end this madness.

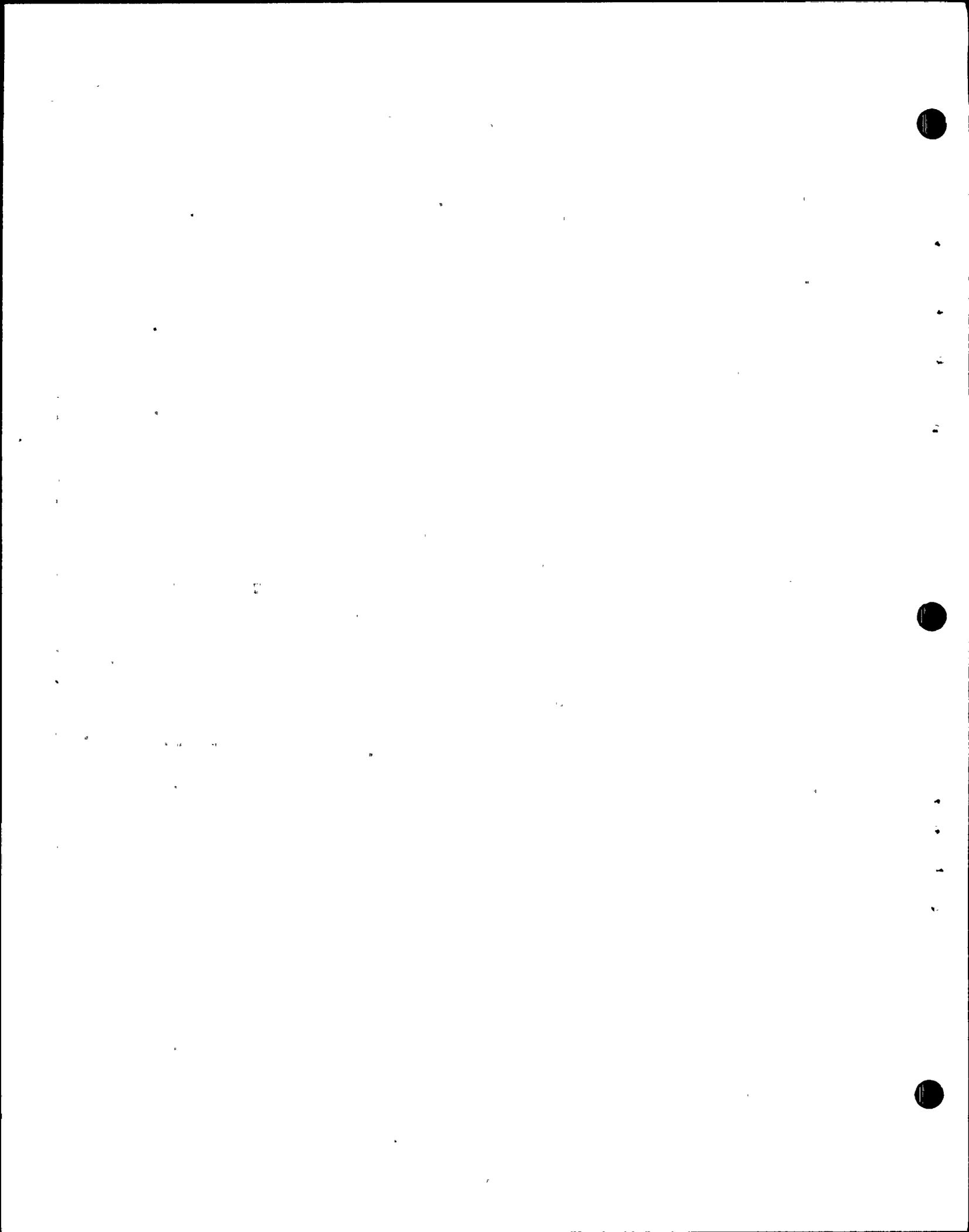
18 Thank you.

19 (Applause)

20 CHAIRMAN BECHHOEFER: Are there any others who  
21 wish to make a statement?

22 LIMITED APPEARANCE STATEMENT OF JIM PERKINS,  
23 STATE COLLEGE, PENNSYLVANIA

24 MR. PERKINS: My name is Jim Perkins. I'm from  
25 State College, Pennsylvania.



eb12

1 I imagine you heard several people talk about the  
2 Rasmussen Report. I will, too.

3 Two requirements for operating any power plant  
4 ought to be: (1) convincing the regulators that the plant  
5 is properly designed and safe, and (2) convincing the public  
6 that the plant is properly designed and safe. For each  
7 requirement the utility chooses a group of responsible  
8 spokesmen: for the regulators there are engineers who speak  
9 the language of technology; for the public there are ambassa-  
10 dors who translate the technology into English and offer  
11 the rationale and assurances which the people deserve to hear.

12 In the case of a new plant, if it were found that  
13 a group of engineers had relied heavily on research which  
14 was unsupported by peer review or by the sponsoring organi-  
15 zation, there would be a thorough review and airing of those  
16 aspects of the project for which the suspected research was  
17 utilized. The regulators would require, and the responsible  
18 utility should demand, that any doubts be resolved.

19 Similarly, any evidence cited to the public to  
20 convince them about the safety of the plant ought to be based  
21 on research which is fully supported and not surrounded by  
22 controversy. The responsibility for the validity of the  
23 information offered lies with the informer.

24 For several years Pennsylvania Power and Light  
25 has been informing the public inside and outside their service

1 area of the safety of nuclear power plants in general, and  
2 of their own plant in particular. Thousands of citizens  
3 have visited the Information Center at the plant site or  
4 heard the company's representatives speak about the plant.

5           Regarding this topic of substantial concern, the  
6 safety of the Susquehanna Steam Electric Station, the  
7 company's representatives to the public have often cited the  
8 Reactor Safety Study prepared under the direction of Norman  
9 Rasmussen with the sponsorship of the Atomic Energy Com-  
10 mission and Nuclear Regulatory Commission.     The SSES  
11 Information Center has displayed-- Oh, excuse me. Yes,  
12 the SSES Information Center has displayed a large panel  
13 designed expressly to inform its visitors of safety assurances  
14 presented in the Reactor Safety Study. In good faith, no  
15 doubt, the Reactor Safety Study has been used as the backbone  
16 of the claims made to the public that the SSES will be safe.

17           But now the reliability of that report has been  
18 questioned by the very agency that sponsored the research.  
19 The Nuclear Regulatory Commission, in response to findings of  
20 its Risk Assessment Review Group, has made public its doubts  
21 about the validity of the study. Words like "misleading" and  
22 "deceptive" have been linked with the study's Executive  
23 Summary, the most widely read part of the report among the  
24 public and policy makers.

25           What are the people to think if the basis for the

1 assurances offered by PP&L is this baseless report? Then  
2 how safe is the plant? What does PP&L have to say now?

3 These are not rhetorical questions. Just as  
4 technological assessment of plant safety must rely on a  
5 sound foundation, so must the information offered to the  
6 public be free of suspicion, doubt and confusion.

7 For years the company has seen fit to assure  
8 thousands of people of the plant's safety. I propose that  
9 the plant not be allowed to begin operation until PP&L has  
10 made a major effort in good faith to advise those people who  
11 may have been misled. Specifically, PP&L should contact  
12 every group to whom its representatives have spoken and  
13 every individual who has toured the Information Center.  
14 The company should explain clearly that the Rasmussen Report  
15 has lost the support of the NRC, and that any claims for the  
16 safety of the SSES based on that report may be invalid.

17 While this effort is being made, PP&L would  
18 certainly be free to offer more reliable assurances to the  
19 public.

20 Then after all these contacts have been made  
21 members of the general public should have another opportunity  
22 to speak directly with the regulators of this industry.  
23 It would be a violation of public trust to allow the opera-  
24 tion of this plant as long as the trust is based on as  
25 questionable a source as the Rasmussen Report.



eb15

1 Thanks for letting me come and talk.

2 CHAIRMAN BECHHOEFER: Thank you.

3 Will the next person come forward, please?

4 LIMITED APPEARANCE STATEMENT OF REGAN MEYER

5 MR. MEYER: My name is Regan Meyer, and I'm from  
6 the Bloomsburg-Stillwater area, and currently residing in  
7 Vermont and going to college up there.

8 Two things I wanted to talk about. First of all,  
9 the experience of the people in Vermont, very similar to  
10 Pennsylvania. And PP&L's experience is similar to Green  
11 Mountain's. They ordered one reactor, the Vermont Yankee.  
12 It's completed, it's on line. For the last year it has been  
13 shut down for more than four months for maintenance. They've  
14 had major troubles with it.

15 They called in General Electric, the same contractor.  
16 The emergency cooling collar has vibrated loose twice. They  
17 welded it. The welds caused more cracks.

18 The thing is down all the time.

19 The people of Vermont are sorry that they went  
20 along with this. Because now they're buying electricity at  
21 twice the price. And they passed a referendum: it's written  
22 into law that no more nukes can be built in Vermont. And  
23 I'd hate to see Pennsylvania have to do the same thing just  
24 because an investment has been made.

25 There is still time to cut your losses now.

eb16

1 I have quite a few friends who worked at the  
2 plant as bricklayers and concretemen. They feel bad about  
3 it, too. They don't want to see it be done. They tell  
4 themselves that it won't be done. But they need the money  
5 and they go to work.

6 The other thing I wanted to talk about was some  
7 of my recent discoveries in chemistry projects, and such,  
8 at school. There really has been tremendous progress that  
9 has been made in the area of alternate technology, the  
10 greatest of which I feel is the use of hydrated salts,  
11 sodium sulfate, sodium thiosulfite, penthydrate in storing  
12 energy, especially solar energy. It has been known since  
13 1948. Dr. Maria Towks at the Massachusetts Institute of  
14 Technology developed houses and stored 1 million Btu's of  
15 heat, enough for a whole week.

16 The salts had some problems. They stratified and  
17 settled out. These problems have been solved. There are  
18 four companies now across the United States, in California,  
19 New York, Nebraska, Tennessee, who are manufacturing either  
20 storage bins for these salts or encasing them in concrete  
21 for ceiling tiles, window seats, whatever you have. These  
22 things are going to be out inside of a few years. There's  
23 no reason to double our amount of end use energy again like  
24 we doubled it since 1963, when just even without any major  
25 social changes, just technical fixes, co-generation in

1 factories, neighborhood storage, of course solar energy;  
2 there is air compressed for industry which can be compressed  
3 now by windmills; there's hydroelectric power; there's an  
4 infinite number of options open to us. PP&L could be in-  
5 volved in it, either in the financing area of it or in the  
6 actual decentralizing, providing power from small plants.

7 We have got to have intelligent use of our remain-  
8 ing transition fuels, which is presumably coal. They have  
9 new fluidized beds that could be in small generators. They  
10 could do the work of one big one. You wouldn't have all the  
11 loss of the transmission lines. It could be located where  
12 the energy is used.

13 There's a lot of possibilities open. It's a shame  
14 that we have this investment made now. But there should be  
15 some way to cut our losses and start now. Because if we  
16 wait twenty years we're going to have a lot of health  
17 problems on our hands and a lot more money down the drain.

18 That's all I have to say.

19 (Applause)

20 CHAIRMAN BECHHOEFER: Are there other statements?

21 Come forward, please.

22 LIMITED APPEARANCE STATEMENT OF DENNIS McHUGH,  
23 STATE COLLEGE, PENNSYLVANIA

24 MR. McHUGH: My name is Dennis McHugh. I'm also  
25 from State College. And I guess my biggest problem with

eb18

1 PP&L was what Jim was talking about earlier, was Mr. Busby  
2 coming in and using the Rasmussen Report as a basis for,  
3 like, judging reactor safety. But I didn't come up with the  
4 original idea today: he did. So I guess I will just  
5 kind of go about this in a very general kind of way, but  
6 also a very personal kind of way.

7 This entire controversy is so reminiscent to me  
8 of the national furor over the Vietnam war, for instance,  
9 and the eventual collapse of the Nixon administration. In  
10 both of those cases public officials lulled the public with  
11 assurances that they could, for instance, see the light at  
12 the end of the tunnel, and that nothing at all was amiss.  
13 Ever so slowly the public confidence eroded. Those who knew  
14 that which was true were forced into one tactical retreat  
15 after another, until what was true became very obvious.

16 Nobody, none of us can conceal forever that which  
17 is true. Truth always outs in time.

18 What we have here is simply poor science coupled  
19 with a troubled conscience. The science takes care of it-  
20 self, and the troubled conscience stems from those scientists  
21 who helped create the first atomic weapons. The peaceful  
22 atom was meant to atone for their guilt feelings.

23 The nuclear industry is doomed simply because it's  
24 not the best solution we have.

25 Not too long ago I heard a talk given by a man

eb19

1 by the name of Edward Teller. Perhaps everyone is familiar  
2 with him. At that time he was being billed as the Father  
3 of the Hydrogen Bomb. He said that America had entered into  
4 the age of timidity, when the technical answers to all of  
5 man's problems were close at hand; that a small group of  
6 frightened people had succeeded in frightening the American  
7 people into not using these answers.

8 A long time ago I started to ask myself basically  
9 two questions: What is it that you want? and What is it that  
10 you truly need? Ever since, my life has primarily revolved  
11 around answering these questions and acting accordingly.

12 I might want a car, but I don't need it, and,  
13 therefore, I certainly don't have to have it. I might like  
14 air conditioning on a sweltering August afternoon, but I  
15 certainly don't need it. It's convenient to swoosh up the  
16 elevators instead of bouncing up the stairs, but the elevator  
17 is simply a luxury, a frill whose true cost is not felt in  
18 the ease of the moment but only later, much later.

19 I don't consider myself a timid person, not at  
20 all. I don't consider myself a timid person for having asked  
21 myself questions like these, having answered them or having  
22 acted accordingly. I think it takes a lot more strength  
23 and courage and stamina to live without all the artificial  
24 and unnecessary props of today's consumptive society.

25 All the very best in science leads us to the

1 inescapable conclusion which all the very best in the  
2 region have been saying all along, that all of life is one;  
3 there are no seams, no cracks, no-way at all to separate  
4 life from life nor being from being.

5 For instance, it's almost as if the most illuminat-  
6 ing bit of information all the space programs of this planet  
7 produced was that one picture of a blue and green and  
8 swirling white orb framed in black. We had to step off the  
9 planet in order to see our home for the first time.

10 I think it's up to each of us in this room to  
11 come up with the best answers possible to our energy problems  
12 and not simply the easiest ones. We're all in this together.

13 Thanks.

14 (Applause)

15 CHAIRMAN BECHHOEFER: Thank you.

16 Are there any others here wishing to make a  
17 statement?

18 MR. NOTERMAN: Yes.

19 CHAIRMAN BECHHOEFER: I think you made one  
20 previously.

21 MR. NOTERMAN: Yes. I would like to make an  
22 amendment. I was a little too emotional before.

23 CHAIRMAN BECHHOEFER: Well, come on up.

24 FURTHER STATEMENT OF JOSEPH NOTERMAN

25 MR. NOTERMAN: When one gets angry, you know, you

eb21

1 can't make sense. .And I was too angry before.

2 When I was talking about Penn State, that's a  
3 nice sample of what the utility company should be doing.  
4 Because that is the low cost usage of energy that you have,  
5 like out at Penn State. They not only produce the electri-  
6 city and the power that they need, they also produce the  
7 heat that they need in winter, and they air condition all  
8 their buildings in summer. What better economy is that?

9 Now PP&L and Metropolitan Edison and all the other  
10 utilities should be doing this across the country. In  
11 other words, all these power plants should be built in the  
12 center of the urban centers. Every city should have one.  
13 We have one in Scranton, but all it produces is just steam.  
14 Now the steam first should generate electricity, and it did  
15 at one time. But now all they have up there, they're burning  
16 all this valuable fuel and wasting it just for the waste  
17 product of steam. First it should generate electricity,  
18 and you still have the live steam to heat the buildings in  
19 central city.

20 The power company used to own it, you see, and  
21 they sold it because they wanted to build their power plants  
22 out in the rural areas. That way there wouldn't be any  
23 chance of a community taking over and making it owned by the  
24 citizens in town, publicly owned. Because it would be  
25 almost impossible from that aspect.



1 In Wilkes-Barre we have a steam heat power plant  
2 right here. And, you know, they got away with a \$2.5 million  
3 loan that the Commonwealth made to it when the city took it  
4 over. It's never going to be paid back. That's \$2.5 million  
5 down the drain. Now we produce steam heat just for the  
6 buildings in central city; again, no electricity comes out  
7 of it. And it should. PP&L used to get electricity out it,  
8 and the steam.

9 Now Schlesinger ought to take note of this.

10 In 1942 they phased out the steam heat and power  
11 company in Allentown, the steam head and power company in  
12 Reading where they used to push all these street cars around  
13 and trackless trolleys, and with the waste product they  
14 heated the buildings in the central city. And you see,  
15 now Metropolitan Edison and PP&L, they transport the power  
16 in on transmission lines, and the buildings in town have  
17 to buy coal, gas and oil to heat their buildings. And that's  
18 a waste. And Schlesinger should know this.

19 I don't know: maybe he's stupid: maybe that's why  
20 he's got this position.

21 (Laughter)

22 I think that's why they hire them that way.

23 (Laughter)

24 Now York just recently phased out their plant in  
25 1978, last year. Metropolitan Edison Company had a

eb23 1 marvelous steam heat and power company right in the center  
2 of York. It heated all the buildings in central city. And  
3 they just recently phased it out. So therefore they have  
4 to convert these people-- You know, they can't buy steam  
5 heat from Metropolitan Edison any more, so they have to  
6 buy coal, gas or oil. And the same way with Harrisburg and  
7 all the other cities.

8 Now you could just imagine how much energy could  
9 be saved.

10 They have this Susquehanna Nuclear Power Plant--  
11 They don't like to put the word "nuclear" in there. They  
12 say "Susquehanna Steam Heat Plant," you know, it's cute.  
13 They don't want people to know it's nuclear. So now they  
14 have these two huge cooling towers down there. They're  
15 huge, you know.. And they're going to let all that-- They  
16 have the cooling towers you know because they've got to dis-  
17 sipate the heat: they don't want to heat any buildings with  
18 it, they want to waste the heat, you see. That's why  
19 they built it down there, because, you see, there are no  
20 buildings to heat down there. They could have it in the  
21 central city here, they could heat all the buildings in  
22 Wilkes-Barre and in the townships and the whole valley and  
23 in Scranton. They could even pipe the heat all the way up  
24 there.

25 Now Schlesinger ought to know this. Carter ought



1 to know this. I think the Commission ought to know it.  
2 The biggest wasters of energy are the power companies.  
3 And these people here are representing them. And the only  
4 reason they do it is because they get an attorney's fee.

5 (Applause)

6 CHAIRMAN BECHHOEFER: We thank everybody who has  
7 come in to make a statement. Many of the concerns and  
8 questions which have been raised are the subject of conten-  
9 tions of the various petitioners, that the various petitioners  
10 have also raised. These will be, assuming there is a  
11 hearing, these will be thoroughly discussed at that time.

12 The applicants and the staff will attempt to answer  
13 the other questions which have been raised to the extent they  
14 fall within the general scope of these proceedings.

15 I guess at this time we will continue with the  
16 contentions of the Environmental Coalition. We had reached  
17 the security plant -- the emergency plan, Contention No. 7.

18 VOICE: Will you speak a little louder, please?

19 CHAIRMAN BECHHOEFER: We had reached the Emergency  
20 Plan contention, No. 7. And I believe we wanted the  
21 petitioners and the other parties to summarize their  
22 positions on that contention.

23

24

25

mpbl

1 DR. JOHNSRUD: Mr. Chairman, I'm sorry. What  
2 it was again, please, that you wanted us to summarize?

3 CHAIRMAN BECHOEFER: Your positions on that  
4 particular contention as we have discussed some of the facets  
5 of it yesterday.

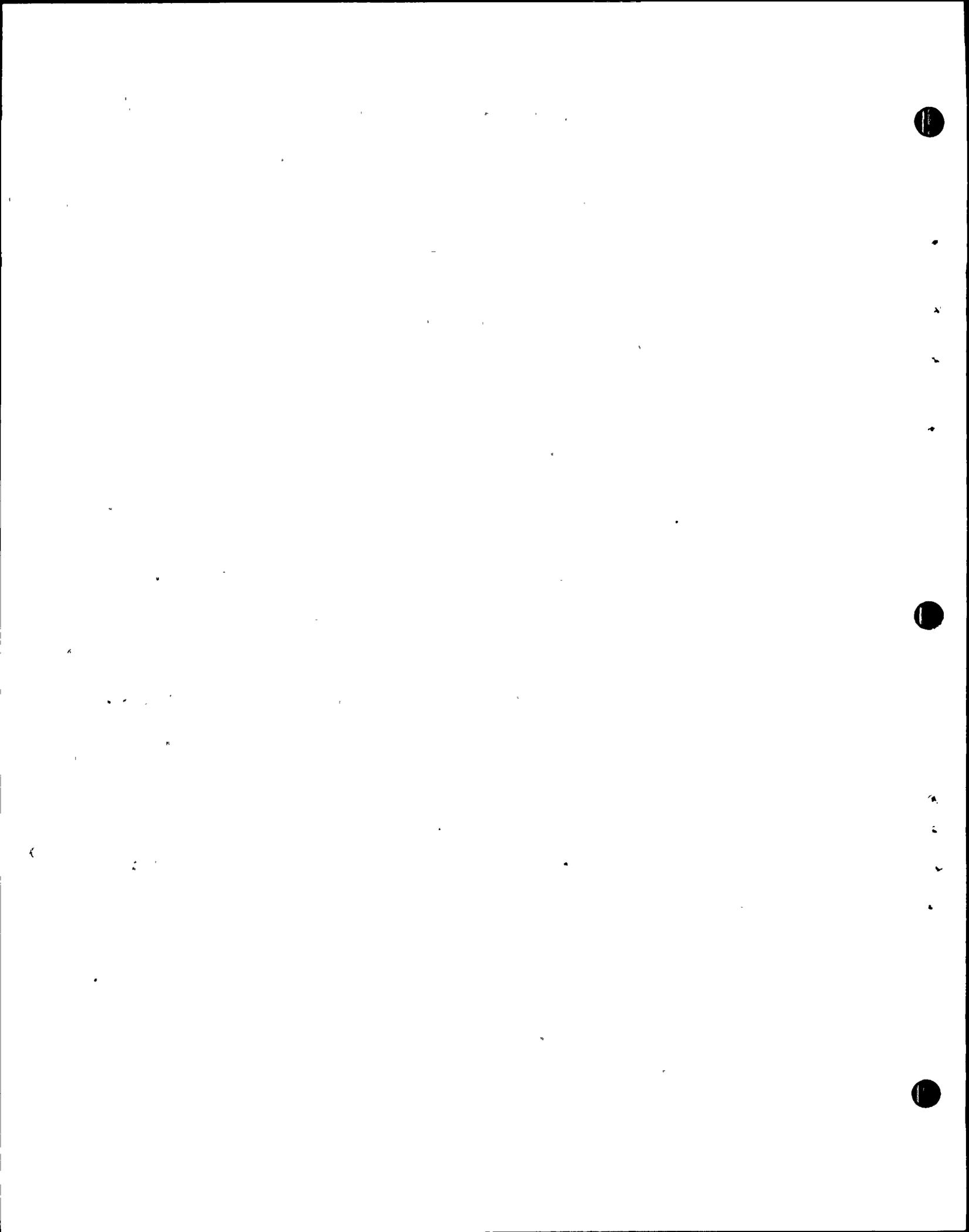
6 Why don't you lead off, and then the Applicant  
7 and the Staff will respond.

6.240

8 DR. JOHNSRUD: Mr. Chairman, ECNP believes that  
9 the peculiarities of the circumstance of the Susquehanna  
10 Steam Electric Station located as it is on the margin of the  
11 Susquehanna River Valley, with limited access and egress from  
12 the site requires particular attention by this Board to  
13 evacuation planning and emergency response planning.

14 We further feel that the proposed alterations by  
15 the Commission of emergency response and evacuation planning  
16 by the state and local governments who are responsible for  
17 carrying out such plans requires that this Board provide the  
18 opportunity for the examination of the evacuation plans that  
19 have been provided by the Applicant.

20 With respect to the final portion of our conten-  
21 tion, we submit again that Mr. Gerusky, as director of the  
22 Bureau of Radiological Protection, formerly called the Office  
23 of Radiological Health, has in fact made contradictory state-  
24 ments concerning the ability of his office to respond to an  
25 emergency situation of sufficiently serious magnitude to



mpb2

1 require this Board to hear testimony from Mr. Gerusky, and  
2 to clarify the ability of the Bureau of Radiological Protection  
3 to respond as it is required by law.

4 With respect to the expansion of that department,  
5 I would point out that we are concerned here with the expan-  
6 sion of the ability to monitor and to respond that will be  
7 brought about by the addition of Susquehanna, should an  
8 operating license be granted, the addition of Susquehanna  
9 to the responsibilities and burden of that department. We  
10 would be prepared to bring forth the evidence of the inability  
11 of that department to obtain the amount of funding for  
12 expansion which it has in the past attempted repeatedly to  
13 obtain from the Pennsylvania State Legislature.

14 The budget problem apparently is sufficiently  
15 severe so as to have prevented Mr. Gerusky's appearance to  
16 represent the commonwealth here in these proceedings.

17 CHAIRMAN BECHOEFER: Dr. Johnsrud, the Bureau  
18 of Radiological Protection, are their facilities a part of  
19 the emergency plan which has been proposed for this facility  
20 at this time?

21 DR. JOHNSRUD: It's my understanding that the  
22 responsibility of the Bureau of Radiological Protection is  
23 to assess the severity of the releases from the plant, and to  
24 recommend for or against evacuation of the area adjacent to  
25 the plant. And therefore it would be of vital significance



mpb3

1 that their staff be available at all times to respond to an  
2 emergency recommendation from the utility.

3 DR. KEPFORD: I would also like to point out,  
4 Mr. Chairman, that the particular geographic features surround-  
5 ing Susquehanna 1 and 2 makes it perhaps dangerous to rely on  
6 a bureaucratic artifact like low population zones, because in  
7 this part of the country it's my understanding that inversion  
8 conditions are a relatively frequent climactic condition and  
9 with such the southeast wind is not uncommon -- or, rather,  
10 wind from the southwest, slow. And were there an accident at  
11 Susquehanna 1 and 2, it can simply move a radioactive cloud  
12 right up the river with very little escape or dispersion by  
13 the winds, and perhaps give Wilksbury a pretty rough time.

14 I think that's certainly a point which should be  
15 considered in this case. There are rather special circumstances  
16 involving the long narrow river valley.

17 CHAIRMAN BECHOEFER: Mr. Silberg, do you have any  
18 comment on this?

19 MR. SILBERG: Yes.

20 I would like to respond to some of the statements  
21 that have just been made by ECNP.

22 First, there was a discussion by Dr. Johnsrud  
23 about the limited access and egress from the site which  
24 requires particular attention. We're not talking here about  
25 evacuation from the site, we're talking about evacuation from

mpb4

1 the low population zone.

2           There is a highway, a major highway. If the wind  
3 is going in one direction, there are two ways to get away from  
4 the site, let alone from the LPZ. There are many roads in  
5 the area, not just one road.

6           I think the discussion on the particular features  
7 of the site is an after-the-fact attempt to generate the  
8 particularization which the Commission's interim guidance  
9 requires. Certainly Susquehanna is not unique in being located  
10 in a river valley, nor is it even located in a narrow river  
11 valley, for the Susquehanna Valley is not narrow in terms of  
12 meteorological conditions. I don't think ECNP has shown any  
13 indication that that is in fact the case, nor are inversion  
14 conditions particular to this particular site, and indeed the  
15 FSAR analyzes all sorts of meteorological conditions including  
16 inversion conditions.

17           So far as the question of budget adequacy, of the  
18 Bureau of Radiological Health, that issue was addressed by  
19 the Appeal Board in Three Mile Island and rejected there.

20           As far as alleged statements by Mr. Gerusky on  
21 the ability of his office to respond to emergency situations,  
22 familiarity with the emergency plan would indicate that the  
23 notification in the event of an accident does not go through  
24 the Bureau of Radiological Health, but go directly to the  
25 local Civil Defense agency, so that functioning of the

mpb5

1 Bureau of Radiological Health is not necessary in order to  
2 initiate evacuation plans. So even if those statements were  
3 true, and EC&P has acknowledged that Mr. Gerusky by affidavit  
4 has denied the accuracy of those claims, it would not be  
5 relevant.

6 CHAIRMAN BECHOEFER: In the plan as presented --  
7 which I've not had a chance to look at yet -- isn't the Bureau  
8 at least included as an advisor to the local groups which  
9 would initiate evacuation?

10 MR. SILBERG: As I understand it, the Bureau's  
11 major role is to confirm the measured doses, but they are not  
12 a necessary step in the initiation of evacuation plans. And  
13 as I understand the local plans, they would not wait for BRH  
14 input before initiating evacuation in the event of a major  
15 release.

16 CHAIRMAN BECHOEFER: Mr. Cutchin?

17 MR. CUTCHIN: Mr. Chairman, to the extent that  
18 ECNP seeks to raise an issue with respect to whether plans  
19 for protective measures outside the LPZ need be looked at in  
20 this proceeding, the Staff stills does not see that they have  
21 made a necessary showing to extend the Board's concern to that  
22 issue.

23 However, with respect to the extent that they  
24 seek to raise a question as to the adequacy of arrangements  
25 with the responsible federal, state, and local agencies for

mpb6

1 initiation of protective action within the LPZ, and to the  
2 extent that they question the procedures of the Applicant to  
3 assure that those officials responsible for protective meas-  
4 ures to the public throughout the source of the emergency,  
5 the Staff would not object to the admission of that conten-  
6 tion. But it is not yet clear where the boundary line is  
7 being drawn.

8 CHAIRMAN BECHOEFER: I would like to inquire whether  
9 the Commonwealth of Pennsylvania has anything to add on this  
10 contention, since its agency is one of the ones that is in-  
11 volved with this contention.

12 MR. DORNSIFE: Mr. Chairman, I can just make a  
13 few statements. I wasn't at the meeting where Mr. Gerusky  
14 apparently made the statement, and I don't doubt he may have  
15 made it, but maybe not in the context in which it was meant.

16 Since that time we have revised our procedures,  
17 so there is someone in the bureau available on call from the  
18 State Civil Defense Office. Like the attorney from the  
19 Applicant said, we are not on the direct list. The utility  
20 can evaluate the situation and directly contact the local  
21 Civil Defense and recommend an evacuation, just as the  
22 Bureau of Radiation Protection would do.

23 So although we would like to be involved in the  
24 situation, we are not necessary. We are desirable, but not a  
25 necessary link in the evacuation procedures.

mpb7

1 CHAIRMAN BECHOEFER: I don't think we can enter-  
2 tain further statements.

3 MR. NOTERMAN: I think there is a difference in  
4 evacuating people from a flood plain out of flood waters. But  
5 evacuating people away from the waste and irradiation, how far  
6 do you take them, and where? Just to a higher elevation? It  
7 won't do it. And they never had a sample evacuation in this  
8 area. They can't prove that they can do it.

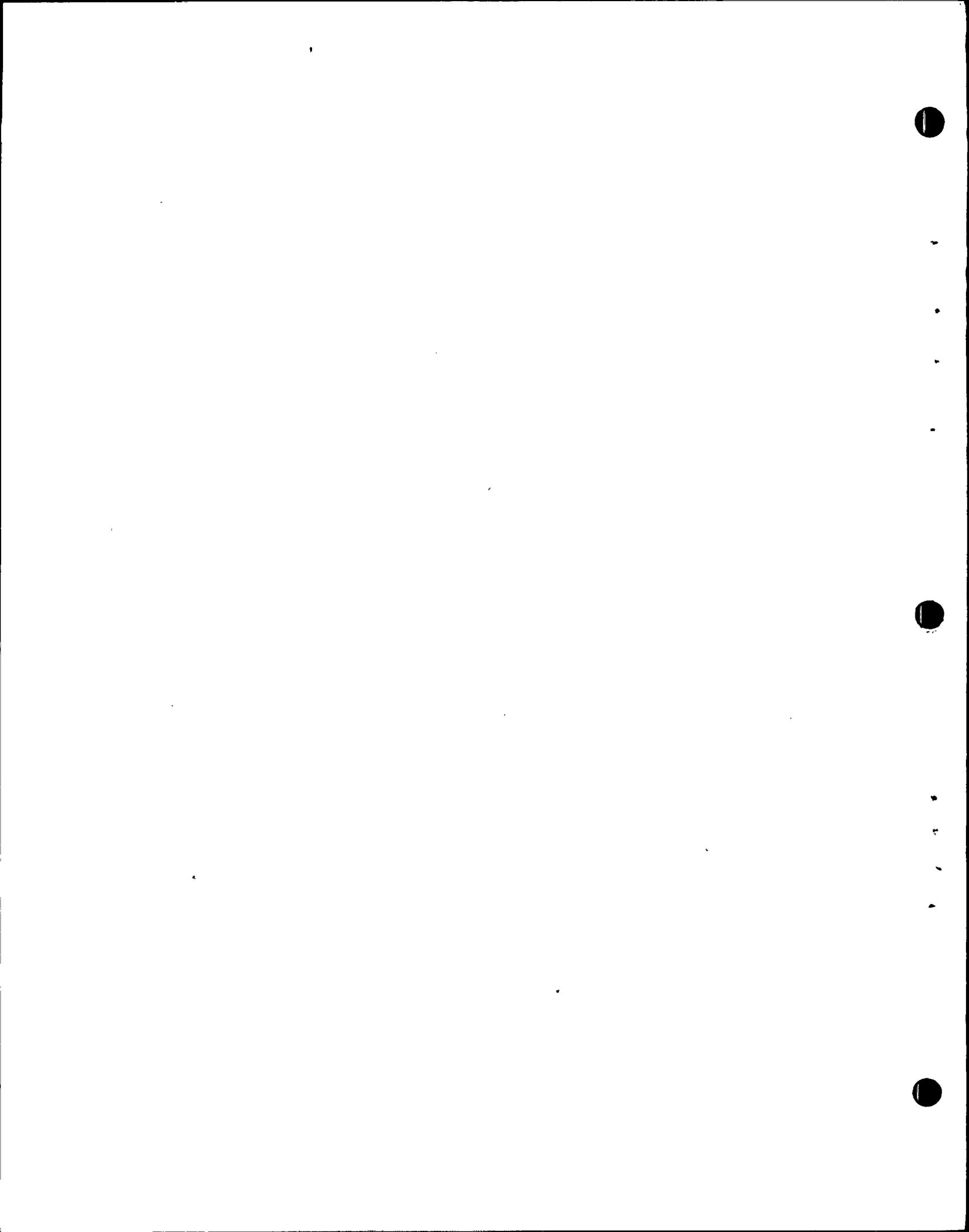
9 CHAIRMAN BECHOEFER: I don't think your statements  
10 are in order at this stage.

11 MR. NOTERMAN: I can't help it.

12 But you can't prove you can evacuate all the people  
13 in Wyoming County, 250,000 people, where are you going to put  
14 them? It's ridiculous.

15 CHAIRMAN BECHOEFER: Do any other petitioners or  
16 parties have any further comments on this, because we will go  
17 on to herbicides if not.

18 DR. JOHNSRUD: I'm not sure this will prove to be  
19 pertinent in your decision concerning this contention, but I  
20 would like to point out that in the Three Mile Island proceeding  
21 the Atomic Safety and Licensing Board did rule that intervenors  
22 would have an opportunity to cross-examine witnesses for the  
23 Commonwealth with respect to an ill-defined distance beyond  
24 the limits of the design basis post-accident evacuation area.  
25 Therefore the issue had been raised in that proceeding, both



mpb8

1 within the LPZ and beyond it, and was resolved in favor of  
2 permitting the cross-examination as it related to the ability  
3 of the officials of the county and the state to fulfill their  
4 obligations to protect the well-being of the residents of  
5 those political areas.

6 CHAIRMAN BECHOEFER: It's my understanding that  
7 in Three Mile Island the evacuation plan was based upon meet-  
8 ing the, it was either the state or the EPA criteria, which  
9 were lower than the Part 100 criteria.

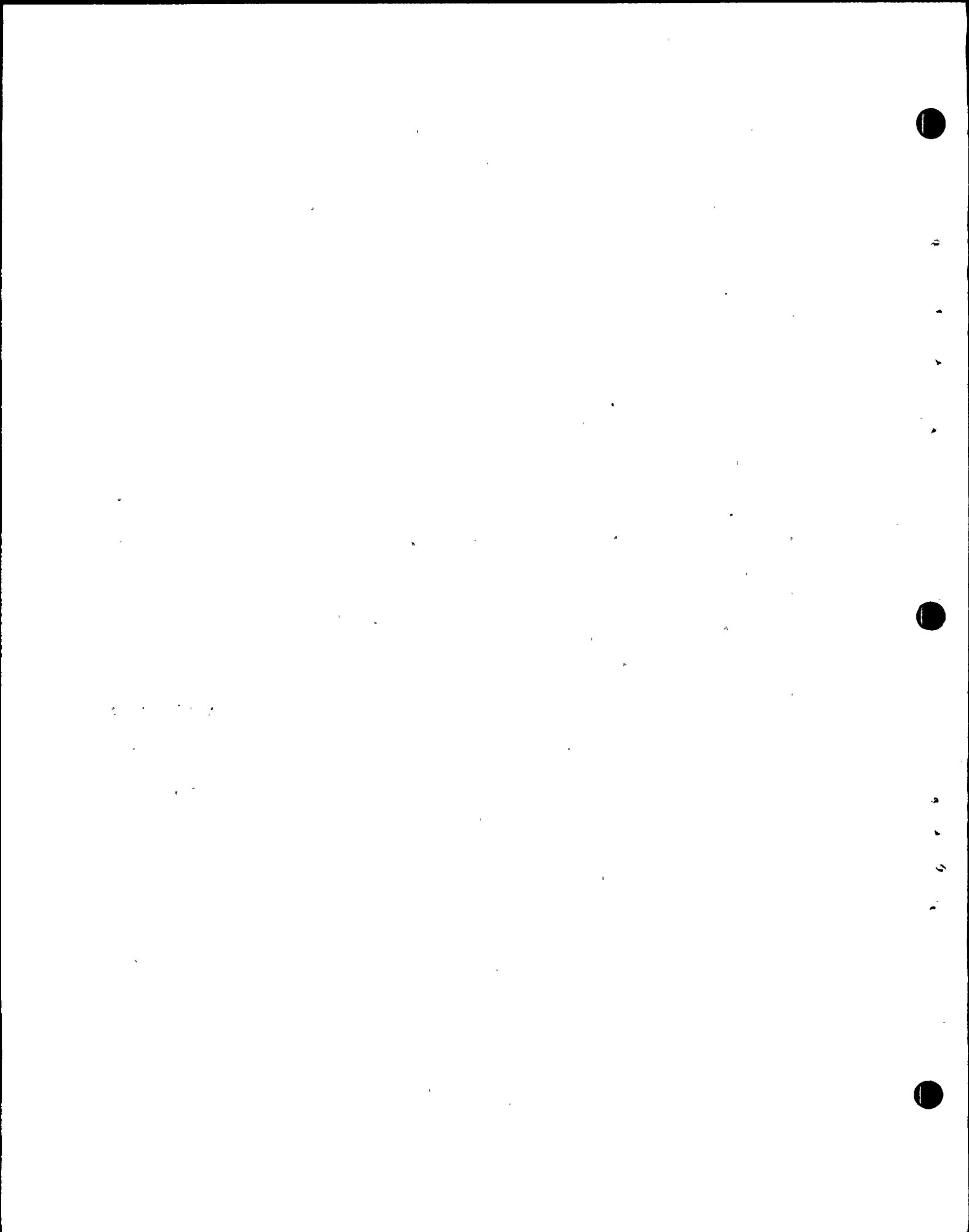
10 I wonder if the Staff knows what criteria are  
11 being applied to the evacuation in this particular plan. I  
12 know in Three Mile Island the area went out five miles, I  
13 think, instead of two or three, because of the lower EPA or  
14 state standards.

15 MR. CUTCHIN: I do not know what standards are  
16 being applied here, Mr. Chairman.

17 CHAIRMAN BECHOEFER: Do the Applicants know what  
18 standards their evacuation plan is based upon?

19 MR. SILBERG: Well, as I understand it, we are  
20 based on Part 100.

21 I believe in Three Mile Island it was not that  
22 they used lower standards, it's that they adopted a rather  
23 arbitrary and somewhat larger area in which to evaluate evacua-  
24 tions because of the particular population densities in that  
25 situation. Those densities are not present in this case.



mpb9

1 DR. KEPFORD: Mr. Chairman, as I recall Three Mile  
2 Island, it was the EPA's protective action guides which were  
3 to a certain extent adopted by the Commonwealth of Pennsylvania  
4 which were used as a guide for setting the limits on evacua-  
5 tion.

6 Perhaps Mr. Dornsife could elaborate on that issue.

7 MR. DORNSIFE: Not having attended the Appeal Board  
8 hearings, I don't really --

9 DR. KEPFORD: This was licensing.

10 MR. DORNSIFE: I don't recall that particular item.  
11 Our protection action guides are based on EPA recommendations.  
12 But I believe the evacuation procedures were only applied to  
13 the LPZ and considerations were given to a local town that is  
14 right on the border of the LPZ.

15 MR. CUTCHIN: Mr. Chairman, it is not clear how the  
16 information required by the agency responsible for making the  
17 determination would differ whether they're using the LPZ and  
18 some dose number or some further boundary with a different dose  
19 number.

20 CHAIRMAN BECHOEFER: Well, it was my understanding  
21 that in order to meet the EPA dose levels or the protective  
22 action guide dose levels, that evacuation somewhat beyond the  
23 LPZ had to be planned for. It was my impression that it went  
24 out about four or five miles rather than two or three.

25 DR. KEPFORD: 4.8 miles.

mpb10

1 CHAIRMAN BECHOEFER: I don't recollect all the  
2 figures.

3 DR. KEPFORD: It was 4.8 miles in that proceeding.  
4 The extent to which evacuation might take place under what  
5 was considered to be the design basis accident.

6 MR. CUTCHIN: However, Mr. Chairman, the Staff  
7 would still say until special circumstances are shown that  
8 would necessitate consideration of special planning measures  
9 outside the LPZ, there is no requirement for that. And they  
10 may have been shown in Three Mile Island, I do not know. The  
11 Staff does not believe that those -- that that demonstration  
12 has been made here.

13 CHAIRMAN BECHOEFER: Does the existence, the mere  
14 existence of protective action guides or EPA recommendations  
15 for such guides make a difference? Is that a special circum-  
16 stance which would supersede the Part 100 guides?

17 I think that's what's happened in Three Mile  
18 Island, as a practical matter.

19 MR. CUTCHIN: I do not believe so, sir, but I'm  
20 unprepared to address the facts at this point. I'm not that  
21 familiar with the facts.

22 DR. KEPFORD: Am I correct, Mr. Chairman, in  
23 assuming that the Staff is saying that there's one level of  
24 protection offered by perhaps the EPA's protective action  
25 guides in Three Mile Island and that the Staff will recommend

mpb11 1 a much lower level of protection for Susquehanna 1 and 2, the  
2 10 CFR Part 100 guide?

3 CHAIRMAN BECHOEFER: I don't think we're prepared  
4 to answer that at this stage.

5 We will be when we are ruling at the contention.

6 DR. KEPFORD: I just thought I'd ask.

7 CHAIRMAN BECHOEFER: Any further comments on this?  
8 If not, we'll go on to herbicides.

c7 9 My question on herbicides, my beginning question  
10 is what is different upon the planned use of herbicides now  
11 than it was back on the Construction Permit stage where the  
12 Licensing Board there did make a specific finding that the  
13 herbicides which were going to be used had I think it was no  
14 effect or little effect.

15 It says "selective use and application of registered  
16 herbicides to maintain rights-of-way should not cause environ-  
17 mental hazards", and then there's a citation.

18 VOICES FROM THE AUDIENCE: We can't hear you back  
19 here, sir. Please speak louder.

20 CHAIRMAN BECHOEFER: I'm sorry.

21 The initial decision at the Construction Permit  
22 stage made the following statement:

23 "Selective use and application of register-  
24 ed herbicides to maintain the rights-of-way should  
25 not cause environmental hazards."

mpb12

1 And there is a number of citations to where that  
2 comes from. I'm asking what has changed now which would  
3 justify taking up this question again.

4 DR. JOHNSRUD: Mr. Chairman, in examining the  
5 Applicant's Environmental Report subsequent to that period  
6 in a filing dated I believe January 26, 1976, Amendment 4, if  
7 my notes are correct here, following Part 5.5.3.4, which dealt  
8 with terrestrial and aquatic communities, I find a Part 4,  
9 entitled Environmental Effects of Plant Operation. Under  
10 Exhibit B, referring to vegetation, management specifications  
11 for initial cutting, removal, and trimming of vegetation,  
12 Point G, chemical control of vegetation, .1.A:

13 "Spraying to the point of runoff is  
14 imperative. The chemical solution shall  
15 consist of four gallons of 24.5-5T (four  
16 pounds acid equivalent per gallon of concen-  
17 trate) to 96 gallons of number two fuel oil."

18 I am not the chemist with our organization. How-  
19 ever it's my understanding from a general reading of the  
20 literature concerning the biological effects of 24 - 5T, that  
21 it is considered potentially hazardous to both the somatic  
22 and genetic health of persons exposed to it and their descen-  
23 dants.

24 Secondly, in the same Part, G, under .2.A, chemical  
25 growth inhibitors, we find, and I quote:

mpb13

1 "The use of chemical growth inhibitors  
2 on vegetation on or adjacent to the right-of-  
3 way shall be undertaken only when specified by  
4 the company."

5 And there is no further specification of the  
6 particular chemical growth inhibitors which would be presumably  
7 recommended by the company or by its subcontractor. There is  
8 only what I would say -- I would consider an empty assurance  
9 that there will be a following of the manufacturer's directions  
10 and governmental regulations.

11 I might add, in a previous section of this  
12 amendment to the Environmental Report where there is a dis-  
13 cussion of the potential for misuse of herbicides on the soils,  
14 we find the statement by the Applicant that misuse of herbicides  
15 may result in soil sterilization. The Applicant goes on to  
16 say:

17 "Should this occur, the right-of-way may  
18 become devoid of vegetation..."

19 And so forth.

20 The following statement is, then, simply:

21 "However, by following the manufacturer's  
22 directions and governmental regulations, soil  
23 sterilization does not result."

24 That's well and good, but I do not feel that this  
25 represents assurance that either the company itself or its

mpbl4 1

2 subcontractors will in fact be able to assure in that case  
3 the lack of soil sterilization. But more specifically in the  
4 case that we're concerned with, the impact upon the health and  
5 safety of members of the public who live in the vicinity or  
6 may traverse the area.

7 CHAIRMAN BECHOEFER: Do you happen to know whether  
8 any or all of the same information was considered at the  
9 Construction Permit stage in the Final Environmental Statement  
10 there?

11 The Final Environmental Statement is cited for the  
12 no danger statement I just read.

13 DR. KEPFORD: Could I add a comment to that, Mr.  
14 Chairman?

15 This is part of the problem, and that is there  
16 appears to be sort of a continuing habit on the part of the  
17 Applicant to ignore adverse information. This was referred to  
18 yesterday.

19 Part 51.20D of the Commission's rules and regs  
20 says that the Applicant must consider in its environmental  
21 reports adverse information. Well, it has only done so to an  
22 absolute minimal extent. And as a result, whatever informa-  
23 tion the Board had in that initial -- in the construction  
24 permit proceeding was obviously slanted, slanted such that the  
25 Board would grant the license.

There has been a tremendous amount of information

mpb15

1 which has been published in the literature on the effects of  
2 numerous of these pesticides -- herbicides, certainly includ-  
3 ing 24-5T, and one of the real problems with these is that they  
4 normally contain small amounts of tetrachlorodioxine.

5 Tetrachlorodioxine was the by-product that was  
6 released in the incident at Sorveso, and it may be hundreds of  
7 years even before residences, if ever, can be reclaimed there.  
8 Needless to say, the owners will have long since departed.

9 I think there has been an enormous amount of  
10 information concerning the mutogenic and teratogenic properties  
11 of these chemicals to seriously consider or reconsider whether  
12 or not their use should be allowed at all.

13 CHAIRMAN BECHOEFER: Could we hear from the  
14 Applicants on the herbicide contention.

15 MR. SILBERG: Yes.

16 I think it's interesting that ECNP really has  
17 confirmed that they have nothing new to add to this. In fact,  
18 their use of 24-5T was specifically discussed in Amendment 1  
19 to the Environmental Report which was before the Licensing  
20 Board at the Construction Permit hearing. And I would also  
21 note that Exhibit B, which Dr. Johnsrud was referring to as  
22 being new information, this is in Amendment 4, is actually a  
23 document dated June 1, 1970, as revised in May, 1973. So that  
24 I think we're hardly talking about anything that is new or  
25 startling.

mpb16

1 DR. JOHNSRUD: Mr. Chairman, the document I'm  
2 referring to, Amendment 4, was dated on the microfiche copy,  
3 which was the only thing available to me, dated January 26,  
4 1976.

5 MR. SILBERG: That's correct. And page 18 of the  
6 particular document that you're referring to shows a date of  
7 June, 1970. It happens to be included in a later environmental  
8 report amendment.

9 What I was saying was the earlier environmental  
10 report which was before the Licensing Board at the Construction  
11 Permit specifically addressed the use of 24-5T.

12 DR. JOHNSRUD: Having not been a party to the  
13 earlier proceeding, of course ECNP was rather seriously handi-  
14 capped by a lack of the preliminary Safety Analysis Report.

15 MR. SILBERG: Those documents, of course, are all  
16 in the Public Document Room.

17 DR. KEPFORD: In addition, Mr. Chairman, I would  
18 like to point out and repeat my point that if one indeed looks  
19 for new and startling information, the last place in the world  
20 one is going to find it is going to be in the filings of the  
21 Applicant.

22 CHAIRMAN BECHOEFER: I would like to ask Mr.  
23 Silberg:

24 Is it possible that we now know more about 24-5T  
25 than we did then?

mpb17

1 MR. SILBERG: I would hesitate to say that we know  
2 more about virtually everything today than we knew five years  
3 ago. But I haven't heard anything from the Intervenors which  
4 would warrant reopening the subject at this time.

5 Certainly to the extent that these are regulated  
6 herbicides by appropriate federal and state governmental  
7 agencies, to my knowledge, they are still approved by those  
8 agencies.

9 CHAIRMAN BECHOEFER: Does the Staff have any  
10 comment?

11 MR. CUTCHIN: Well, Mr. Chairman, as of the time  
12 of our reading this contention, of course, we did not have  
13 available to us a specific identification of which particular  
14 herbicide was being referred to. However, the Staff, now  
15 having heard this supplementary information, still does not  
16 see that the Petitioner has made the necessary demonstration  
17 that he is indeed raising new information of sufficient import-  
18 ance that if considered would either result in a different  
19 condition on environmental protection along rights-of-way, or  
20 that if there is no other way to do this necessary clearing  
21 the CBB would be tilted against issuance of the plant.

22 Of course, the Staff is interested in minimizing  
23 environmental impacts. But there are some that must be  
24 incurred. And I think the Petitioner has made no demonstra-  
25 tion of the necessity to reinject this issue into the

mpbl8

1 proceeding.

2 DR. JOHNSRUD: Could I ask, sir, is the Staff  
3 saying that we have to have made a showing that this item  
4 all by itself will be adequate to tip the CBA?

5 CHAIRMAN BECHOEFER: No, I don't think so. I  
6 think certainly in other proceedings one of the issues that  
7 has been litigated is whether a chemical herbicide should be  
8 used or alternatively mechanical means of clearing. That type  
9 of thing.

10 I think if Staff indicated that a different  
11 condition on clearing the right-of-way or keeping the growth  
12 down were called for, that might be an acceptable contention.

13 I think the Staff has indicated that it doesn't  
14 think enough information has been provided at this stage to  
15 formulate such a contention. But I don't think the Staff is  
16 opposing in principle the type of contention.

17 MR. CUTCHIN: That's certainly correct, Mr.  
18 Chairman. We are not opposing any method for minimizing  
19 environmental impacts.

20 CHAIRMAN BECHOEFER: Going on to Contention 9, I  
21 would like to find out exactly what we're being asked to  
22 consider here.

23 This seems to be something rather peculiar to a  
24 construction permit proceeding. The digging has presumably  
25 taken place already.

mpbl9

1 What are we being asked to consider here?

2 DR. JOHNSRUD: I was asked to include this conten-  
3 tion, Mr. Chairman, in consequence of information received by  
4 a member of our organization from an anthropologist who had  
5 undertaken some preliminary investigation of the initial site  
6 for the Bell Bend Station. In subsequent communication which  
7 is dated January 5 of 1979, this anthropologist indicates that  
8 he is unclear that an adequate identification and examination  
9 of the prehistoric Indian materials which might have underlain  
10 the upland site used by PP&L for the plant was undertaken  
11 prior to the construction. And his apparent conclusion is  
12 that there are still areas in the upland area which could be  
13 properly surveyed despite the amount of construction that has  
14 already taken place, that is within the boundaries of the site.

15 CHAIRMAN BECHOEFER: What I'm driving at, really,  
16 is this Board can't consider further construction. We have to  
17 assume that all the construction will take place as far as this  
18 Board is concerned.

19 So how does this contention fit into what our  
20 jurisdictional prerequisites are?

21 DR. JOHNSRUD: I think this addressed, or was meant  
22 to have been addressed in the final statement of the conten-  
23 tion, that we do believe the Board should require an independent  
24 review of the Applicants' archeological studies to determine  
25 the adequacy of the investigation of the site.

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CHAIRMAN BECHOEFER: Well, what happens then?  
What happens if we get a review?

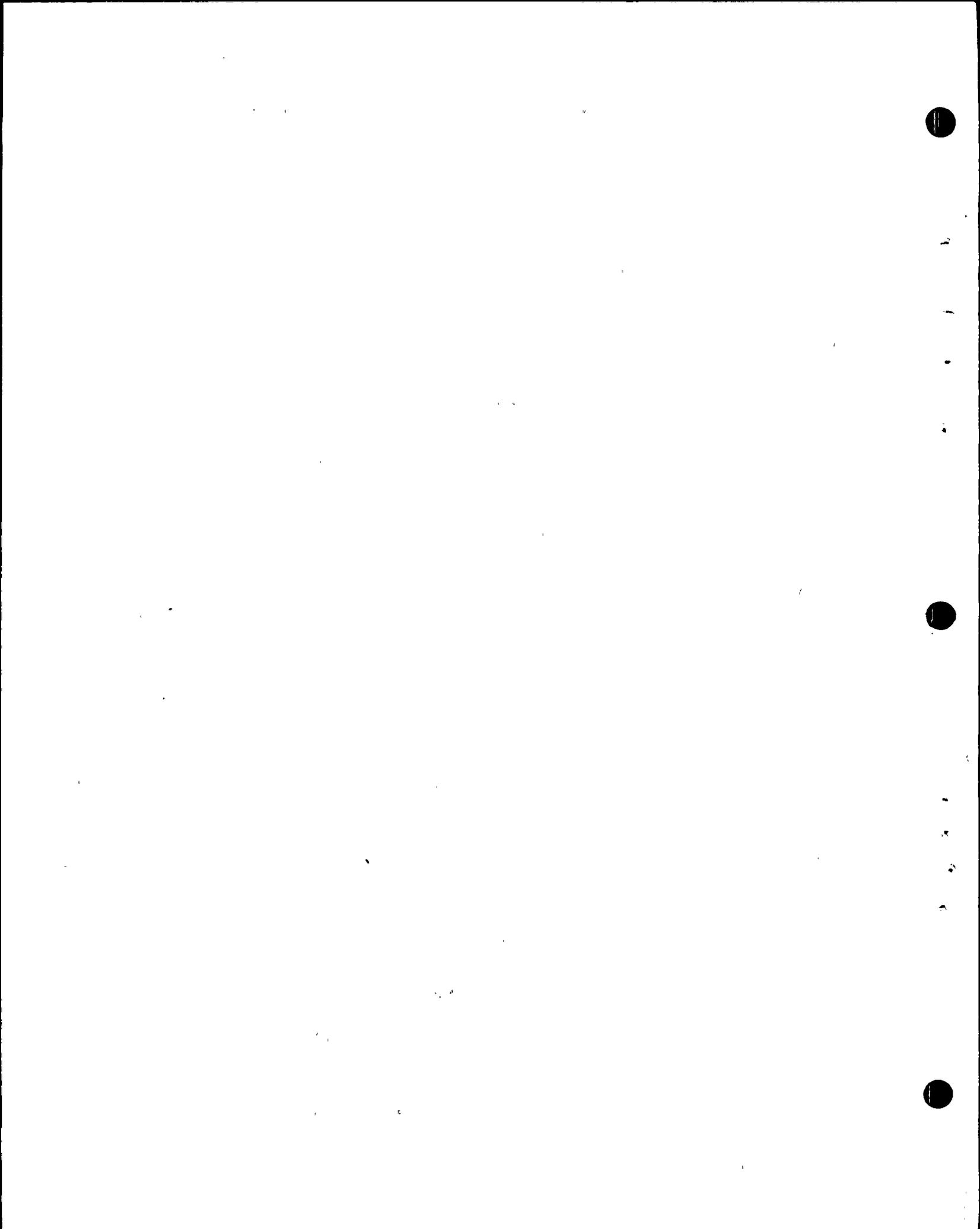
DR. JOHNSRUD: Well, presumably if you require such a review and the independent reviewers come to the conclusion that there are indeed artifacts that require investigation under the Antiquities Act of Pennsylvania or other governing law, we would be prepared to take that issue to the Commission and request a stay of further construction pending the completion of such a study.

CHAIRMAN BECHOEFER: Well, our decision won't come out until construction is virtually complete. It's not likely that this proceeding, the operating license proceeding will be finished much in advance of the completion of construction.

What I'm trying to ask you is what could we give you as a Board, as an Operating License Board?

DR. PARIS: As a matter of fact, right now isn't the damage done to any archeological artifacts that are there? The excavations I would assume have been essentially completed. Isn't that true?

DR. JOHNSRUD: Dr. Paris, if, for example, we may find by the end of this proceeding that -- or if Congress determines that additional spent fuel storage is required on the site, we may find that excavation and construction are far from complete at the Bell Bend Station, and therefore they



mpb21 1 may in fact be --

2 CHAIRMAN BECHOEFER: Well, we have no authority to  
3 authorize any further construction at all.

4 DR. JOHNSRUD: I understand, sir. But you would  
5 have the authority, I should understand, to require an inde-  
6 pendent review of the adequacy of the archeological investiga-  
7 tion.

8 DR. PARIS: Well, if they want to amend their  
9 license to expand their spent fuel pool storage capacities,  
10 there will be an opportunity at that point for Petitioners to  
11 ask for a hearing to consider just such a question as you're  
12 asking now.

13 DR. JOHNSRUD: Well, I only raise that as one  
14 possible -- I was asked about isn't construction essentially  
15 complete, isn't all the excavation already done at this site?  
16 I don't know that it is all done.

17 Let's say we had a continued hold-up of low level  
18 waste. Let's say that PP&L wants to build an incinerator at  
19 the site for the burning of low level waste on the site. There  
20 are many possible additional forms of excavation which may in  
21 fact take place at the site. We would say that it would be  
22 advisable for the review of the archeological condition of  
23 the site to have taken place now before the operating license  
24 is granted. That's all we're asking essentially in this  
25 contention.

7 ebl  
1 DR. PARIS: Mr. Cutchin, can PP&L carry out any  
2 kind of construction at the site other than what is right now  
3 specified in the construction permit without getting an  
4 amendment?

5 MR. CUTCHIN: Dr. Paris, it would depend on the  
6 type of construction. If, for instance, they were to build  
7 an additional warehouse that was not directly related to the  
8 nuclear plant, I'm not certain that they would have to come  
9 back to us. However, if they wanted to make modifications  
10 that they could not normally make under the 50.59 type de-  
11 termination, then there arises a question as to what they can  
12 and can't do.

13 But major structural modifications, it is unlikely  
14 that a prudent Applicant would begin such modifications before  
15 at least coming to the Commission to discuss the matter with  
16 us.

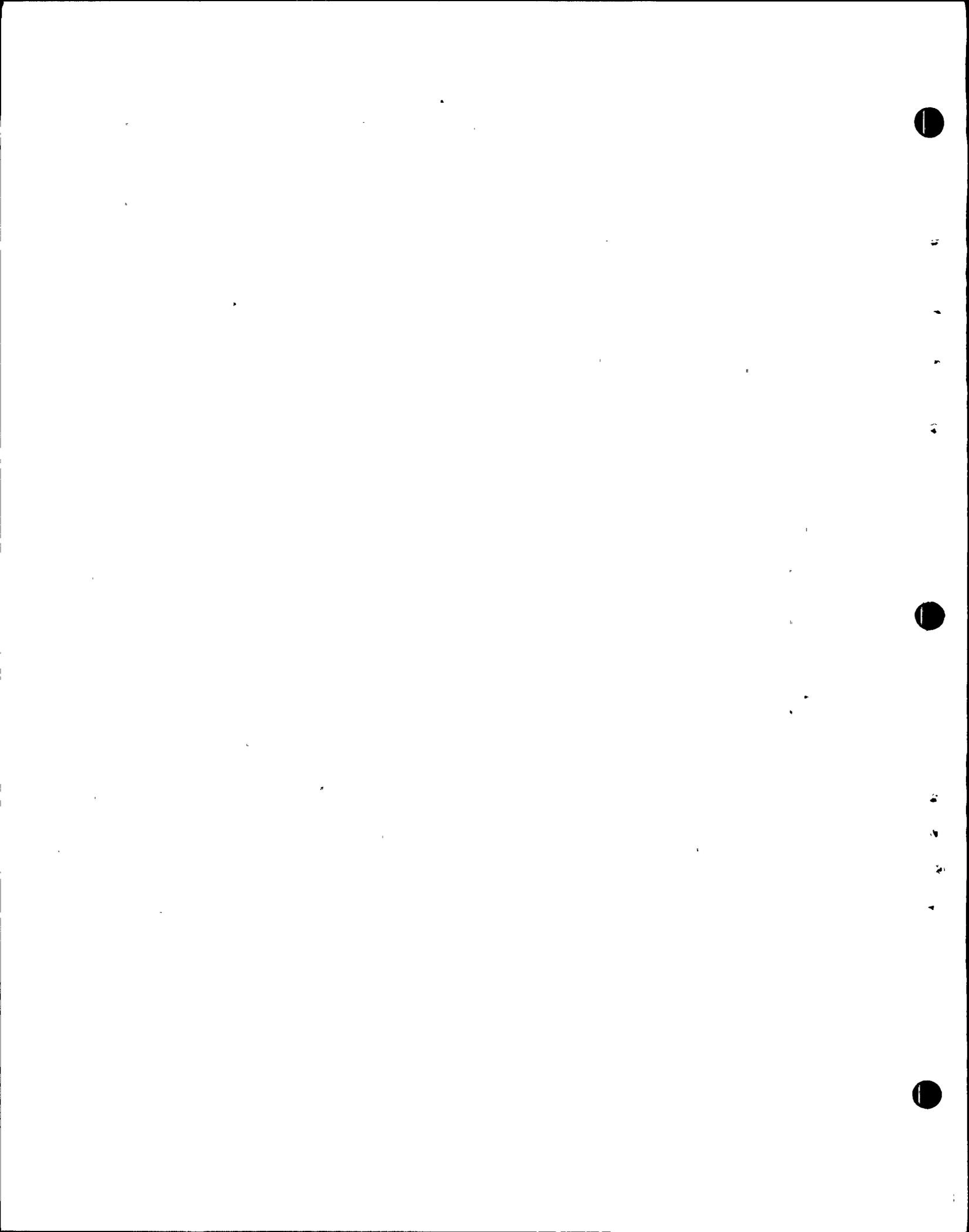
17 DR. PARIS: They could, say, clear, do some exca-  
18 vating to put up a warehouse or something like that; is that  
19 right?

20 MR. CUTCHIN: That's a possibility.

21 DR. PARIS: Thank you.

22 MR. CUTCHIN: But even so, I would still say clearly  
23 that matter does not lie within the jurisdiction of this Board  
24 to consider at the moment.

25 DR. JOHNSRUD: I would like to add, if I might, it



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1 would appear to me that in the cleanup of the construction  
2 activities there may be regrading, smoothing, leveling, seed-  
3 ing and so forth in the vicinity of the actual construction  
4 and the environs on the site.

5 CHAIRMAN BECHHOEFER: Again I don't think that's  
6 within our jurisdiction either. That comes under the con-  
7 struction permit. We're just considering whether this plant  
8 can operate.

9 DR. JOHNSRUD: Fine.

10 CHAIRMAN BECHHOEFER: Did the Applicant have any  
11 comments?

12 MR. SILBERG: I have nothing to add.

13 CHAIRMAN BECHHOEFER: Mr. Cutchin, anything further  
14 on this one?

15 MR. CUTCHIN: Nothing further.

16 CHAIRMAN BECHHOEFER: Going on to Number 10, which  
17 I read as a challenge to numerous of the generic safety ques-  
18 tions, I would like to ask the Applicant and the Staff on this  
19 one: In view of the-- I realize the Applicants have agreed  
20 that several parts of this are admissible, but I would like  
21 to ask whether or not -- or in view of the obligations which  
22 the Appeal Board has imposed on Licensing Boards with respect  
23 to so-called unresolved generic safety questions, and I'm  
24 referring basically to the North Anna decision and the previous  
25 River Bend decision, do we not have to look at all of these

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1 unresolved questions on our own if they are not raised by a  
2 party?

3 I mean assuming a hearing is held at all, do we not  
4 have to at least establish to our satisfaction that a plausible  
5 -- I think that was the word the Appeal Board used -- plausible  
6 solution to the particular unresolved safety question, the  
7 ones applicable to the particular type of reactor, do we not  
8 have to be satisfied that those are taken care of?

9 MR. SILBERG: I haven't looked at either of the two  
10 decisions recently. My recollection --

11 CHAIRMAN BECHHOEFER: North Anna was last August,  
12 and I think River Bend was November.

13 MR. SILBERG: My recollection is their direction  
14 really goes to the Staff to address in its SER the status of  
15 these so-called generic issues and how they are resolved for  
16 the individual plant.

17 It's the Board's jurisdiction under 2.760(a) which  
18 gives it the authorization to deal with serious safety or  
19 environmental questions they happen to come across or that  
20 happen to come to their attention. I would think it's not  
21 automatically attached just because an issue happens to be  
22 labeled "generic" or "unresolved."

23 The Board I think would have the obligation to  
24 look at the Staff's Safety Evaluation Report and only if,  
25 based on that document, the Licensing Board were still



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1 concerned that notwithstanding the Staff's evaluation of those  
2 issues there still remained a serious safety question, at that  
3 point it might be appropriate for the Board to go further.

4 But as for the Board automatically looking at any  
5 issue that happened to have the label of "unresolved generic  
6 issue" attached to it goes beyond I think the intent of the  
7 Appeal Board in either of those two decisions.

8 CHAIRMAN BECHHOEFER: Mr. Cutchin, any comments?

9 MR. CUTCHIN: I agree basically with that repre-  
10 sentation, Mr. Chairman, that the Board does look at what the  
11 Staff does and then makes its determination as to whether the  
12 Staff has done enough. And at that point you decide whether  
13 we need to do more, or whether you need to do more.

14 CHAIRMAN BECHHOEFER: I take it at this stage the  
15 Staff has not in this case at least addressed the generic  
16 safety issues applicable? Your SER, I take it, on this sub-  
17 ject has not come out yet?

18 MR. CUTCHIN: It's many months hence, Mr. Chairman.  
19 I believe the presently scheduled date for our publication  
20 of the SER is in late 1980. That date of course is subject to  
21 change. At this point it's speculative, but it is certainly  
22 not going to be upon us in the next few months. The Staff is  
23 still doing its review.

24 CHAIRMAN BECHHOEFER: If we should allow a general  
25 contention such as this on generic safety questions, would it

eb5

1 be a useful procedure to, after the Staff comes out with its  
2 Safety Evaluation, then to ask the Intervenors to particularize  
3 any that they disagree with? Wouldn't it be a useful proce-  
4 dure to admit a general contention on unresolved generic safety  
5 issues and then allow -- Once the resolution by the Staff at  
6 least comes out, then allow the Intervenors to specify which,  
7 if any, they disagree with?

8 This is a procedure the Staff recommended in  
9 another case in which I took part.

10 MR. CUTCHIN: I'm unfamiliar with what the Staff  
11 may have recommended in another case, Mr. Chairman, but as  
12 far as leaving the door open that broadly, that would say in  
13 effect that all a Petitioner need do is come into the door at  
14 the time that an opportunity for hearing arose and say We  
15 may have some problems with any of dozens of issues, and if  
16 you'll give us an opportunity to wait and see what the SER  
17 and the EIS and so forth say, then we'll raise our contentions  
18 then.

19 Clearly I think, Mr. Chairman, there is no right  
20 accruing to Petitioners to wait and see everything that the  
21 Staff does before they must raise their contentions. Of course  
22 the Board has discretion and great leeway to give Intervenors  
23 the opportunity to amend their petitions after they are ad-  
24 mitted as parties. We could face that issue when it arises,  
25 but I would hate to see the Board at this point leave the door



eb6

1 that wide open.

2 DR. KEPFORD: Could I get in here, Mr. Chairman?

3 CHAIFMAN BECHHOEFER: Why don't you say something,  
4 Dr. Kepford, and then I want to hear from Mr. Silberg. I  
5 don't want to cut anybody off.

6 DR. KEPFORD: Okay.

7 First off, in the Staff's comments on Contention  
8 10 they say we are not permitted to incorporate massive  
9 documents by reference. In the statement of contentions we're  
10 not trying to introduce any massive documents in the proceed-  
11 ing. These documents referenced in Contention 10 are listed  
12 there for the convenience of the Board and the other parties  
13 to find out if there is some basis to what we are saying.

14 Now with regard to the two particular NUREG reports  
15 there, they came out in 1977 as I recall, and they addressed  
16 some number, 17 and 26 unresolved safety items I believe.  
17 I have read and re-read those particular items trying to find  
18 out just what was the particular problem with those safety  
19 issues addressed by the Staff in those documents. And,  
20 Mr. Chairman, I came up with a blank as far as being able to  
21 go into more specificity for this contention because those  
22 documents contain so much meaningless rhetoric that the parti-  
23 cular safety problems were very well disguised.

24 Now I would like to have been much, much more  
25 specific with regard to safety problems in these reactors.

eb7

1 The safety problems that are known apparently are being very  
2 well disguised by the Staff, and certainly if this contention  
3 were allowed in, I would certainly be interested in getting  
4 much deeper details from the Staff with regard to the generic  
5 problems of boiling water reactors, certainly including the  
6 Mark-2 containment system, but that information is certainly  
7 not available in the reference documents, and that's the best  
8 source I know of to go to.

9 CHAIRMAN BECHHOEFER: Well, have you seen the  
10 document that's titled NUREG-0410, which is the report to  
11 Congress?

12 DR. KEPFORD: Of January of this year? I have not.  
13 I'm not on their mailing list.

14 CHAIRMAN BECHHOEFER: The issues were intended to  
15 be limited to the so-called Category A tasks that are there  
16 listed. Those are the ones which the Appeal Board I think  
17 dealt with at North Anna, and I wondered-- I think the ones  
18 you specifically named are all included in this particular  
19 listing.

20 DR. KEPFORD: Well, not having seen that document--  
21 Again this is a problem that Intervenors face. A lot of these  
22 things, while they are in principle publicly available, are  
23 only available through NTIS. I haven't seen that particular  
24 document. -- and at an outrageous price.

25 CHAIRMAN BECHHOEFER: This one is \$14.50.

1 DR. KEPFORD: That's outrageous.

2 MR. CUTCHIN: I would take in sum what the Peti-  
3 tioner has just said to be an admission that he has no specific  
4 contention at this moment, and I would go further to say that  
5 it makes it almost impossible for the other parties to know  
6 exactly what issues they must address without a broad, specu-  
7 lative view on their part, and therefore, they have to  
8 address everything that may possibly come up.

9 I do not believe that this Petitioner has provided--  
10 Even considering the great leeway given to Petitioners not  
11 represented by attorneys, I do not believe that they have  
12 given adequate specificity to enable the parties to meet what-  
13 ever contention it is they seem to be seeking to try to raise.

14 CHAIRMAN BECHHOEFER: Well, the question I was  
15 asking you before then was after you've come up with your  
16 Safety Evaluation, which I assume will include all of these,  
17 at least all the applicable generic, at least Category A tasks  
18 as directed by the Appeal Board in River Bend and in North  
19 Anna, is that not the time-- Do Petitioners have any infor-  
20 mation at all now to know whether these problems have been  
21 solved or not?

22 I understand a lot of them are not even dealt with  
23 in the FSAR and comparable documents. They may or may not be  
24 but I understand 100 percent of them are normally not dealt  
25 with, and that the Commission is considering some of these on

1 a generic basis, but we'll have to have solutions to all of  
2 them before operation is authorized.

3 MR. CUTCHIN: I can only repeat, Mr. Chairman,  
4 I think it is not necessary that the Intervenors, if they  
5 are admitted as Intervenors, be satisfied that their concerns  
6 have been resolved. That of course is the Board's responsi-  
7 bility and of course the Board has discretion at that point in  
8 time if they choose to allow Intervenors to amend their  
9 petition. More I cannot say at this point.

10 CHAIRMAN BECHHOEFER: Mr. Silberg, I guess you've  
11 been waiting for a while.

12 MR. SILBERG: Well, I think we've addressed the  
13 specific issues which have been raised in Contention 1.0, and  
14 we would rest on our statement of the specifics as set forth  
15 in our response.

16 I just would like to respond generally to your  
17 question about awaiting the Staff's evaluation before specify-  
18 ing contentions.

19 Regardless of what the Staff may have said in  
20 another proceeding, that would clearly turn the whole process  
21 on its head. The Commission in setting up the whole early-  
22 notice process, starting these proceedings early, made it very  
23 clear that we were not to wait until Staff documents came out  
24 for the filing of contentions.

25 That kind of argument was specifically rejected

eb10

1 when the Commission established the early-notice procedure.  
2 The whole point of getting started now is to identify what the  
3 problems are and let's start looking at them. Let's not  
4 wait until the last minute and then be faced with a flood of  
5 issues; let's get them out on the table now.

6 If the Petitioners feel there are problems, let  
7 them state the problems. Let them state them as required by  
8 the regulations, and let's get on and litigate them.

9 CHAIRMAN BECHHOEFER: Well, in view of the status  
10 of the so-called unresolved generic issues, what information  
11 would the Petitioners have at this time in order to determine  
12 whether the issue has been satisfactorily resolved or not?

13 MR. SILBERG: Well, for instance, we can look at  
14 overpressurization of the pressure vessel. Now they have  
15 cited NUREG-0138 as one of the source documents. If one looks  
16 at overpressurization, issue Number 15 in that document, one  
17 determines rather quickly that the issue only related to  
18 pressurized water reactors. We're not dealing with a pressurized  
19 water reactor here.

20 CHAIRMAN BECHHOEFER: Yes. I think I limited my  
21 remarks to those that are applicable to the type of reactor.

22 MR. SILBERG: We're dealing with the issues that  
23 they have identified in Contention 10, and overpressurization  
24 is one of them, and they cite as the basis 0138.

25

And yet if one looks at the basis on is hard-pressed

011

1 to find that it is applicable. If one looks at other of these  
2 issues I think one can see quite clearly that they are  
3 challenges to the Commission's determination on reactor  
4 pressure vessel failure or, to the extent it deals with ATWS,  
5 that may be an issue now but it may also be the subject of  
6 rulemaking which the Staff at least has announced will start  
7 this May.

8 CHAIRMAN BECHHOEFER: Well, we recognize that rule-  
9 making can alter the scope of --

10 MR. SILBERG: Well, there is certainly much infor-  
11 mation out.

12 For instance, the contention cites WASH-1270 in  
13 its discussion of ATWS but chooses not to cite or isn't aware  
14 of or ignores the much more recent Staff document, NUREG-0460  
15 which is the current Staff position on ATWS.

16 There is much information on all of these issues.

17 DR. KEPFORD: Again the fact that the Staff infor-  
18 mation is available to the Applicant does not at all mean that  
19 it's available to the Intervenors. The Intervenors simply do  
20 not have the capital and certainly not the time to visit the  
21 Public Document Room to see -- 200 miles away to see what's  
22 new every day, as Counsel for the Applicant clearly can.

23 In addition some reference was made to the fact  
24 that the Intervenors, ECNP, are not represented by legal  
25 attorney. If we had our hand in the public till and enormous

eb12

1 amounts of money behind us we would certainly be represented  
2 not by legal counsel but by expert legal counsel.

3 We do not have our hand in the till and so we have  
4 to go with what we have.

5 DR. JOHNSRUD: Mr. Chairman, might I just add that  
6 Mr. Silberg has characterized Dr. Kepford's contention here,  
7 our contention here, as referencing the overpressurization  
8 problem to NUREG-0138.

9 I would point out to you that there are a good  
10 dozen lines of contention text between his reference to over-  
11 pressurization and the final comment: "See for general  
12 referen b materials NUREG-0138, 0153, among others."

13 So I really feel there has been perhaps a mis-  
14 characterization of this reference as if it were specifying  
15 overpressurization to this document.

16 CHAIRMAN BECHHOEFER: Just considering over-  
17 pressurization though, I assume that's one that has been charac-  
18 terized as applicable to pressurized water reactors only. Do  
19 you have any comments on that? We of course consider or would  
20 want to consider only problems that relate to this type of  
21 reactor, the General Electric reactor which we have under con-  
22 sideration.

23 DR. KEPFORD: Well, Mr. Chairman, I would certainly  
24 hope so. I would not want to drag PWR problems -- BWRs have  
25 enough of their own -- into this proceeding. And if indeed I

1 have goofed up and this is a PWR issue, I would certainly be  
2 willing to withdraw it.

3 CHAIRMAN BECHHOEFER: Okay.

4 DR. KEPFORD: I don't think I have but I do not  
5 have the exact reference for that particular issue with me.

6 CHAIRMAN BECHHOEFER: Are there further comments  
7 on generic safety issues?

8 (No response.)

9 The next one. I would like Dr. Johnsrud or  
10 Dr. Kepford to explain what are you driving at here? Can you  
11 be more specific? Is the Applicant doing anything that is not  
12 permitted by the regulations or not contemplated by the regu-  
13 lations?

14 DR. KEPFORD: My reading of the single-failure  
15 criteria comes from one paragraph in Appendix A of 10 CFR  
16 Part 50, and it seems to me that it states that in order to  
17 get an operating license, a reactor has to meet the single-  
18 failure criterion.

19 The concern here is that that simply might not be  
20 enough, that indeed multiple failures of systems, boiling  
21 devices and so on, and indeed simultaneous failures have  
22 occurred. This subject is addressed, as I reference here, in  
23 the testimony of Dr. David Okrent, who is certainly a long-time  
24 member of the Advisory Committee on Reactor Safeguards, in  
25 1975.

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1                   And that's the basis for this contention, that  
2 reliance on the single-failure criterion is simply not enough  
3 when others do occur and are known to occur and have occurred.

4                   CHAIRMAN BECHHOEFER: Do the Commission regulations  
5 though permit reliance on single failure?

6                   DR. KEPFORD: I think they permit reliance on  
7 single-failure criteria to the ignoring of multiple failures.

8                   CHAIRMAN BECHHOEFER: I'm trying to decide if this  
9 is a challenge to the Commission regulations.

10                  DR. KEPFORD: No, I certainly don't read the regu-  
11 lations as precluding multiple failures or consideration of  
12 multiple failures.

13                  CHAIRMAN BECHHOEFER: Also, do you have any speci-  
14 fic areas where you think single failures should not have been  
15 relied on, or do you contend that it should never have been  
16 relied on?

17                  DR. KEPFORD: No, I don't consider they should never  
18 be relied on to the exclusion of multiple failures. I think  
19 they should certainly be considered as the rules rightfully  
20 suggest. However, I don't think it should be sole reliance  
21 and that's what the point of this contention is.

22                  CHAIRMAN BECHHOEFER: The Applicant?

23                  MR. SILBERG: I think it's a challenge to the  
24 criteria.

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1 CHAIRMAN BECHHOEFER: Mr. Cutchin?

2 MR. CUTCHIN: Mr. Chairman, as I have read the con-  
3 tention I thought that it lacked specificity, and as the  
4 Petitioner now explains it, it appears to me that it may well  
5 be a challenge to the regulatory scheme.

6 CHAIRMAN BECHHOEFER: Turning now to decommission-  
7 ing, Number 12, I wondered whether the Environmental Coalition  
8 has any comments on --

9 VOICE: We can't hear you.

10 CHAIRMAN BECHHOEFER: Do you have any comments on  
11 the positions of the Applicant and the Staff which essentially  
12 I believe said that except for specific costs, decommissioning  
13 is not -- the details of decommissioning are not a subject that  
14 can be dealt with in an operating license proceeding.

15 I assume you've read their responses.

16 DR. KEPFORD: One thing I would like to say about  
17 the subject and that is it would probably be best included  
18 with Contentions 1 and 2 because after all it is-- The bulk  
19 of the reactor to be decommissioned will be after all radwaste  
20 and it's dealt with to a certain extent in Table S-3 wherein  
21 the health effects, while in principle-- quantities of radio-  
22 active materials in the reactor are in principle included  
23 but the health effects are not, nor of course are the costs.

24 CHAIRMAN BECHHOEFER: Are you challenging the  
25 monetary costs of decommissioning that the Applicant has set

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A Central Reporters, Inc.

eb16

1 forth? I know one of the other Petitioners is but I'm just  
2 wondering whether your contention was also.

3 DR. KEPFORD: I think the answer would have to be  
4 Yes.

5 CHAIRMAN BECHHOEFER: Does the Applicant care to  
6 comment?

7 MR. SILBERG: No, I guess I don't have a problem  
8 in looking at Contentions 1 and 2 as a general discussion on  
9 health effects of radioactivity, as long as when the Board  
10 issues its prehearing conference order it sets forth what we're  
11 actually going to talk about, and that's not very clear when  
12 I look at Contention 12.

13 But you know, we have agreed that we don't have  
14 any objection to litigating health effects in the context of  
15 Contention 1 and I don't think we would have, if I understood  
16 what the scope is going to be, to litigating the health effects  
17 in the context of anything else.

18 To the extent we're talking about challenging  
19 monetary costs, I would just have to think that Contention 12  
20 is a little too vague and unspecific to tell me what problems  
21 they have with our monetary cost assessment would be to make  
22 an acceptable contention.

23 CHAIRMAN BECHHOEFER: I think you have agreed that  
24 someone else's contention on this subject was adequate.

25 MR. SILBERG: Well, under the Prairie Island

eb17

1 ruling of course one Intervenor can cross-examine the conten-  
2 tion of another Intervenor so long as they have convergent  
3 interests.

4 CHAIRMAN BECHHOEFER: Correct.

5 Does the Staff care to comment?

6 MR. CUTCHIN: Mr. Chairman, I can't go much beyond  
7 what I stated in my response. However, it appears now he may  
8 be interjecting a question as to whether the decommissioning  
9 costs are of such magnitude that if properly considered, may  
10 tilt the cost-benefit balance against the issuance of operating  
11 licenses.

12 Is that an issue that is now being sought to be  
13 raised?

14 DR. KEPFORD: I'd like to call Counsel for the  
15 NRC Staff's attention to page 10 of our petition, Contention 12,  
16 the very first sentence which discusses this.

17 MR. CUTCHIN: However, it is discussed in such  
18 broad terms, Mr. Chairman, that it was unclear to the Staff as  
19 to whether it was a generalized contention including all of the  
20 many things listed there, or is it now being narrowed to con-  
21 sideration of just the decommissioning costs?

22 DR. KEPFORD: Well, it seems to me, Mr. Chairman,  
23 certainly decommissioning would be one portion of the cost  
24 portion of the cost-benefit analysis of this facility. I sort  
25 of get the impression at times that there are about 50 different

eb18

1 cost-benefit analyses in this type of proceeding wherein all  
2 the benefits are stacked up on one side and individual costs  
3 are then marched up one at a time and compared to this benefit  
4 and shown to be small and then swept aside and never summed.

5 And I think that's what the Staff is trying to put  
6 over here. Certainly decommissioning cost is one portion of  
7 the cost.

8 MR. CUTCHIN: The Staff is merely seeking specifi-  
9 city, Mr. Chairman, as to what issue it must meet in the pro-  
10 ceeding. And we unable at the moment to clearly focus on what  
11 the issue will really be.

12 I leave it to the Board to decide this. That's all.

13 CHAIRMAN BECHHOEFER: At this point I believe we  
14 are through with the ECNP contentions. It might be a good time  
15 to break for lunch. And as soon as we return we'll start with  
16 the Susquehanna Alliance.

17 I understand that there's a cafeteria about a block  
18 and a half from here, and we can get reasonably fast service.  
19 Let's try an hour and 15 minutes. It's 12:30 now. Let's return  
20 by 1:45.

21 (Whereupon, at 12:30 p.m., the prehearing con-  
22 ference in the above-entitled matter was recessed to  
23 reconvene at 1:45 p.m. the same day.)

2c

## AFTERNOON SESSION

(1:45 p.m.)

mpbl

1

CHAIRMAN BECHOEFER: We'll come to order.

2

I had a request for further limited appearance of a

3

Daniel Merrill.

8.050

4

Why don't you come forward, please, up where the

5

Reporter can hear you?

6

LIMITED APPEARANCE STATEMENT OF DANIEL MERRIL,

7

PRESIDENT, WAYNE PIKE AUDOBON SOCIETY

8

MR. MERRIL: Mr. Commissioner, my name is Daniel

9

R. Merrill. I'm president of Wayne Pike Audobon Society, and

10

I represent the Board of Directors and the membership of that

11

society.

12

I'm also a stockholder in Pennsylvania Power and

13

Light Company.

14

We vigorously oppose further construction of the

15

nuclear power plant at Berwick.

16

I would quickly like to read the brief words of

17

four prominent environmentalists.

18

One, Douglas LaFallot, Secretary of State of the

19

State of Wisconsin:

20

"Despite much posturing and sleight of hand

21

accounting, nuclear proponents have not dispelled

22

the serious cost and safety problems associated with

23

nuclear power. A recent task force representing

24

14 agencies admitted that at present no one has

25

an answer to the permanent waste storage problem.

mpb2

1           Reprocessing spent nuclear fuel, contrary to  
2           popular belief, does not alleviate the waste  
3           storage problem. In fact, the reprocessed fuel,  
4           plutonium, is the most highly toxic substance  
5           known to society."

6                     Two, the Honorable Joseph M. McDade, Congressman  
7           of the 10th Congressional District, Pennsylvania. Says Mr.  
8           McDade:

9                     "I am particularly concerned about the  
10           accumulation of extremely poisonous wastes that  
11           are a byproduct of nuclear reactors. Without  
12           proven methods for long term safe disposal of  
13           nuclear waste, this nation must face the hard  
14           questions of whether nuclear generation of  
15           energy can continue."

16                    Number three, Pike County Commissioners:

17                    "The Nuclear Regulatory Commission, DOT,  
18           The Materials Transportation Bureau, the EPA, and  
19           all state, regional, and local agencies should work  
20           to reduce the threat of radioactive nuclear wastes  
21           rather than encouraging the proliferation of this  
22           deadly material."

23                    Number four, Mark P. Widoff, consumer advocate,  
24           the State of Pennsylvania Department of Justice:

25                    "I came into the job with no real biases

mpb3

1 for or against nuclear power plant development.  
2 In the course of my work I have identified at  
3 least the following problems: almost mind-boggling  
4 increases in construction costs, dramatic and un-  
5 expected increased depreciation costs caused by  
6 shorter useful life projections, dramatic increases  
7 in fuel costs, unexpectedly low efficiency factors  
8 which are related to unexpectedly high maintenance  
9 and operating expenses, dismantling costs that  
10 boggle the imagination, fuel disposal problems that  
11 have defied rational solution and suggest further  
12 enormous cost for our children, not to mention  
13 safety and health problems that seem to become  
14 more serious as our pitifully inadequate under-  
15 standing grows of the dangers of increased radio-  
16 activity on this earth."

17 And last, number five, Director of Office of  
18 Technology Assessment, former governor of Delaware, Russel W.  
19 Peterson:

20 "Have you noticed how the current energy  
21 establishment resists change in the United States  
22 and downplays solar energy? This is standard  
23 behavior. Never assign a new development to an  
24 organization that would feel threatened by success  
25 of the new. Almost invariably they will kill it.

mpb4

1 Assign it, rather, to those that believe in it  
2 and whose future would be enhanced by the success  
3 of the new venture.

4 "Today we are at a critical juncture in  
5 the energy field. The rapidly approaching de-  
6 mise of the oil and natural gas era makes it  
7 essential that in addition to all-out conserva-  
8 tion of energy, we develop over the next few  
9 decades a major alternative long term energy  
10 source. The world has only two choices: to go  
11 down the nuclear breeder reactor route or down  
12 the safe energy route based primarily on renew-  
13 able energy resources."

14 Governor Russel W. Peterson.

15 Thank you very much, gentlemen.

16 (Applause:)

17 CHAIRMAN BECHOEFER: We'll now turn to the conten-  
18 tions of the Susquehanna Environmental Advocates, SEA.

19 MR. MILLER: Mr. Chairman, Colleen Marsh has just  
20 informed me that she would prefer to go before me, if that's  
21 possible.

22 CHAIRMAN BECHOEFER: It's certainly possible.

23 Do you have any objection?

24 MR. MILLER: No, I have no objection.

25 CHAIRMAN BECHOEFER: All right. Go ahead.

1 Starting with Colleen Marsh's Contention 1A, this  
2 is the question of pump flywheel missiles. The Applicant  
3 has taken the position, as I understand it, that there are no  
4 pump flywheels on this reactor.

5 Is this correct?

6 MR. SILBERG: That's correct. There are no  
7 flywheels on the recirculation pumps, nor do we have the  
8 electrical braking which the contention identifies as something  
9 we have proposed to prevent the problem.

10 And as I think we quoted from one of the NRCs  
11 recent reports on generic issues, the description of this  
12 event, that the contention describes appears to be a  
13 pressurized water reactor problem rather than one from boiling  
14 water reactors.

15 CHAIRMAN BECHOEFER: Do you have a response to that  
16 position?

17 MS. MARSH: I'm not sure I have it clear. Is he  
18 saying that none exists on this type of reactor, or that there  
19 is a safety system to prevent anything from happening like this?

20 MR. SILBERG: No, our answer says there are no  
21 flywheels in what I think you're referring to, the coolant  
22 pumps, nor do we have electrical braking which you identified  
23 as what we have proposed in connection with this problem.

24 MS. MARSH: Okay. I'll withdraw the first con-  
25 tention.

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DR. PARIS: You're withdrawing 1A, is that right?

MS. MARSH: Yes.

CHAIRMAN BECHOEFER: That's really 2A, because we read A, B, C, and D to applicable to 2 as well.

MS. MARSH: I have it listed as 1A.

CHAIRMAN BECHOEFER: Right. Then you say, in Number 2:

"For the reasons set forth in Paragraph 1A to D, these other things will happen."

We read these A, B, C and D, the various reasons, as applicable to the results stated in 1 and 2. Therefore, in essence, 2A would be withdrawn as well.

DR. PARIS: You see, under 2 you say:

"For the reasons set forth in Paragraph 1A through D....," so if you withdraw 1A you're also automatically withdrawing 2A, is that right?

CHAIRMAN BECHOEFER: We're reading from your supplement.

Before you formally withdraw, I would like to get the Staff's view. The Staff originally accepted this as a contention. Is that on the theory that as stated it is a contention, and that an answer is that the component is not on the reactor?

MR. CUTCHIN: Mr. Chairman, on the basis of having

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1 -- we had said that that would, as stated, constitute a  
2 contention. However, if the answer to that contention is indeed  
3 that it is not applicable to this plant, and I am so informed  
4 now by the technical personnel, then that would not be a valid  
5 contention for this particular proceeding.

6 CHAIRMAN BECHOEFER: So Ms. Marsh, I understand that  
7 1A is being withdrawn, and also to the extent it applies, 2A  
8 as well.

9 MS. MARSH: I understand. Okay. Yes.

10 Now, turning to 1B and 2B as well, here there is  
11 also a difference of opinion between the Applicant and the  
12 Staff. I'd like to hear -- the Applicant seems to take the  
13 position, if I read it correctly, that the adequacy of the  
14 storage, the on-site storage of both high and low level wastes  
15 is a proper issue.

16 MR. SILBERG: That's a proper issue. We don't see  
17 the Commission's denial of the rulemaking petition in the NRDC  
18 proceeding affirmed by the Second Circuit as addressing on-site  
19 storage, rather, that went to the availability of off-site  
20 storage, particularly storage for high-level radioactive  
21 waste.

22 The spent fuel -- it seems to us the adequacy of  
23 on-site storage would be an appropriate issue.

24 CHAIRMAN BECHOEFER: Mr. Cutchin, do you have any  
25 comments on that?

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1 MR. CUTCHIN: I would not disagree, Mr. Chairman,  
2 that if the contention relates purely to on-site storage, that  
3 would be a proper subject for consideration in this proceeding.

4 CHAIRMAN BECHOEFER: Ms. Marsh, am I correct that  
5 1B and 2B do relate to on-site storage, which both the  
6 Applicant and the Staff now have indicated are suitable for  
7 litigation?

8 MS. MARSH: Yes.

9 MR. SILBERG: We understand this issue to relate  
10 to the safety of the on-site storage.

11 MR. CUTCHIN: However, Mr. Chairman, the problem  
12 the Staff has that the basis that was given for that contention  
13 appears to be that since there was no avenue open for the  
14 Applicant to dispose of all of waste, spent fuel and materials  
15 elsewhere, they'd have to store it up to 10 to 15 years, and  
16 that's longer than the Applicant is prepared to safely contain  
17 and monitor on-site.

18 And with that narrowing, clearly the off-site  
19 disposal problem, long- or short-term is not proper for con-  
20 sideration in this proceeding. But with the on-site storage, as  
21 long as it's limited to that, we do not object.

22 We, too, would read that to be a purely safety  
23 concern.

24 MS. MARSH: Mr. Chairman, when the construction  
25 permit was given there were plans for reprocessing the fuel and



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1 only minimal storage on-site. I had a tour at PP&L, I think  
2 they said possibly up to 10 years, but not 10 to 15. Maybe  
3 that's allowed, but....

4 DR. PARIS: Well if it comes in, you'll  
5 have an opportunity to argue about it. If the contention is  
6 litigated, you'll have a chance then to argue.

7 DR. KEPFORD: Could I add something here,  
8 Mr. Chairman?

9 MR. SILBERG: I would object to this procedure,  
10 I think we're dealing with the contentions of one petitioner  
11 I think it is inappropriate for another petitioner to get into  
12 arguments on the validity of something which is not his con-  
13 tention.

14 CHAIRMAN BECHOEFER: Right.

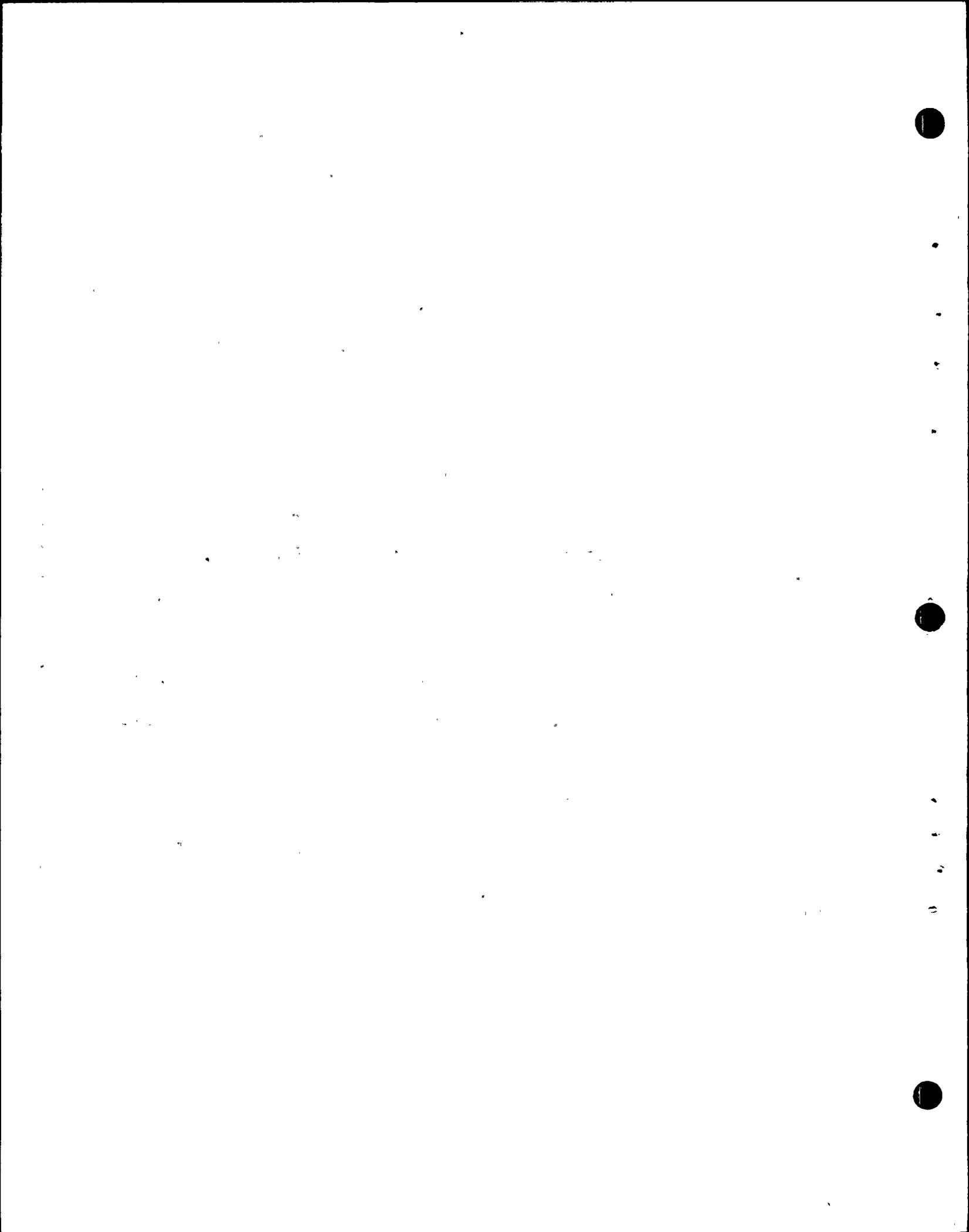
15 I think, Ms. Marsh, you could discuss matters  
16 with Dr. Kepford, but I think you ought to address your con-  
17 tention.

18 VOICE: Mr. Chairman, would you please speak up,  
19 it's difficult to hear back here.

20 CHAIRMAN BECHOEFER: I'm sorry.

21 I said Ms. Marsh could discuss matters with  
22 Dr. Kepford, but she ought to be the one to address her own  
23 contentions.

24 I think we're actually prepared to go on to the  
25 next one, 1C.



agb6

1 On IC, I would like to find out what it is you  
2 want to have discussed. The Commission does have certain  
3 regulations which govern, one set of regulations governs the  
4 safety of the transportation and another, really a chart,  
5 governs the environmental impact of transportation.

6 And within the confines of the applicable regula-  
7 tions, I wondered what you were trying to raise. There is only  
8 a limited consideration of these materials that may be given  
9 in a proceeding such as this.

10 MS. MARSH: Mr. Chairman, since the NRC is moving  
11 toward reviewing the Class IX accident, similarly, we must  
12 believe that worst-case accident conditions need to be reviewed  
13 for transportation.

14 CHAIRMAN BECHOEFER: Our problem is that I think  
15 the environmental impacts of transportation are specified by  
16 Table S-4.

17 MS. MARSH: That's for normal conditions of  
18 transport. It states that this will be for normal conditions  
19 of transport.

20 MR. SILBERG: Excuse me, it also specifically deals  
21 with accidents in transport.

22 MS. MARSH: I do feel that this is a serious  
23 concern. I'm still concerned with railways and the fact that  
24 I don't think our railway system is really capable of handling  
25 the problems of hauling radioactive waste due to the condition

b7 1 of the railroads. And also even our highways, there are problems  
2 there.

3 And the Code of Federal Regulations 71.15 states  
4 that the Board may go beyond NRCs regulations on this one.

5 MR. SILBERG: Could I have the citations to that  
6 regulation again?

7 MS. MARSH: 10 CFR 71.15.

8 MR. SILBERG: If I might, that regulation deals  
9 with licensees who are shipping as the licensed shipper. We  
10 are not now licensing the shipper, we are licensing the reactor  
11 and evaluating the environmental impacts of all forms of  
12 shipping.

13 And I see regulations, specifically in 51.20(g),  
14 states that Table S-4 deals with the environmental impacts  
15 under normal conditions of transport, and the environmental  
16 risk from accidents in transport. Clearly, it's a challenge  
17 to the regulation.

18 CHAIRMAN BECHHOEFER: If this were to be read as  
19 a safety contention, would you then say that it's within our  
20 jurisdiction to consider that?

21 MR. SILBERG: No, this Board has no jurisdictions  
22 to consider transportation apart from the environmental risks  
23 associated with it. We're not now licensing spent fuel casks,  
24 we're licensing reactors.

25 MS. MARSH: We still feel that the worst-case of an

agb8

1 accident, a transport accident, is not being considered here  
2 and it ought to be.

3 CHAIRMAN BECHHOEFER: Well, we'll have to consider

4 MR. CUTCHIN: I would like to get in a word here.

5 CHAIRMAN BECHHOEFER: I'm sorry, go ahead.

6 MR. CUTCHIN: Having heard this exchange, it appears  
7 that the petitioner's last statement makes very clear that  
8 they're concern is with the fact that in their opinion the  
9 regulations which deal with these matters are not stringent  
10 enough and have not examined large enough accidents. I think  
11 that makes it very clearly a challenge to the regulations as  
12 they exist, and we stand on our position.

13 CHAIRMAN BECHHOEFER: Going to 1D and 2D, here  
14 we have a difference of opinion between the Applicant and the  
15 Staff, and I would like the Staff really to comment on the  
16 Applicants' position.

17 The Applicant has said that this is a litigatable  
18 issue.

19 MR. SILBERG: Yes, we understand what issue is  
20 being raised. It would appear that we could, based on the  
21 description, present testimony on this evidence, apply the  
22 most liberal readings of specificity we are able to go ahead  
23 with this.

24 CHAIRMAN BECHHOEFER: And what I want to ask the  
25 Staff is, if you read it the same way the Applicants have read

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1 it, do you have any objection to an issue of this sort?

2 MR. CUTCHIN: The Applicant appears to read it that  
3 the contention is that the design fails to solve the problem  
4 of flow induced vibration in the core, thereby creating in-vessel  
5 sparger failure.

6 The Staff did not read the contention quite as  
7 liberally as did the Applicant, obviously, because there was  
8 no reasonably specific basis offered, nor was there an alle-  
9 gation that such vibrations would arise -- what would cause them  
10 or how they could create sparger failure.

11 However, the Applicant, if it chooses to present  
12 evidence on that subject, of course, the Staff would not object  
13 to their presenting such evidence and the Staff would focus  
14 on it and see if it agreed.

15 CHAIRMAN BECHHOEFER: Ms. Marsh, I was wondering  
16 on the next one, number 3 --

17 MR. CUTCHIN: Mr. Chairman, again may I interject.  
18 Since we seem to be developing the bases for these contentions  
19 as we go, and I'd like to make sure that the Staff has a clear  
20 focus on what the contention really is.

21 Are we to understand that the petitioner is  
22 thinking that these in-core vibrations are flow induced, and  
23 that those flow induced vibrations result in sparger failure?

24 MS. MARSH: Yes.

25 CHAIRMAN BECHHOEFER: You might respond to that.

agbl10

1 MR. CUTCHIN: Did I understand the answer to be  
2 yes?

3 MS. MARSH: Yes.

4 MR. CUTCHIN: Thank you, Mr. Chairman.

5 CHAIRMAN BECHHOEFER: The next one seems to be a  
6 challenge to the Price-Anderson Act. I wonder if you are aware  
7 of the Supreme Court decision which has upheld that.

8 MS. MARSH: Yes.

9 CHAIRMAN BECHHOEFER: In view of that, what if  
10 anything do you think we should do with this contention, or  
11 what do you think we can do?

12 MS. MARSH: Mr. Chairman, first of all, am I  
13 allowed to just state something personally about this or do  
14 you not allow that?

15 CHAIRMAN BECHHOEFER: You can state something  
16 personal, but we have to have a basis on which we can rule.

17 MS. MARSH: I just want to say that I feel that the  
18 Price-Anderson Act is an outrageous Act to put across to the  
19 general public. When I read it, I couldn't believe it. Now  
20 I will try to defend myself.

21 There was a trial in the District Court in North  
22 Carolina, and at that I believe Rasmussen testified, Kendall  
23 testified, and this was -- they testified on the Rasmussen  
24 Report and this was used as a basis for making a decision on  
25 the Price-Anderson Act. And also this was brought before the

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1 Supreme Court.

2 And now that we have taken a step backwards and  
3 the Rasmussen Report has turned out to be very faulty, I feel  
4 that my contention should be considered in the public hearing.

5 CHAIRMAN BECHHOEFER: Do you have a further state-  
6 ment?

7 I do have one question. The Price-Anderson Act  
8 is still in effect and irrespective of some of the basis for  
9 the courts' decision upholding it, as far as I can see we are  
10 still bound by that Act until Congress repeals it.

11 MS. MARSH: As a public citizen, I was wondering  
12 if --

13 CHAIRMAN BECHHOEFER: This would be whether or not  
14 any of us agreed with it. It's a question of whether or not  
15 we're bound to apply it.

16 MS. MARSH: It does apply to the people you're now  
17 licensing. They probably couldn't operate if the Price-Anderson  
18 Act didn't exist.

19 It does apply to them and, therefore, as a citizen  
20 with the right to -- an interest in my health, safety and  
21 economic interests, I feel that it should be considered here  
22 since I am given this right at this time.

23 MR. SILBERG: We're clearly dealing with a matter  
24 that should be addressed to the Congress, if it is to be addressed  
25 anywhere.

-b12

1 MR. CUTCHIN: Clearly this Board has no jurisdiction  
2 to grant any sort of a remedy. It's not a proper forum for  
3 these concerns.

4 CHAIRMAN BECHHOEFER: I think we'll go on to the  
5 next one.

6 Do you have anything further on that? If not,  
7 I think we'll go on to the next one.

8 MS. MARSH: Yes, I do have one more point.

9 Mr. Chairman, I would like to address a question:  
10 to the NRC Commission, or rather certify a question to the  
11 NRC Commission.

12 I would like to know whether or not the testimony  
13 by the NRC before Congress on the Price-Anderson Act renewal  
14 was improper?

15 MR. SILBERG: Mr. Chairman, we're way outside the  
16 scope of this proceeding.

17 CHAIRMAN BECHHOEFER: I'm not sure that this Board  
18 would even have authority to certify a question like that, or  
19 if we certified it, it would be rejected out of hand.

20 Assuming you'll be admitted as a party later, you  
21 could ask the operating License Board to certify a question.  
22 I might say that I'm not sure that a question of that scope  
23 would be appropriate for any Board to handle. It's a matter of  
24 going to Congress and getting the law changed, if you're  
25 successful in doing so.

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1 MS. MARSH: Are you saying that I would have  
2 permission to ask this question at a later time if any of my  
3 contentions are accepted?

4 CHAIRMAN BECHHOEFER: You would have permission to  
5 ask. I can't give you any assurance that very much would  
6 happen as a result, that we would certify it. There are  
7 certain standards for certification and I'm not sure this is  
8 the type of question which is appropriate for the Commission  
9 at any level to consider. I think it may be a question that is  
10 more suitable for Congress to consider or reconsider.

11 And we certainly cannot control your submitting  
12 to your Congressmen various questions of this type. And pre-  
13 sumably this is the course of legislative action, rather than  
14 administrative or adjudicatory.

15 Anyway, let's go on to -- well, Number 4 we read  
16 again as incorporating the same reasons as are incorporated  
17 in 1A through D but coming up with a different answer.

18 Am I correct in that assumption? So that the same  
19 answers that would apply to A, B, C and D would apply to  
20 Number 4 as well. Four seems to be a different result from the  
21 same defects alleged in A through D.

22 The way I read that is, to the extent we admit  
23 1B, C or D, we would also admit 4B, C or D as a different result  
24 from the same, well, circumstance or component.

25 Am I correct in how I read 4? Do we read 4 correctly

b14

1 as merely putting a different result on the various failures  
2 and items listed in 1B, C and D?

3 MS. MARSH: Yes, I guess so.

4 CHAIRMAN BECHHOEFER: Mr. Cutchin?

5 MR. CUTCHIN: Mr. Chairman, I have difficulty seeing  
6 how the so-called bases A, B, C or D give one much help in  
7 deciding how petitioner alleges that the standards laid down  
8 in 10 CFR 20 et seq. will be violated. It still appears to  
9 lack some specificity.

10 CHAIRMAN BECHHOEFER: Well I would read this as  
11 that paragraph one would state that the public would be harmed.  
12 Paragraph two states that certain property would be put to risk  
13 for these reasons. This one would say that, because of, for  
14 instance, 1D --

15 MR. CUTCHIN: And the vessel sparger failure would  
16 create --

17 CHAIRMAN BECHHOEFER: -- create a release of  
18 radiation beyond the level specified in the sections listed.

19 MR. CUTCHIN: Fine, Mr. Chairman.

20 CHAIRMAN BECHHOEFER: This is how we read this.

21 MR. CUTCHIN: Thank you, sir.

22 CHAIRMAN BECHHOEFER: And I think our reading has  
23 been confirmed.

24 Mr. Silberg, do you have any further comment on  
25 that one?

MR. SILBERG: No, sir.

1 CHAIRMAN BECHHOEFER: On 5(a), the applicants and  
2 the staff have both said this is not specific enough. But  
3 the applicants at least have raised a possibility-- Let's  
4 see if I can find this here.

5 I wanted to see if you were inquiring about this.  
6 The applicants said, "If the concern expressed is with the  
7 capacity factors used by the applicants, the applicants  
8 would not object to the admission of the contention on that  
9 issue."

10 I wanted to ask you: is that what you had in mind?

11 MS. MARSH: That is part of it. But also the need  
12 for power and the cost-benefit analysis is part of it.

13 CHAIRMAN BECHHOEFER: Does the applicant have  
14 further comment on that?

15 MR. SILBERG: No. We would stand by what we said  
16 in our initial response.

17 CHAIRMAN BECHHOEFER: So you are still willing to  
18 litigate the capacity factors to the extent they are  
19 covered?

20 MR. SILBERG: Right.

21 CHAIRMAN BECHHOEFER: What about the Staff? Do  
22 you have comments, Mr. Cutchin?

23 MR. CUTCHIN: As the basis is set forth there on  
24 page 2 of the petition, Basis A: I see no way, without some  
25 great reaching, one can define the problem to be one related

wb2

1 to capacity factors when the plain words say,

2 "The output of electricity to be produced  
3 by the proposed facilities in relation to costs will  
4 be lower than electricity generated by existing forms  
5 of energy and, therefore, more expensive to petitioners  
6 and others."

7 Now that doesn't seem to me to be the type of  
8 issue that is suitable for litigation in this proceeding.  
9 No one has argued, to my knowledge, that whether this is  
10 cheaper or more expensive makes it improper to issue an  
11 operating license.

12 Now if the contention is that because it will be  
13 more expensive, it will be so much more expensive that --  
14 I'm reaching myself: I can't even fashion a contention. I'm  
15 having great difficulty seeing what issue it is we are to  
16 meet in the proceeding, and it'd like to see it tied down.

17 If the applicant is willing to litigate the  
18 capacity factors I'm sure the staff can present evidence on  
19 that subject, too. But I'm not sure how it furthers helping  
20 this Board reach a decision on the operating license.

21 CHAIRMAN BECHHOEFER: Going on to 5(b), the  
22 applicant seemed to read this as a financial qualifications  
23 inquiry. The Staff seems to think it not specific enough.

24 MR. SILBERG: Excuse me. I don't think -- at least  
25 that's not what we meant to say in our reply. I think what

wb3 1 we meant to say is it can be read, and we tried to read it as  
2 challenging our projected costs of decommissioning, which is  
3 a NEPA question rather than a financial qualifications  
4 question. --at least in our understanding.

5 CHAIRMAN BECHHOEFER: I had thought Appendix C  
6 states the applicants must supply an estimate of the cost  
7 of decommissioning. Presumably that could be raised as a  
8 financial qualification issue.

9 MR. SILBERG: Yes. But we read that really because  
10 the Environmental Report is where the bulk of the discus-  
11 sion on decommissioning occurs, and decommissioning is one  
12 of the costs which we estimate and which we include in the  
13 overall cost-benefit of the facility, so we read this as  
14 going to the decommissioning costs as a part of the cost-  
15 benefit evaluation.

16 CHAIRMAN BECHHOEFER: Do you have any objection  
17 to considering it under financial qualifications? There  
18 the guidance is somewhat more specific. And if someone  
19 disagrees with your cost it's a legitimate issue.

20 MR. SILBERG: It may be a legitimate issue in both  
21 cases. To the extent that someone argues that we have  
22 underestimated the cost of decommissioning, that would  
23 increase the overall cost of the plant and affect the cost-  
24 benefit balance. So it may be an appropriate issue in both  
25 circumstances. We regard this as being an environmental

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wb4

1 issue, but I don't know that we have any strong views one  
2 way or the other.

3 CHAIRMAN BECHHOEFER: Let me ask you: What do you  
4 contend here? Is it that the applicants are not financially  
5 qualified to take care of decommissioning? This is 5(b) I'm  
6 talking about. Or are you contending, that the costs are  
7 understated and that the balance would be tipped? Or are  
8 you saying both?

9 MS. MARSH: I think I'm saying the costs are  
10 understated.

11 MR. CUTCHIN: Mr. Chairman, that's the basis.  
12 Now what is the contention?

13 CHAIRMAN BECHHOEFER: I'm trying to find out  
14 whether you're saying that therefore the applicants'  
15 information submitted as part of, I think it is Part 50,  
16 Appendix C, is not adequate. There is certain information  
17 that must be supplied there. That would be a safety ques-  
18 tion. Or are you saying that because it is inadequate the  
19 cost-benefit balance is altered? Then it's an environmental  
20 question. Or are you saying both? Because the parties  
21 here will have to know what contention they have to meet.

22 MR. NOTERMAN: The applicant was not specific  
23 in costs.

24 CHAIRMAN BECHHOEFER: We can't entertain that.

25 DR. PARIS: Ms. Marsh, when you say the costs have

wb5

1 been underestimated, then are you contending that therefore  
2 the applicant can't afford to carry out decommissioning?  
3 Or are you contending that therefore the cost-benefit  
4 balance under NEPA will be affected?

5 CHAIRMAN BECHHOEFER: Or both?

6 MR. CUTCHIN: Mr. Chairman, if she would like to  
7 say both I'm sure that the applicant and the staff would be  
8 prepared to meet either issue, and we could move this along

9 MS. MARSH: Okay, then I'll agree. Both.

10 (Laughter)

11 DR. PARIS: Maybe you're getting too much advice  
12 over there.

13 CHAIRMAN BECHHOEFER: 5(c) I read as a need for  
14 power contention, basically that the facility is not needed;  
15 am I correct?

16 MS. MARSH: Right.

17 CHAIRMAN BECHHOEFER: Let me ask the applicant  
18 and the staff: Do you have anything that you might want to  
19 add to that? I know we talked about this in connection with  
20 several of the ECNP contentions.

21 MR. SILBERG: I have nothing to add beyond that  
22 discussion and beyond our written response.

23 CHAIRMAN BECHHOEFER: The Staff?

24 MR. CUTCHIN: Mr. Chairman, I have nothing to add  
25 beyond what we stated in our response to that contention.

wb6

1 MS. MARSH: Mr. Chairman, in PP&L's Profile for  
2 1977, I would like to read something from that. Am I allowed  
3 to read something?

4 MR. SILBERG: Mr. Chairman, I think really the  
5 proceeding is supposed to be based on a series of filings  
6 which the intervenors have made over a period of five months.  
7 And we really think that the positions have been set down and  
8 we really think we ought to move the process along and get a  
9 decision, rather than takeevidentiary type statements at  
10 this point.

11 CHAIRMAN BECHHOEFER: I believe the applicants  
12 have admitted that they do, or will have a certain excess  
13 capacity at least for a period of time. And the question is  
14 whether we think this is a valid contention. I think we  
15 are prepared to go ahead and rule on that.

16 There are several need for power contentions. We  
17 will have to be considering those of several petitioners.  
18 I think we have enough information on that one.

19 Now as to 5(d), you may not be aware. we have no  
20 jurisdiction at all over rates. Rates are something that  
21 the Pennsylvania Commission sets under its own standards.

22 I'm wondering whether you have set forth anything  
23 that we have authority to consider here. I can't see anything  
24 in 5(d) that we are authorized to consider, so I wondered  
25 whether you might have further explanation.

wb7

1 Rates per se are not under our jurisdiction.  
2 Pennsylvania can decide whether certain facilities qualify  
3 for inclusion in the rate base or whether they don't. I  
4 don't think we're the right body to put this contention  
5 before.

6 MS. MARSH: When you consider PP&L is going to  
7 seek a 25 percent rate hike in the future, this concerns the  
8 public. Because, are we really getting the benefits for this  
9 rate hike that's going to be coming to us?

10 CHAIRMAN BECHHOEFER: Well I think that's some-  
11 thing you will have to tell the Pennsylvania Public Utility  
12 Commission. I'm sure there will be a public hearing thereon.  
13 And if you're not getting the benefit from it, presumably  
14 the Commission could do something about it. I don't think  
15 that we can.

16 What I'm saying is, I think it's beyond our juris-  
17 diction to consider effects on rates.

18 Do the applicant or the staff have any comments  
19 on this?

20 MR. SILBERG: No further comments.

21 MR. CUTCHIN: No further comments.

22 MS. MARSH: Mr. Chairman, may I say one more  
23 thing?

24 CHAIRMAN BECHHOEFER: Yes, certainly.

25 MS. MARSH: That rates are a part of the cost.

wb8

1 CHAIRMAN BECHHOEFER: I don't think that's correct.

2 MS. MARSH: They're not a part of the cost?

3 CHAIRMAN BECHHOEFER: The rates may or may not be  
4 based on the cost.

5 MS. MARSH: I was under the impression that the  
6 rates were based on the cost of construction, and that's one  
7 of the reasons for building a nuclear power plant rather than  
8 for building something less costly.

9 MR. SILBERG: We're way beyond the scope of this  
10 proceeding, Mr. Chairman. We're into a rate case here.  
11 This is not within the scope of this Board's jurisdiction,  
12 and I respectfully urge that we move on to the next conten-  
13 tion.

14 MS. MARSH: One more thing: I view this as part  
15 of the cost-benefit balance, this question.

16 MR. CUTCHIN: Mr. Chairman, the Staff would only  
17 add that in considering the cost-benefit assessment the  
18 cost-benefit assessment looks at the costs to society and  
19 not the cost to the individual ratepayers.

20 MR. NOTERMAN: How sweet it is.

21 MS. MARSH: Mr. Chairman, may I say one more thing?

22 CHAIRMAN BECHHOEFER: Yes.

23 MS. MARSH: The rate base is a part of the cost  
24 to society.

25 CHAIRMAN BECHHOEFER: But what goes into the rate

wb9

1 base isn't for us to say. The Pennsylvania Public Utility  
2 Commission is the one which determines what goes into it,--

3 MS. MARSH: Mr. Chairman,--

4 CHAIRMAN BECHHOEFER: --and they have no authority  
5 to determine whether this plant will be built.

6 MS. MARSH: If you have the authority to license  
7 this plant I think that this also should be considered.  
8 Because I think that the cost to the public is an important  
9 part of your decision.

10 CHAIRMAN BECHHOEFER: I think we have enough on  
11 that one.

12 Going to No. 6, does this contention solely seek  
13 to challenge the drills and warnings that are required? Does  
14 it seek to have drills and warnings take place? Or what is  
15 the intent of this?

16 MS. MARSH: I wrote this in as a contention because  
17 I'm very concerned that it seems to be left up to civil  
18 defense, to PP&L and everyone else except for the people who  
19 are going to be injured. I think until the public is  
20 informed, educated and drilled, and has had a say on the  
21 evacuation procedures the facility should not be allowed to  
22 receive an operating license. Because the public is the  
23 one who is going to be most affected. The public within a  
24 50-mile radius will be affected by this if there is a major  
25 accident.

wb10

1 CHAIRMAN BECHHOEFER: Well are you in any particu-  
2 lar way challenging the evacuation plan which has been sub-  
3 mitted by the applicants?

4 MS. MARSH: Mr. Chairman, I'm not sure if all the  
5 details on the evacuation are available for me to look at.  
6 I've read some things on evacuation in the library. But  
7 I'm very concerned that it should inform the public, the  
8 people in Wilkes-Barre and Berwick, all the areas around.  
9 I feel this is very important. There could be somebody off  
10 hiking and who won't have any idea what's going on. We have  
11 to forget about them. But the others, at least if they've  
12 been through a drilling procedure and they're educated in  
13 what dangers might be coming into existence, may be better  
14 prepared.

15 If you have something like an evacuation procedure  
16 for the civil defense and the hospitals, and they have been  
17 informed -- I've read that information -- I feel that the  
18 public should also be informed, since the public is going to  
19 be affected. I feel the public should be informed and  
20 educated and drilled.

21 CHAIRMAN BECHHOEFER: Are you aware of the Com-  
22 mission decision, which I believe the applicants have  
23 cited, where the Commission rejected this as a requirement  
24 for an evacuation plan, the education of members of the  
25 public?



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wb11 1 The applicants on page 7 of their response to you  
2 mention this. And I'm asking you , in the face of that,  
3 does this contention state anything more than what is dis-  
4 cussed there?  
5

6 MS. MARSH: I have it underlined. I've read it.  
7 And it doesn't--- You know, they haven't failed to meet  
8 regulatory requirements. But I feel that this should be a  
9 part of the regulatory requirement, I guess. In this case  
10 I am questioning it because I feel it can't be left up to  
11 a small number of people, the people at the plant, the  
12 hospitals, and -- I don't know: I guess the phone companies,  
13 the fire stations. I feel that the public who is -- they're  
14 going to be next door to the plant. And they should have  
15 the right to know all that this plant involves, all the  
16 things that it could involve, to them especially, if there's  
17 a serious accident. And I feel there hasn't been enough  
18 publicity on this, and I feel it has to become a part of  
19 the regulatory requirements. I feel it's very important.

20 CHAIRMAN BECHHOEFER: Now I want to turn to one  
21 other of your-- There seems to be a contention or two in  
22 the original petition that didn't get into the subsequent  
23 one.

24 MS. MARSH: I rewrote it.

25 CHAIRMAN BECHHOEFER: Well there is at least one  
that the applicants seemed to say may have a contention

12 1 stated. And I wanted to make sure that you're still pushing  
2 this one.

3 Your original paragraph 5(d), I think it is--  
4 Wait a minute.

5 MR. SILBERG: That's the correct one. It deals  
6 with preliminary alignment of safety related core insulation  
7 collars. In fact what we think is involved is the alignment  
8 of the reactor core isolation system pump. But given the  
9 identification of the notice of violation we think we under-  
10 stand what the issue is, and would not object to it.

11 CHAIRMAN BECHHOEFER: Do you, Ms. Marsh, wish  
12 to continue your earlier 5(d) which does not seem to be  
13 repeated later?

14 MR. SILBERG: I would note Ms. Marsh has not had  
15 a chance to completely go through our response. Applicants  
16 have responded to that Notice of Violation in a letter dated  
17 June 12th, 1978. Our own view, of course, is that that  
18 matter is resolved. But that would be an issue on which  
19 we would introduce testimony.

20 CHAIRMAN BECHHOEFER: Do you intend to keep that  
21 5(d), or do you want to have that one continued?

22 MS. MARSH: Yes.

23 DR. PARIS: Ms. Marsh, I think in 5(d) the word  
24 "insolation" is not what you meant. That seems to be a  
25 typographical error perhaps. "Isolation," is that what you



1 want there?

2 MS. MARSH: I would think so. My girlfriend typed  
3 this.

4 (Laughter)

5 CHAIRMAN BECHHOEFER: Does the Staff have any  
6 views on that partiular contention?

7 MR. CUTCHIN: Mr. Chairman, not other than the fact  
8 that the Staff would view whether or not there has been  
9 compliance with Notice of Violation to be more properly  
10 considered in some sort of an enforcement proceeding rather  
11 than in this licensing proceeding. But to the extent that  
12 the issue really is, Has the plant been properly designed,  
13 I do not object to the admission of that contention for  
14 consideration in this proceeding.

15 MR. SILBERG: I would note that the contention  
16 I think intends to deal not with reactor core isolation  
17 but with reactor core isolation and cooling system pump.  
18 I think there are a couple of words left out of the  
19 description. The Notice of Violation is the appropriate  
20 one, though

21 CHAIRMAN BECHHOEFER: I think we have finished  
22 Ms. Marsh's contentions that we had questions about.

23 Are there any further comments on this? If not,  
24 we will take a short break and resume in about ten minutes.

25 (Recess)

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350

1 CHAIRMAN BECHOEFER: Anybody can follow the  
2 Board's example now, and take off coats. It's getting a  
3 little hot. And it will probably be enough to get anything  
4 we do reversed by the Appeal Board.

5 (Laughter.)

6 MR. MILLER: Mr. Chairman, Gerald Schultz, a  
7 representative from our coalition will be here in five or  
8 ten minutes. He's on the way.

9 I was wondering if it would be possible for us  
10 to wait until he gets here?

11 MR. SILBERG: Could we possibly start with some  
12 of Mrs. Lemanowicz's contentions?

13 CHAIRMAN BECHOEFER: Yes.

14 Can we start with CAND?

15 MR. HALLIGAN: We have the most contentions.

16 MRS. LEMANOWICZ: We would rather not.

17 CHAIRMAN BECHOEFER: Not split your presentation?

18 MRS. LEMANOWICZ: That's right.

19 MR. MILLER: Here's Mr. Schultz now.

20 (Laughter and applause.)

21 MR. SCHULTZ: Mr. Chairman, I just wanted to  
22 say a couple of things before we get into the first conten-  
23 tion. I noticed in the Applicants' answer, that they assumed  
24 Contention 12 is no longer a contention which is true; We  
25 decided to leave that out of our amended petition.

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2 Also, I don't know, you know, how this will be  
3 received, but I thought it would be possible to consolidate  
4 some of our contentions; the ones having to do with exposure  
5 to radioactivity might be consolidated into one instead of  
6 having two or three or four, if this is acceptable to the  
7 other parties.

8

9 CHAIRMAN BECHOEFER: Which ones do you have in  
10 mind?

11

12 MR. SCHULTZ: Numbers 5 and 6, number 7, number  
13 9. That's all, those four.

14

15 CHAIRMAN BECHOEFER: Okay.

16

17 When we get to those we'll certainly consider  
18 that.

19

20 Starting with 1, I guess I'll have to ask you the  
21 same questions I asked Ms. Marsh:

22

23 What are you saying that is within our authority  
24 to litigate? The environmental costs of transportation are  
25 specified by the Commission in Table S4, and the safety  
aspects of transportation are not within our jurisdiction.  
So what can we litigate is what I am asking.

26

27 Are you putting down here anything we can liti-  
28 gate?

29

30 MR. SCHULTZ: Perhaps it's more in the nature of  
31 discovery, but we wanted to know -- we didn't see it mention-  
32 ed in the report how, or the exact route of the transportation

33

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mpb3

1 that the nuclear materials would take.

2 CHAIRMAN BECHOEFER: I don't think there's any  
3 such requirement that that be specified.

4 MR. SCHULTZ: We think it should be brought out.  
5 I mean, it will affect the health and safety of the people  
6 in the valley. I think it's relevant to the operation of the  
7 plant.

8 CHAIRMAN BECHOEFER: The health effects are  
9 specified in this Table S4, which is in Part 51.

10 Is there anything beyond Table S4 that this  
11 contention alleges? I don't read it as such.

12 MR. MILLER: Mr. Chairman, are you saying it is  
13 not within your jurisdiction to disclose who exactly is  
14 paying for the costs, the special costs concerning trans-  
15 portation, that we are not able to know that?

16 CHAIRMAN BECHOEFER: I don't think that's rele-  
17 vant to anything we have to decide. I think the Applicants  
18 have admitted that the ratepayers are going to pay the cost.  
19 I think they've stated that in their answer.

20 We don't have any jurisdiction to determine  
21 whether or not certain people should or shouldn't pay for  
22 the costs, whether certain costs are legitimate or not,  
23 monetary costs, that is.

24 MR. SCHULTZ: Well, S4, this is just for a  
25 typical nuclear plant?

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CHAIRMAN BECHOEFER: That's correct.

2

MR. SCHULTZ: I think what the Applicant did was pretty much reprint Table S4 in their report. That's all they have to do?

3

4

CHAIRMAN BECHOEFER: That's what our regulations say.

5

6

MR. SCHULTZ: I know we won't get anywhere challenging the regulations, not here anyway.

7

8

CHAIRMAN BECHOEFER: So do you want to do anything about that contention?

9

10

MR. SCHULTZ: I would still like to know the transportation route. That's about all I can say about it.

11

12

CHAIRMAN BECHOEFER: Do the Applicant or the Staff have any comment on that one?

13

14

MR. SILBERG: No. None beyond what we said in writing.

15

16

MR. CUTCHIN: No, Mr. Chairman.

17

18

CHAIRMAN BECHOEFER: Now, number 2 seems to be concerned completely with offsite storage. Again, these are matters which I don't think are within our jurisdiction. The environmental impact of offsite storage have been specified by a different table, S-3.

19

20

21

22

The courts have held that we don't need to consider the aspects of offsite storage at this time. And I was wondering whether there was anything further in paragraph

23

24

25

mpb5

1 two or contention two than either of those?

2 MR. SCHULTZ: Just so I understand this, you're  
3 saying that wherever they store the low level waste, you're  
4 not going to talk about it here? I mean, if we were to  
5 challenge that there would have to be another hearing and  
6 another petition?

7 CHAIRMAN BECHOEFER: At a time where they're  
8 licensing a storage area, that would be the time to discuss  
9 the safety implications. We can consider the environmental  
10 impacts, but only as specified in Table S-3.

11 MR. SCHULTZ: Then you're not really considering  
12 the impacts from this particular plant, then?

13 CHAIRMAN BECHOEFER: The Commission has deter-  
14 mined that a plant of a given size will produce a given  
15 impact. The table is translated into terms of the particular  
16 size reactor we have under consideration.

17 MR. SCHULTZ: So what the Commission has done is  
18 to determine that whatever this impact is is acceptable.

19 CHAIRMAN BECHOEFER: No. It has not done that.  
20 It has said that Boards like ours can weigh  
21 that impact, but the impact that we have to weigh is as  
22 specified to the table.

23 Do the Applicant and the Staff have any comments  
24 on the offsite storage?

25 MR. SILBERG: None beyond what is in our

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response.

MR. CUTCHIN: No, sir.

CHAIRMAN BECHOEFER: Turning to decommissioning, the Applicants have stated here that -- let's see, that they are willing to litigate the cost of decommissioning, which is, I guess, specified in Subparagraph 3.

I assume that -- well, I really should ask the Applicants:

Are you reading this, again, as an environmental or a safety contention? I read it as a safety contention.

MR. SILBERG: I guess I would restate what I said before.

I read it as environmental, but it really doesn't matter which way you want to read it.

CHAIRMAN BECHOEFER: Okay.

Now I will ask you -- I guess it doesn't really matter too much, but which did you have in mind, or do you have both in mind?

MR. SCHULTZ: Well, you know, we had both in mind. You know, we think that decommissioning should be talked about. We think it's relevant; we think the cost is relevant.

I haven't seen any plans from the Company that say that they have the money for it. I looked at the part of the Environmental Report, and as it states in here, in our

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petition, I think, that, you know, that was based on AIF  
study, which is a propaganda arm for the industry.

3

We just don't think that -- at least from what  
they published -- they really said very much about how much  
it's going to cost and how they're going to dismantle this  
plant.

7

CHAIRMAN BECHOEFER: Well, then, I assume, then  
-- am I not right that the Applicants have no objection to  
arguing whether the adequate costs of decommissioning have  
been set forth?

11

MR. SILBERG: That's correct.

12

MR. CUTCHIN: We would take the same position  
we did with respect to the Marsh petition, and that is if  
this contention is to be let in as either a safety side,  
financial qualifications contention, or an environmental  
side, cost-benefit contention, the Staff would be prepared  
to meet it.

18

The Staff might suggest that these two petitioners  
should consider perhaps consolidating on this one contention  
in pooling their resources.

21

CHAIRMAN BECHOEFER: I might add that where  
contentions are similar -- where contentions of different  
parties are similar often it makes for at least a timelier  
proceeding, and sometimes a more expeditious proceeding for  
all the parties if the parties who are sponsoring a similar

25

mpb8 1 contention combine their presentations.

2 DR. KEPFORD: Could I respond to that, Mr.  
3 Chairman?

4 CHAIRMAN BECHOEFER: Yes.

5 DR. KEPFORD: Being as the Intervenors are the  
6 most resource-poor participants in this proceeding, that is  
7 certainly one of our primary conditions and interests is  
8 conserving our resources to the greatest extent possible.  
9 And that will certainly be a major consideration.

10 CHAIRMAN BECHOEFER: Well, we were just raising  
11 it here because one of Ms. Marsh's contentions, and one of  
12 the SEA contentions are very similar, certain aspects of it  
13 anyway.

14 MR. SILBERG: Mr. Chairman, we would request the  
15 Board, whether or not it considers consolidation, that it  
16 provide a clear description of exactly what each contention  
17 is, whether it is related contentions or consolidated conten-  
18 tions rather than merely citing to something that may already  
19 have been filed.

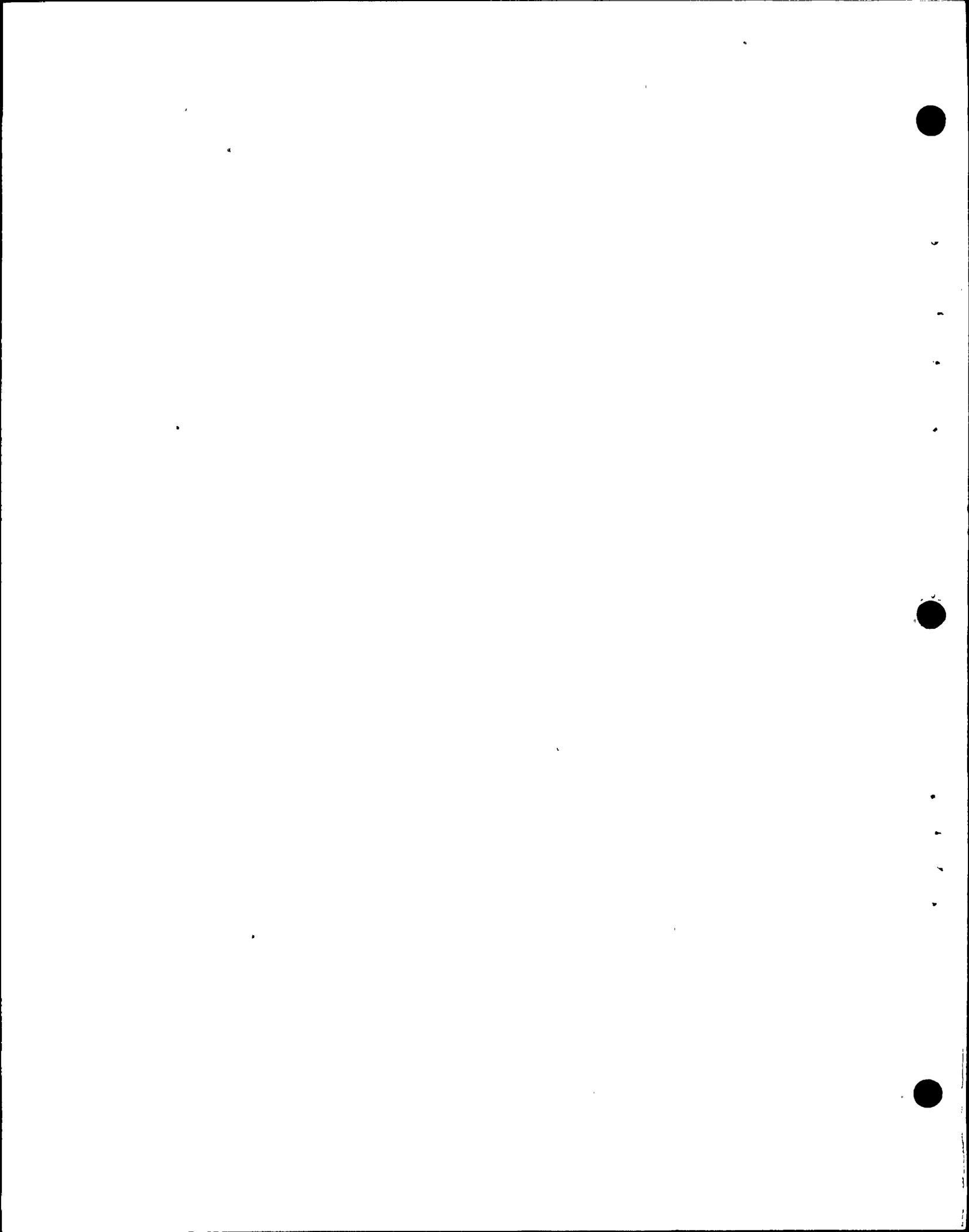
20 CHAIRMAN BECHOEFER: Yes. We intend to do that.

21 MR. SILBERG: Thank you.

22 MR. SCHULTZ: Could I speak to this contention?

23 CHAIRMAN BECHOEFER: Yes.

24 MR. SCHULTZ: Will it be brought out at the  
25 hearing how it will be dismantled, how they think it will



mpb9 1 be dismantled? Is that going to be included in the conten-  
2 tion, the surveillance programs they have in mind?

3 CHAIRMAN BECHOEFER: At this time the Commission  
4 has certain regulations that Applicants have to meet, and  
5 the exact details do not have to be specified. The Commission  
6 has under consideration whether such additional requirements  
7 should be imposed, but as of this time they have not imposed.

8 So certain parts of this contention can be admitt-  
9 ed probably. There may be certain other parts that aren't.  
10 We'll have to consider this and see where each of these  
11 statements goes and what it relates to.

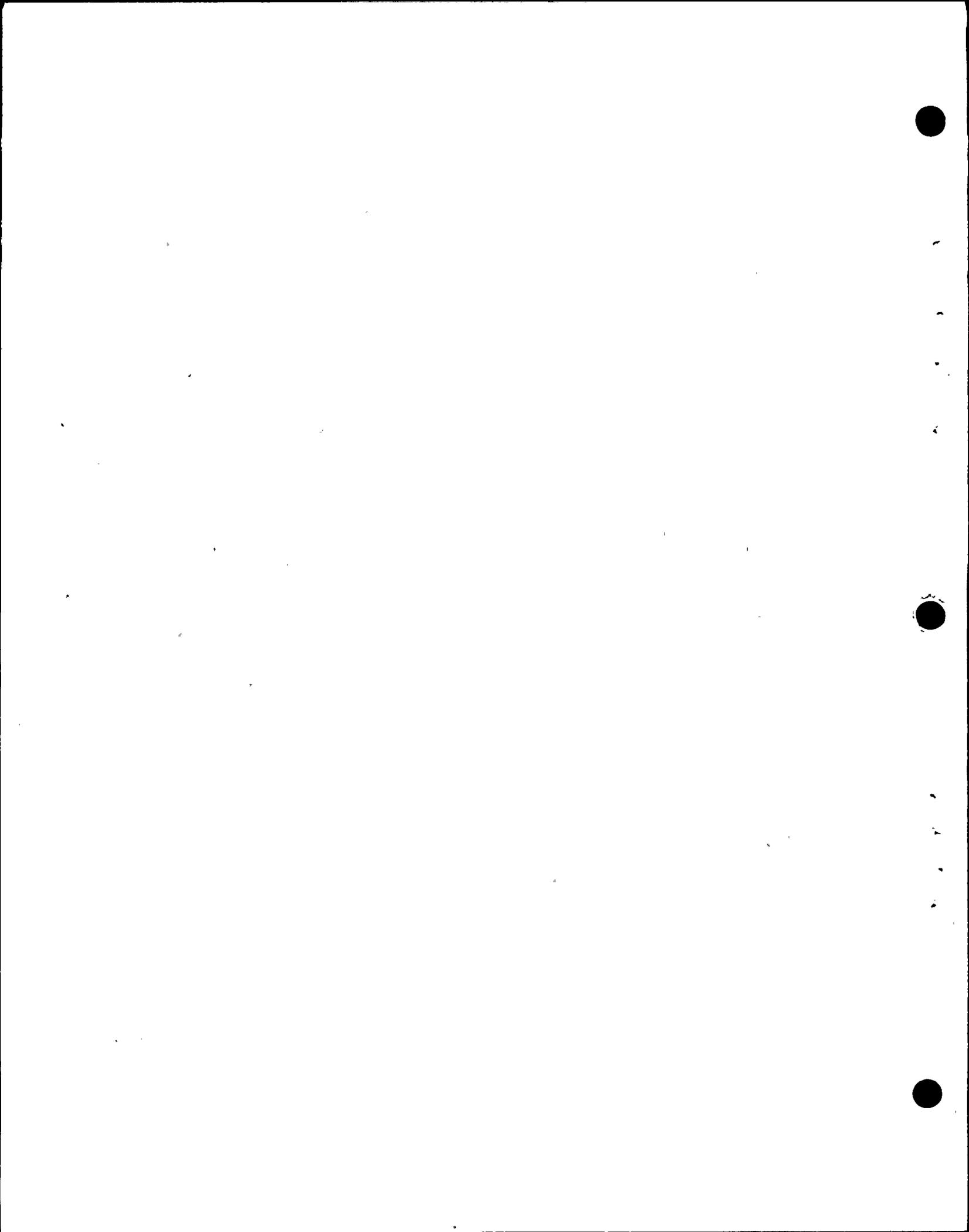
12 We are bound by whatever the current Commission  
13 regulations are.

14 MR. SCHULTZ: Is it also the Commission regula-  
15 tion or policy that the Intervenors can't receive public  
16 funds?

17 CHAIRMAN BECHOEFER: Up to now this is what  
18 the Commission has held, yes.

19 Up until this time the Commission has ruled  
20 that we cannot authorize -- well, this Board couldn't  
21 authorize it in any event. But the hearing board, when  
22 it is set up, also could not authorize it under current  
23 Commission rulings.

24 Several of the petitions have asked for that.  
25 But we are bound by Commission decisions in this area.



mpbl0 1

2 MR. SCHULTZ: Have they given the rationale for  
3 that?

4 CHAIRMAN BECHOEFER: The Commission gave quite a  
5 -- did publish a fairly lengthy decision on the subject. I  
6 think it was back about a year ago in November, if my  
7 recollection is correct.

8 MR. CUTCHIN: Mr. Chairman, the Board may not  
9 recollect, but this question was raised in the initial peti-  
10 tions of at least one of the Petitioners. And I recollect  
11 that the Staff did cite the Commission cases in our response  
12 to the original SEA petition, and for the record here, the  
13 Commission decision CLI 76-23 for NRC 494 1976, there is a  
14 later decision, CFI 77-31, 5 NRC 849 1977.

15 CHAIRMAN BECHOEFER: Thank you.

16 Number 4, the Staff seems to object to this  
17 contention, and I want to ask you whether -- you're not  
18 alleging that the fuel supplies are inadequate. I read  
19 this a little differently, and I read it as alleging that  
20 the fuel supplies are inadequate.

21 Is this correct? The Applicant seems to have  
22 read it this way also.

23 MR. SCHULTZ: You know, I think we're raising  
24 the possibility that it will be inadequate.

25 CHAIRMAN BECHOEFER: Well, is your contention  
that there has not been shown an adequate supply of uranium?

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mpb11 1 The Applicant seems to have read it that way and has agreed  
2 that it's an acceptable contention, if it says that. I'm  
3 just trying to ascertain if that is what it does say.

4 MR. SCHULTZ: We would agree to that. We would  
5 also want to bring out the price of uranium that can be  
6 supplied.

7 CHAIRMAN BECHOEFER: I believe that would be  
8 part of it also.

9 Am I correct that the Applicants have accepted  
10 the availability and the price of uranium?

11 MR. SILBERG: Yes. We would have no objection  
12 to a contention going to those issues.

13 CHAIRMAN BECHOEFER: The Staff?

14 MR. CUTCHIN: Mr. Chairman, if one chooses to  
15 read a contention which states that something should be  
16 disclosed and discussed as questioning the adequacy, the  
17 Staff I guess would have no objection. And the Staff would  
18 be prepared to meet such a contention.

19 CHAIRMAN BECHOEFER: Okay.

20 On the theory that non-lawyers wrote it, we may  
21 choose to read it that way.

22 MR. CUTCHIN: I believe the SEA, however, is  
23 represented by Counsel.

24 MR. SCHULTZ: No, that's not true. I want to  
25 clear that up.

mpbl2 1

2 I'm an attorney, but I'm not representing the  
3 group. I'm a member of the group. And I practice law in  
4 Wilksbury, but it has no relation to environmental law or  
5 this kind of proceeding. And I'm simply a member of the  
6 group working with some other people. I'm not representing  
7 the group as their counsel.

8 MR. CUTCHIN: Thank you.

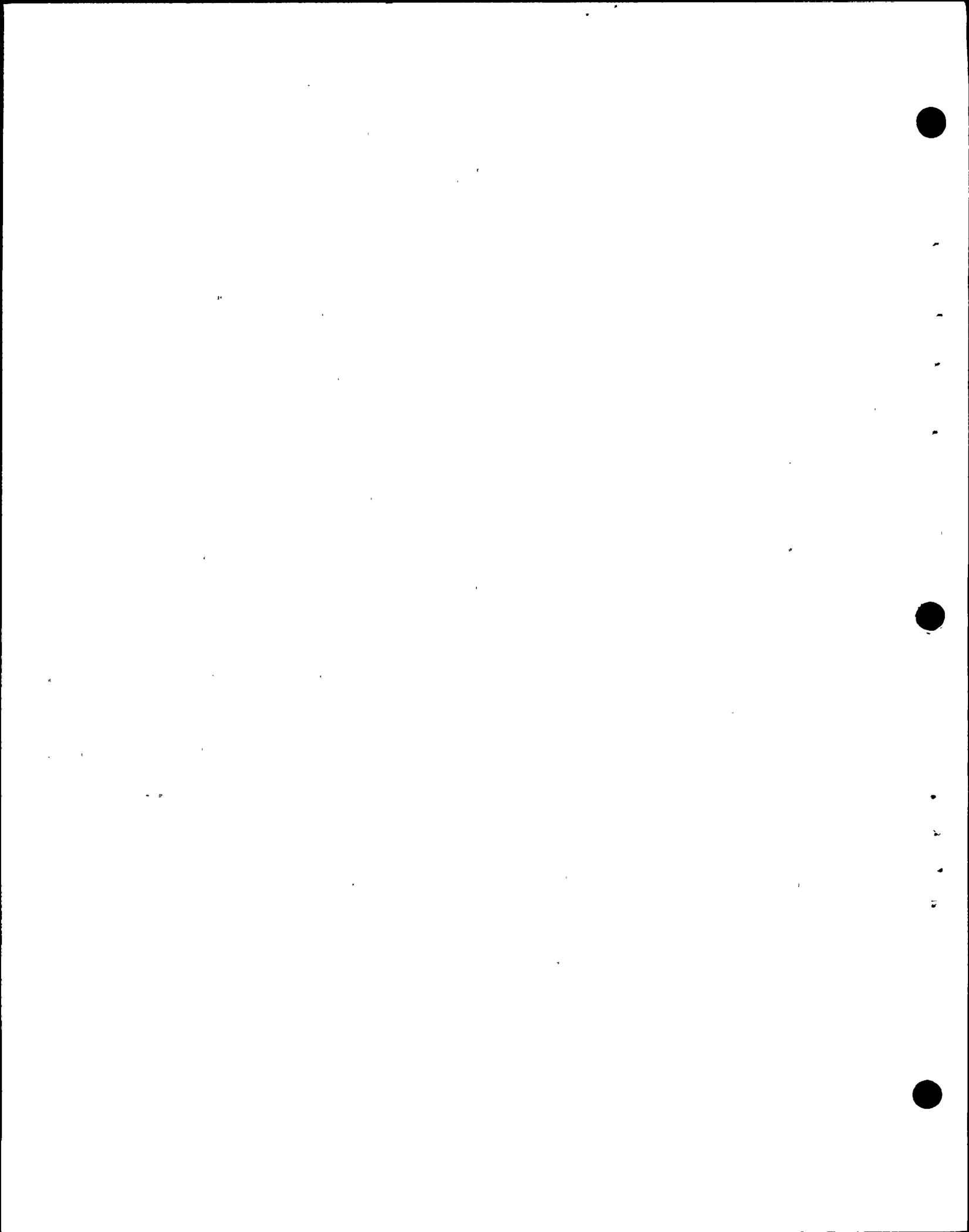
9 CHAIRMAN BECHOEFER: Okay.

10 Now we have 5, 6, 7 and 9.

11 MR. SILBERG: Mr. Chairman, Mr. Schultz has  
12 suggested that consolidation of these 5, 6, 7, and 9 might  
13 be appropriate.

14 In principle I have no objection to that. They  
15 all deal with health effects. However, I think if there  
16 is a consolidation it ought to be made clear that what  
17 we're consolidating is health effects of the uranium miners  
18 and the public to radiation from mining -- health effects  
19 from occupational exposure to radiation and health effects  
20 from occupational exposure to radiation from reprocessing.  
21 The second one was in-plant occupational exposure. The final  
22 one was occupational exposure through reprocessing.

23 I would have no problem with consolidation as  
24 long as we keep in mind that there are subparts to those,  
25 so we keep our eyes focused on the specific issues which  
the four contentions have raised.



mpbl3 1

2 MR. CUTCHIN: Mr. Chairman, I would add a couple  
3 of additional remarks.

4 If the Board sees fit in light of the fact that  
5 pro se Intervenor are not usually considered private  
6 attorneys general, then the Staff would raise the question  
7 as to whether there are members of this group who are  
8 workers in the plant and in the reprocessing plants and  
9 whether these Intervenor can protect the interests of those  
10 workers. But if the Board chooses to let it in, we would  
11 be prepared to address it.

12 MR. SCHULTZ: I don't see how that would be  
13 relevant if there are people in our group who work in the  
14 plant or in a reprocessing plant. The people's health will  
15 be affected whether they're in our group or not.

16 CHAIRMAN BECHOEFER: Is there anything else that  
17 the Petitioners or parties might want to add on these?

18 MR. SCHULTZ: It's possible that members of our  
19 group could marry plant workers or reprocessing plant workers.  
20 This would again possibly affect their children.

21 The - reprocessing plant mentioned -- I mean we  
22 put it in because we know there's a possibility of reprocess-  
23 ing, but to my knowledge there is no commercial reprocessing  
24 existing now.

25 MR. SILBERG: We would respectfully disagree  
with the Staff's view of the law on this. We don't think that

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mpbl4 1 there is a requirement that SEA have a member who is a plant  
2 worker or a reprocessing plant worker or a uranium miner.

3 CHAIRMAN BECHOEFER: You can cite the Supreme  
4 Court's Price-Anderson case, among others.

5 MR. CUTCHIN: To the extent, Mr. Chairman, that  
6 it is purely an environmental concern, and it is a question  
7 of whether the consideration of those health effects would  
8 tend to tilt the CBB, the Staff would not disagree.

9 DR. PARIS: Mr. Silberg, at this point since  
10 the matter of work on Unit 2 after Unit 1 goes into opera-  
11 tion has come up, I would like to put the Applicant on notice  
12 that I would like to ask some questions if we go to a  
13 hearing about the possibility of construction hazards affect-  
14 ing the safety of Unit 1 when it's in operation.

15 MR. SILBERG: We'd be happy to answer your ques-  
16 tions.

17 I would hope you could possibly make them some-  
18 what more specific, but of course we will be happy to provide  
19 whatever answers you need. I'm not sure this is necessarily  
20 the time when you would have to do this.

21 MR. SCHULTZ: Mr. Chairman, I would point out  
22 that in one of the answers to our number 7 it was stated  
23 that we're arguing for zero exposure. That's not exactly  
24 what we're arguing for.

25 We're just saying that we'd like to see how much

mpbl5 1 radiation exposure there will be because we see it as a  
2 situation where they're going to start Unit 1 to produce  
3 power that is not really needed at this time, and there will  
4 be some radiation exposure that could be avoided by not  
5 starting Unit 1 until Unit 2 is complete.

6 CHAIRMAN BECHOEFER: I did have a question I  
7 wanted to ask of the Applicants and the Staff as well, I  
8 guess.

9 Is it possible that ALARA could ever be zero,  
10 or at least that somebody could try and show that?

11 MR. SILBERG: I would take the position that  
12 that could not be possible. Clearly the existence of the  
13 dose guidelines in Appendix I to Part 50 and the values --

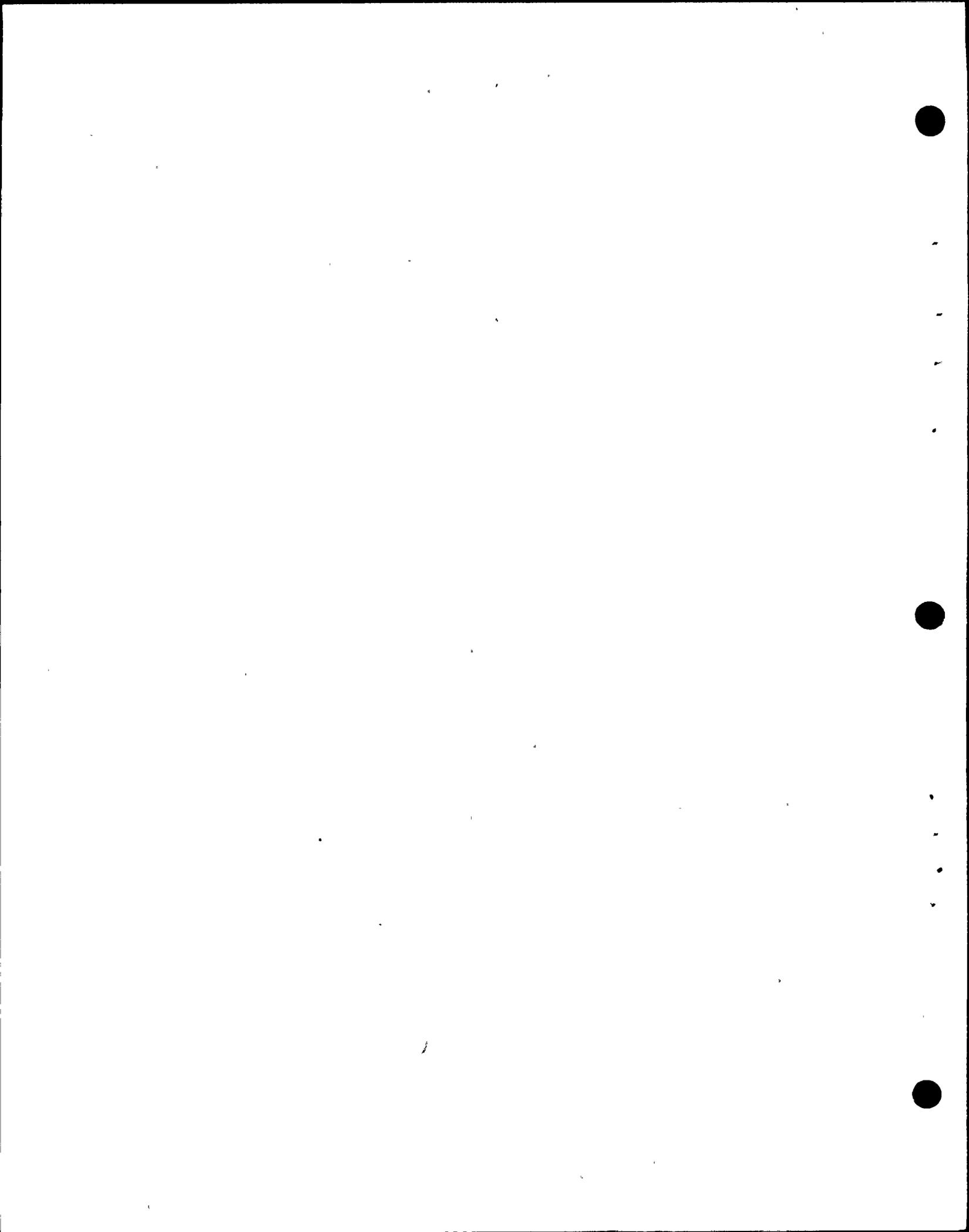
14 CHAIRMAN BECHOEFER: I'm talking about occupa-  
15 tional exposure at this stage where there are no guides  
16 and it just says as low as reasonably achievable.

17 MR. SILBERG: It's not even clear to me that  
18 ALARA applies to occupational exposure.

19 CHAIRMAN BECHOEFER: There's one paragraph that  
20 could be read in a couple of ways.

21 MR. SILBERG: Yes. And I know the Commission  
22 or the Staff has suggested that they might want to consider  
23 a rulemaking in that area.

24 But in my reading of this, this does not apply.  
25 Part 20 limits do apply.



mpbl6 1

2 CHAIRMAN BECHOEFER: Well, I'm thinking of the  
3 paragraph in Part 20 that says that notwithstanding every-  
4 thing else, make it as low as reasonably achievable.

5 MR. CUTCHIN: Mr. Chairman, I would like to say  
6 that the Staff has as a matter of practice in at least  
7 recent environmental impact assessments that I personally  
8 am aware of has applied the as low as reasonably achievable  
9 standard to occupational exposure of workers. One recent  
10 example is in the environmental impact assessment issued in  
11 connection with the Surry Units 1 and 2, a Vepco plant, in  
12 connection with the approval of modifications to the steam  
13 generators. That's one example.

14 It is a matter under discussion.

15 CHAIRMAN BECHOEFER: I think Prairie-Island is --

16 MR. CUTCHIN: It's not settled, I'm sure.

17 MR.: SILBERG: I would read from paragraph 20.1C  
18 of Part 20, which talks about 'making every reasonable effort  
19 to maintain radiation exposures and releases of radioactive  
20 materials and effluents to unrestricted areas as low as is  
21 reasonably achievable.'

22 CHAIRMAN BECHOEFER: Does that apply to the  
23 effluents only? I sort of read it as applying to the  
24 effluents only.

25 MR. SILBERG: I don't --

CHAIRMAN BECHOEFER: It's not a model of clarity.

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mpb17 1

MR. SILBERG: Unlike many other Commission regulations.

(Laughter.)

DR. KEPFORD: Could I add a little bit there?

Just moving to the ALARA principle does not necessarily solve the problem if it means exposure to much larger groups of materials -- a greater number of individual workers.

I think the pertinent number you're after is the integrated dose or the summed dose, and comparing that to the ALARA principle.

CHAIRMAN BECHOEFER: I think this is going to the merits, more or less. We're just trying to see if there's a contention here.

DR. KEPFORD: Fine.

CHAIRMAN BECHOEFER: On number 8 I had a question of what the word "adequacy of safeguards" means to SEA.

MR. SCHULTZ: Well, the situation we're concerned about is if there were to be an accident at the plant, the local emergency response units were to rush down to the plant to help with, you know, whatever medical emergencies there might be, or evacuations that might be necessary, if there were any plans to protect the local emergency units from radiation.

CHAIRMAN BECHOEFER: So when the Applicants read

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mpbl8 1 it as protection against radiation hazards, that's how you  
2 intend it to be?

3 I just wanted to confirm that the Applicants  
4 were responding to what you had in mind.

5 MR. SCHULTZ: Yes.

6 CHAIRMAN BECHOEFER: And with that in mind, you  
7 have no objection to this? Is that correct?

8 MR. SILBERG: That's correct.

9 CHAIRMAN BECHOEFER: How about the Staff?

10 MR. CUTCHIN: Is he now raising a safety  
11 question with respect to the protection of emergency crews  
12 coming in from outside? Clearly there's a requirement under  
13 Provision H of 10 CFR Part 50, Appendix D that requires  
14 the Applicant to include in his plans for emergency training  
15 provisions for training of employees -- quote -- and I  
16 will skip some words -- quote:

17 "...of other persons whose assistance  
18 may be needed in the event of a radiation  
19 emergency."

20 And is the Petitioner seeking to raise a  
21 contention that that training has not been adequate?

22 CHAIRMAN BECHOEFER: I think that's how the  
23 Applicants are reading it.

24 MR. CUTCHIN: Assuming the Board considers he  
25 has provided an adequate basis, the Board could not object

mpbl9 1 to the admission of such contention.

2 CHAIRMAN BECHOEFER: In number 10, are you asking  
3 us to examine the consequences of a Class 9 accident, and if  
4 so, do you think that the earlier Commission guidelines which  
5 have been approved by the courts are for some reason not to  
6 be followed any longer?

7 MR. SCHULTZ: Yes.

8 CHAIRMAN BECHOEFER: The guidelines, I might add,  
9 preceding WASH-1400 by several years.

10 MR. SCHULTZ: I just have a couple of things--  
11 one thing to ask and another thing to say.

12 Is it the position of the Commission or Board  
13 and the courts that because the risk is so small that the  
14 Class 9 accident need not be talked about by the Applicant?

15 CHAIRMAN BECHOEFER: I think it is because the  
16 likelihood is small. I don't think it has anything to do  
17 with risk, if you count risk as being something more than  
18 likely.

19 MR. SCHULTZ: No, I mean the likelihood.

20 The only thing that we would say --

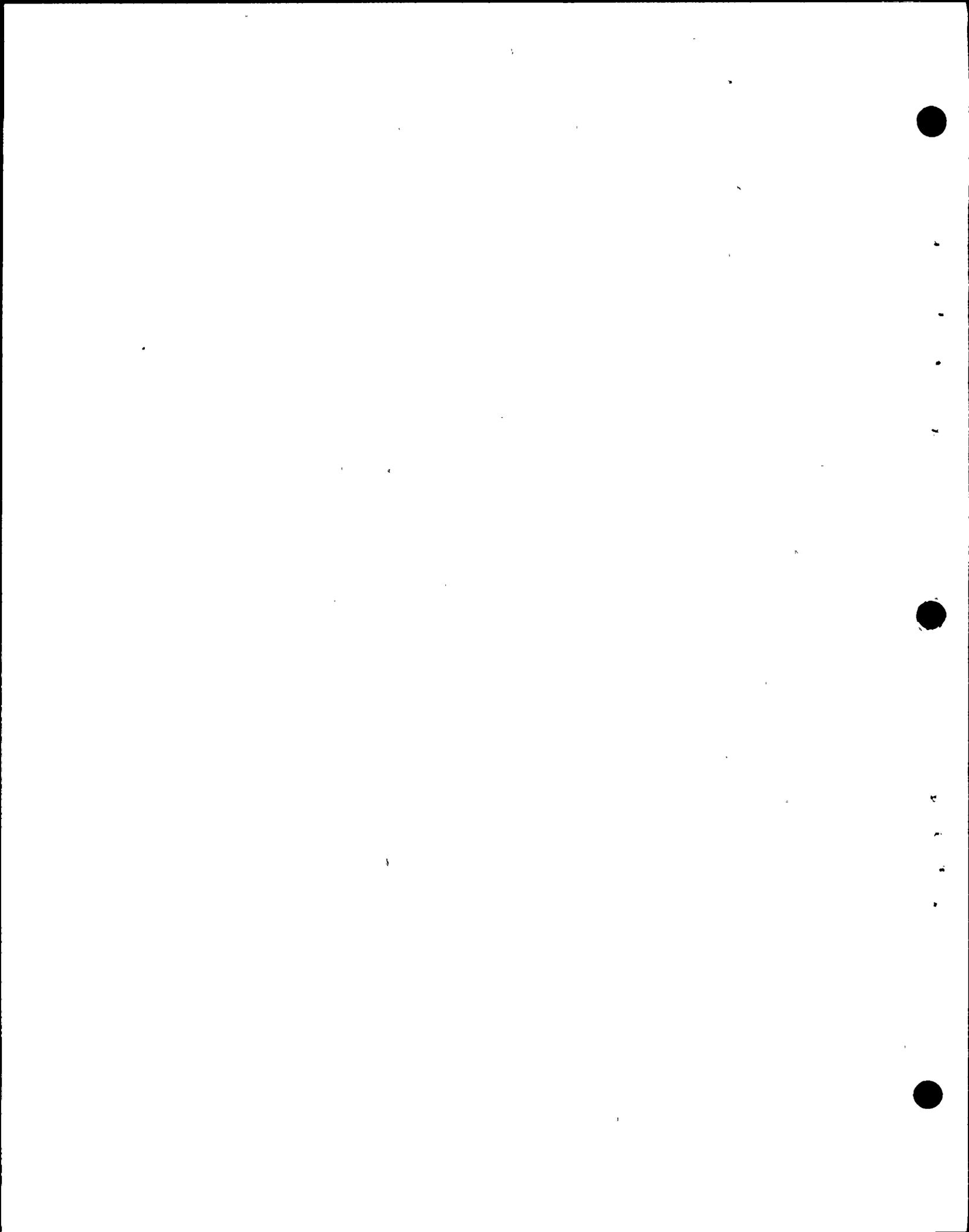
21 CHAIRMAN BECHOEFER: I think that did precede  
22 the Reactor Safety Study, and the policy has been in effect  
23 a long time.

24 I was just wondering whether there was anything  
25 that could cause us to do anything other than follow it.

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mpb20 1

2 MR. SCHULTZ: Well, you know, one, the Reactor  
3 Safety Study has at least partly been disclaimed by the  
4 Commission; two, one of my colleagues here states that if  
5 it was before the Reactor Safety Study, then what basis did  
6 the Commission have -- that there was no basis for really  
7 assigning a low likelihood to a Class 9 accident.

8 CHAIRMAN BECHOEFER: Unfortunately we can't  
9 ask the Commission what basis does it have. We have to  
10 take the rule as it is written.

11 MR. SILBERG: Mr. Chairman, if Mr. Schultz  
12 consults the court cases that have looked at this, he will  
13 see that in the Carolina Environmental Study Group case they  
14 go back to WASH-740, which of course -- well, preceded the  
15 Reactor Safety Study, as one of several bases for holding  
16 that the Class 9 accident need not be discussed given the  
17 very small probability of that accident occurring.

18 Of course the fact that the Commission may have  
19 backed away from the executive summary of the Rasmussen  
20 Report in no way changes the judgment which the Commission  
21 has reached as a technical matter, whether or not there's  
22 a Rasmussen study in place, that the risk of these acci-  
23 dents occurring or the probability of these accidents occur-  
24 ring is still exceedingly small.

25 MR. SCHULTZ: Now my colleague states that  
WASH-740 did not discuss accident probabilities.

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mpb21 1

2 This aside, it seems to me from a common sense  
3 point of view -- and again, you know, I would reiterate what  
4 people have said before myself and before SEA, that you know,  
5 we don't have full time to sit down and work on these things.  
6 We all have full-time jobs that we have to do. So we do what  
7 we can on these petitions.

8 I realize that there has been some sort of  
9 written snickering at our petitions sometimes because they  
10 are not professionally done. But, you know, if we had money  
11 to go out and hire attorneys like the Applicant does or  
12 like they do over again with the Commission, then we could  
13 probably have things just as professionally done as they do.

14 Now that aside, it seems like, you know, one of  
15 the main public concerns with these plants is the possibility  
16 of an accident. And yet when there is a hearing on whether  
17 or not one of these plants should be granted a license,  
18 this issue is removed before it can even be brought up  
19 by the Commission and by the courts.

20 Now I'm not surprised by that. But, you know,  
21 it's sort of a Catch-22 situation in my mind. And I still  
22 think that this should be included. I realize you're not  
23 going to include it, that the courts have said it shouldn't  
24 be included. But, you know, the people of this area and I  
25 think people wherever a power plant is located should at  
least know what could happen.

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mpb22 1

CHAIRMAN BECHOEFER: Going on to -- it's  
2 unnumbered, but I guess it's 11, on ECCS -- well, first, do  
3 the Staff and Applicants have any comment on the last conten-  
4 tion, the Class 9 accident contention?

5

MR. SILBERG: No.

6

MR. CUTCHIN: None beyond what we have already  
7 said in our pleading.

8

CHAIRMAN BECHOEFER: Going on to the ECCS  
9 contention, I would like to know first whether there is any  
10 allegation here that the Applicants are not complying with  
11 Commission regulations in this respect.

12

There are some specific regulations dealing with  
13 ECCS systems. Second, I want to know what the more dynamic  
14 additions means on line two. I want to know what those three  
15 words mean.

16

MR. MILLER: Mr. Chairman, it's my understanding  
17 that the test that just went on about a month or so ago, the  
18 power of that reactor was not equal, was smaller than the  
19 power, less than the power of the proposed reactor at Burwick.  
20 That's what I mean by "more dynamic conditions".

21

There is still a question whether this system  
22 could perform under those conditions, and there has really  
23 been only one successful testing up until this point.

24

CHAIRMAN BECHOEFER: Well, are you claiming  
25 that in some way the ECCS system which has been proposed

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mpb23 1 won't meet the Commission's requirements?

2 MR. MILLER: I think there is a definite possibil-  
3 ility.

4 CHAIRMAN BECHOEFER: Because you haven't stated  
5 in what respect.

6 The Commission's requirements are very detailed.  
7 They appear in Part 50. And I think unless there is some  
8 way that the system proposed does not meet those requirements  
9 there is probably no contention that we can entertain.

10 The Commission has said that a system which meets  
11 those specifications is satisfactory, or must be accepted by  
12 us.

13 MR. SCHULTZ: Well, again, I think it just points  
14 out that even if there were some way that the ECCS didn't  
15 meet the Commission regulations, we would not know about it.  
16 We'd have to go out and find somebody who is an engineer  
17 or a scientist and have him or her do the research.

18 And again, you know, I certainly disagree with  
19 the Commission position on public funds. I have seen it  
20 written in the newspaper that the Applicant, PP&L, is  
21 happy to put these things on the table and have people  
22 comment, to give people an opportunity to go to the public  
23 hearings. If they are so happy to do this, I think they  
24 should provide funds for people to intervene in these  
25 proceedings, instead of just printing the fact that they're

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happy.

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I think they should do something about it so that people can have a reasonable opportunity to do some research and respond.

CHAIRMAN BECHOEFER: Do you want to respond to that?

MR. SILBERG: I just asked one of our officers whether he wanted to respond to this.

I think the important point to keep in mind is that there is an entity known as the NRC Staff which is charged by Congress and the Commission to evaluate what the Applicants submit and the adequacy both of our design and the adequacy of the Commission's regulations, and to conduct ongoing research.

There are several levels on which our designs are reviewed. They're reviewed by intervenors, as certainly one of those levels. But at least the implication I think that is coming through is the only level I don't think is appropriate. The NRC Staff does conduct the very kinds of reviews which Mr. Schultz would like the company to fund intervening groups to perform.

MR. SCHULTZ: Well, I know technically that's true. But we have seen right here in the two answers to our petition, if anything, the Staff's answer is less responsive than the Applicants' answer to our petition.

mpb25 1

2 MR. CUTCHIN: Mr. Chairman, I think if one would  
3 look very carefully at the words that are provided in the  
4 so-called contention, the bottom line is that because there  
5 is uncertainty in the ECCS testing, it should be stressed  
6 that a single testing should not prove the reliability of  
7 any system, let alone one so crucial as the ECCS.

8 That states no contention that this Board can  
9 consider. The Staff, in a couple of sentences, has made  
10 known to the Intervenor-to-be, the Petitioner, what the  
11 applicable regulations are. He has alleged no non-compliance  
12 with those regulations, only that the regulations are in-  
13 adequate.

14 Clearly that is a challenge to the regulations  
15 and he has no admissible contention. That's all the reply  
16 that I think is necessary.

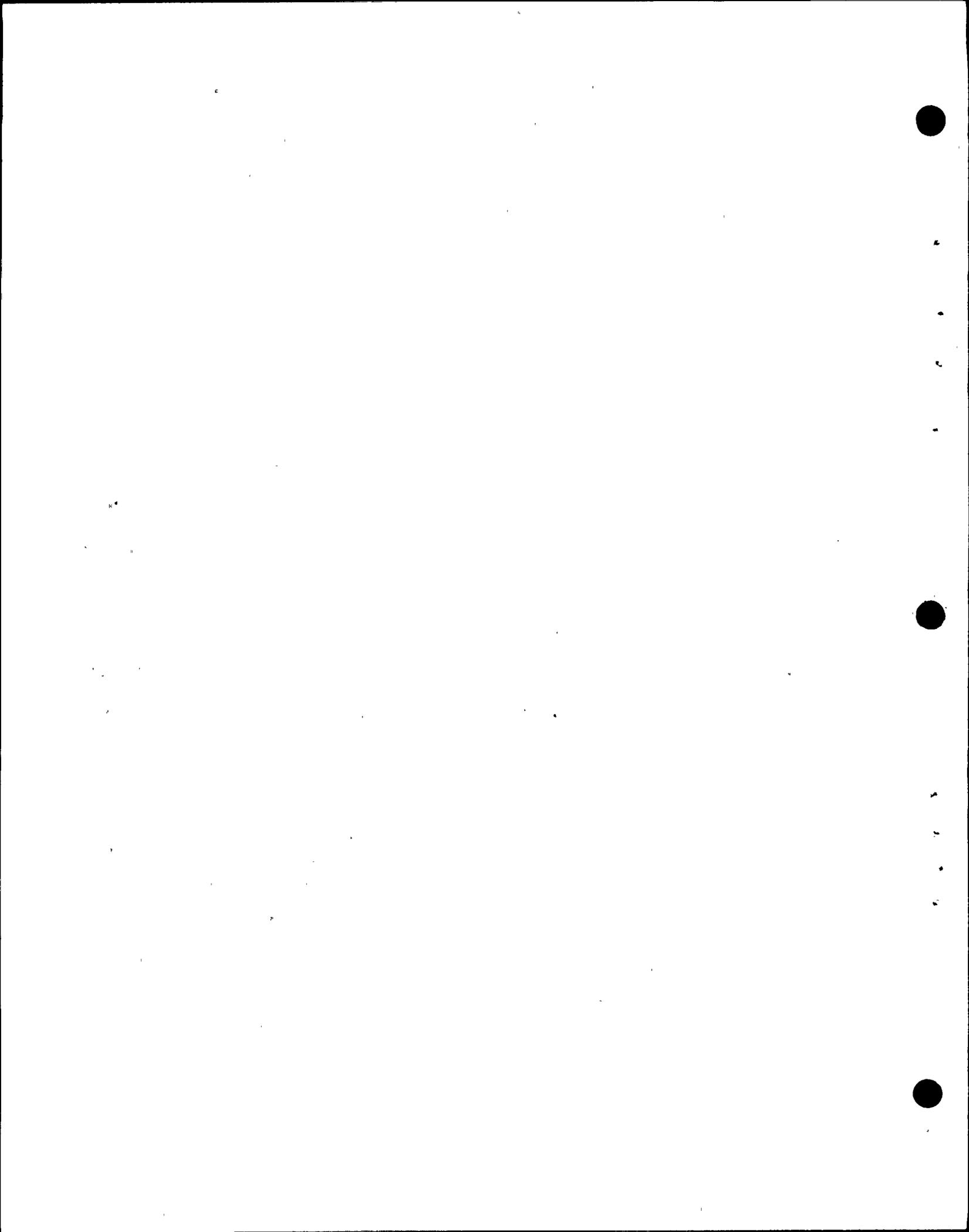
17 CHAIRMAN BECHOEFER: Further comment?

18 MR. SILBERG: No.

19 CHAIRMAN BECHOEFER: Let's go on to the  
20 security plan.

21 Here the Commission has a requirement which  
22 would prohibit public disclosure of these plans at all.  
23 Intervenors who have an acceptable contention, might be  
24 entitled to look at certain aspects of these plans.

25 What I wonder, is there a contention there at  
all? Do you have some -- are you stating that in some way



mpb26 1

2 either the plan is deficient or that there should be a plan  
3 that incorporates something special, or beyond the usual  
4 requirements of the NRC rules which are specified in some  
5 detail here?

6 MR. SCHULTZ: No.

7 We talked about this. I think that, you know,  
8 realistically after reading the part in the Environmental  
9 Report and the Safety Analysis that said that the security  
10 plan was withheld from public disclosure, we wouldn't see it  
11 and you know, really we don't care about the plan itself,  
12 the only questions we wanted to raise were questions named  
13 here. And again, we don't care how they're going to protect  
14 the plant.

15 We just wondered how much it would cost, how  
16 many people would be hired, what kind of security clearance?  
17 If it is an admissible contention, we would say that we would  
18 want to litigate the issue of cost.

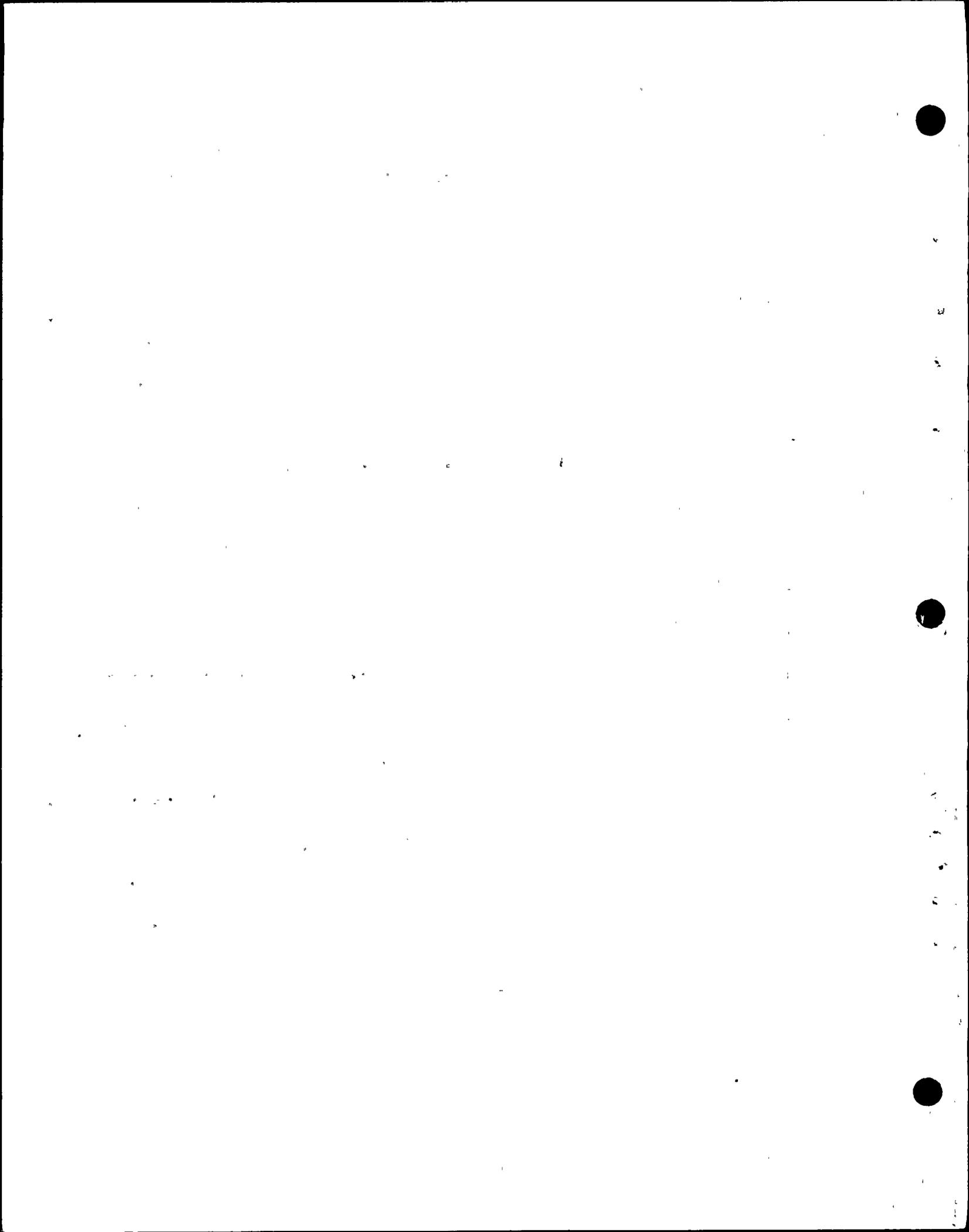
19 DR. PARIS: Well, now, you may be looking just  
20 for information, because if you are it might be possible  
21 for us to ask the Applicant to give you -- to provide you  
22 with what information can be provided about the security  
23 plan.

24 MR. SCHULTZ: I would say in this respect we  
25 are mainly looking for information.

MR. CUTCHIN: Mr. Chairman, maybe I can try to

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mpb27 1 be helpful. I'm not sure I will be. But it is not apparent  
2 whether the Petitioner is aware of the regulations in Part  
3 73, 10 CFR Part 73, that set forth requirements for security  
4 plans.

5 Clearly this is an area that has been found to  
6 be very sensitive for obvious reasons. One does not wish  
7 to spread onto the public record all the details of the  
8 security plan because it does make it possible for those who  
9 might be interested in defeating those plans to do so.

10 And for that reason, the Commission in the  
11 Diablo Canyon case has established some very clear guidelines  
12 as to how one can gain access and short of alleging a  
13 specific deficiency in the plan and showing that the individual  
14 who will review the plan has the expertise in the area, this  
15 is a very difficult area to get opened up, and with good  
16 reason.

17 CHAIRMAN BECHOEFER: How would you allege a  
18 specific deficiency in the plan assuming the plan is not  
19 available?

20 MR. SCHULTZ: I was just going to ask that.

21 MR. CUTCHIN: That's a good question, Mr.  
22 Chairman.

23 But there is a policy determination and it is  
24 deemed that these security plans are commercial and financial  
25 information subject to protection under 2.790. And the

mpb28 1 Commission has fashioned a barrier, if you will, to gaining  
2 access to these plans for what they believe to be very good  
3 reasons.

4 CHAIRMAN BECHOEFER: Do you happen to know what  
5 the contention was that was accepted at Diablo Canyon which  
6 gave rise to the --

7 MR. CUTCHIN: I do not, sir. I do know that it  
8 has probably been mooted by the untimely death of Mr. Kome.  
9 But the question, as it was last focused on, was whether  
10 or not that individual had the necessary expertise. But I  
11 do not recall myself.

12 CHAIRMAN BECHOEFER: It would have to be expertise  
13 to do something. There must have been a contention admitted,  
14 a security contention.

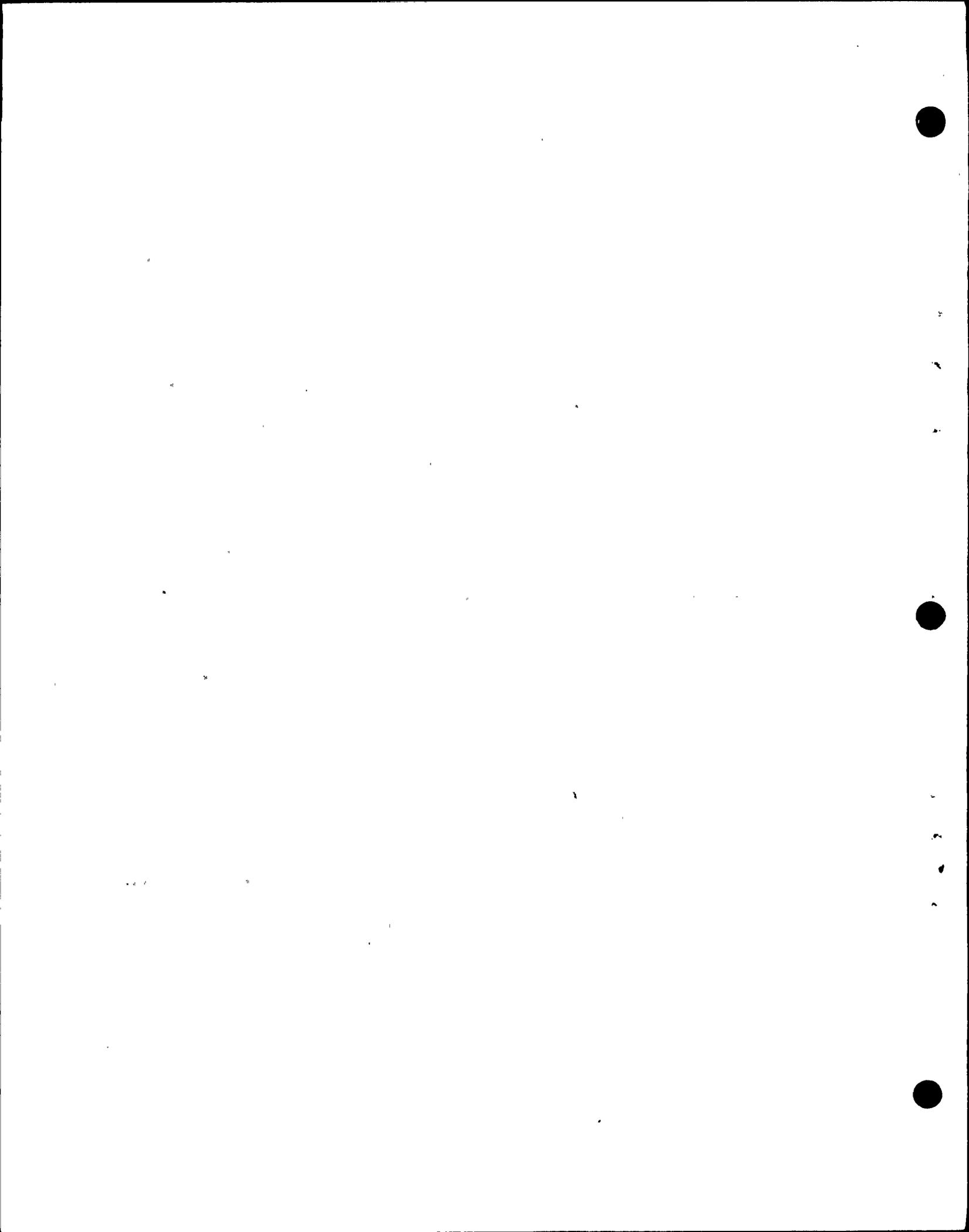
15 MR. CUTCHIN: There was a contention of a  
16 deficiency in the security plan. I do not recall specifically  
17 what it was.

18 CHAIRMAN BECHOEFER: I see. But there was a  
19 specific allegation?

20 MR. CUTCHIN: Right, and under ALAB-410 there is  
21 a requirement that there be a specific contention or allega-  
22 tion.

23 CHAIRMAN BECHOEFER: I'm aware of that.

24 DR. PARIS: I raised the question that I did  
25 about the Applicant perhaps providing some information fully



mpb29 1 recognizing that the sensitivity of the security plan would  
2 limit extremely any information that could be freely provided  
3 by the Applicant.

4 The reason I raised the point was that it appears  
5 from the way the Petitioner freezes this contention that  
6 they are seeking information and in a recent case, Point  
7 Beach, a similar situation arose. And in that case the  
8 entire case was settled just by the Applicant providing  
9 information to answer the questions and the concerns of the  
10 parties. And I thought we might be able to do that in some  
11 cases here.

12 MR. CUTCHIN: The Staff would have absolutely  
13 no objection to the disclosure of whatever information the  
14 Applicant chose to disclose, because it is his security  
15 plan. He does write, should he choose to do so, as much  
16 detail in the portion of the plan that can be publicly  
17 disclosed as he likes. And none of the questions that are  
18 posed here cause the Staff any problem.

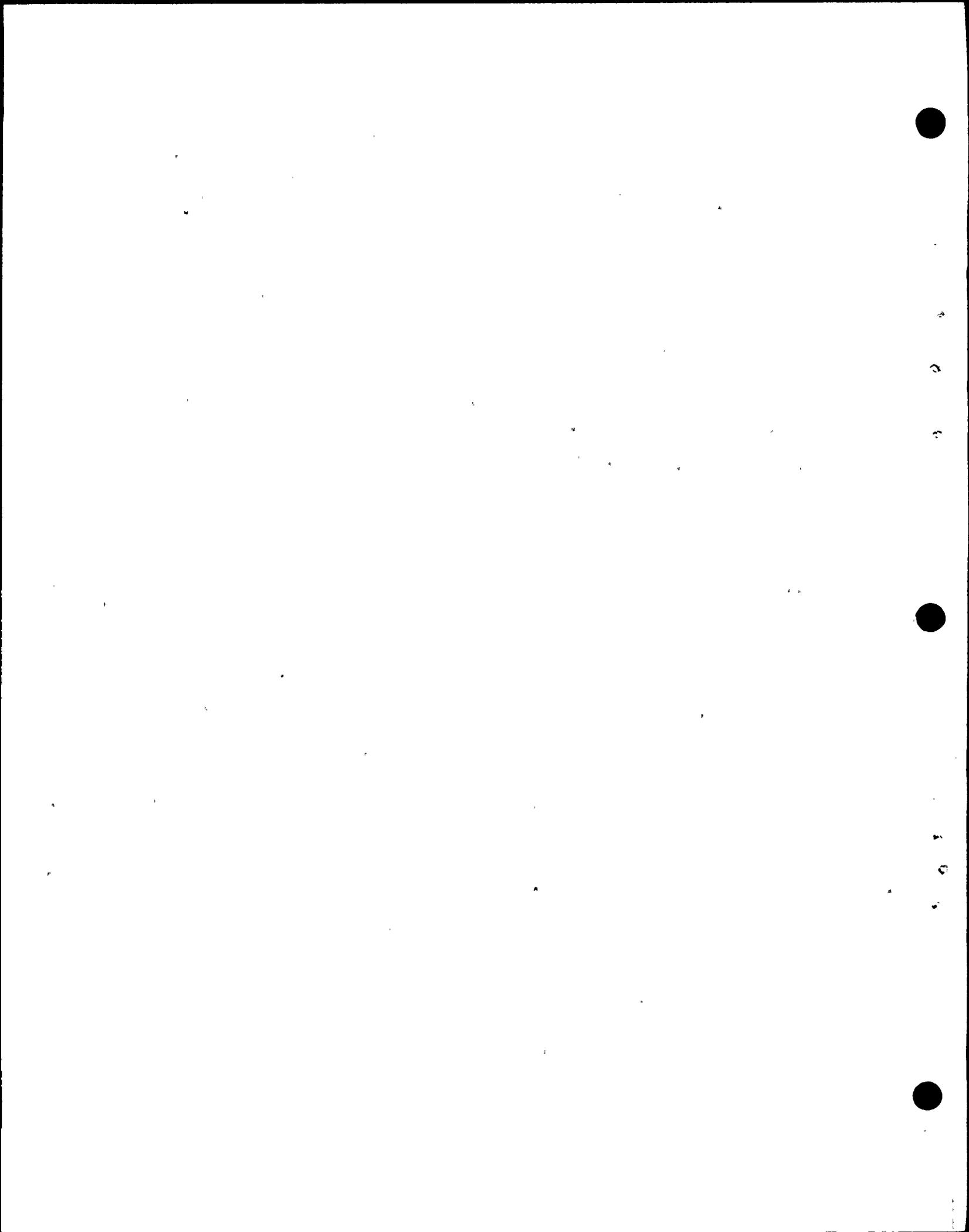
19 But if the Petitioner were seeking to litigate  
20 more, the Staff wanted to make clear for the record what it  
21 believed the barriers to that contention were.

22 MR. SILBERG: We don't see a contention in the  
23 items that they have asked about. We would have no problem  
24 in sitting down outside of the hearing, going over in detail  
25 with SEA what information they would like.

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mpb30 1

2 We of course would have to look at it carefully  
3 and determine what information we could provide them without  
4 compromising our security plan. We'd be happy to do that at  
5 some mutually acceptable later time.

6 CHAIRMAN BECHOEFER: Would this be acceptable?

7 MR. SCHULTZ: I think it would be acceptable to  
8 us.

9 When we went through the reports of course there  
10 wasn't anything about the security plan in the reports.  
11 And again, we don't want to know how the plant is going to  
12 be protected or guarded because we realize it's a logical  
13 public policy argument against that. But we do think it's  
14 relevant to find out basically how much it's going to cost  
15 and I would assume the ratepayers would bear the cost.

16 MR. SILBERG: Very definitely.

17 MR. CUTCHIN: Mr. Chairman, might I add, I  
18 understand that the Appendices B and C, which describe some  
19 of the details that are required in the security plan that  
20 are not disclosed, I understand do not appear in the bound  
21 versions of the regulations. And the Staff would be happy  
22 to send to the Petitioner copies of those appendices if he  
23 would like, and he can see where he wants to go from there.

24 MR. SILBERG: I would urge SEA to read Part  
25 73.55, which are the Commission's very detailed regulations  
on physical security for nuclear reactors and the appendices.

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mpb31 1 I think those will provide a lot of information on what kind  
2 of basic requirements our security system has to meet. They  
3 are extremely detailed. And most applicants -- many appli-  
4 cants have found them extremely onerous, but they are being  
5 met.

6 MR. CUTCHIN: That sets forth the what, and not  
7 the detailed "how" is what is withheld from disclosure.

8 CHAIRMAN BECHOEFER: I do think that if some of  
9 this information were provided to SEA that it would be use-  
10 ful.

11 Is there any cost information that could be pro-  
12 vided SEA?

13 MR. SILBERG: We don't have anything here.

14 CHAIRMAN BECHOEFER: I'm aware of that.

15 But at some point during the proceeding?

16 MR. SILBERG: Well, we'll certainly look at that  
17 question. I can't tell you now, A, whether we have it broken  
18 down, B, whether we feel we can give that to you without in  
19 some way compromising the plan. But we will certainly look  
20 at that. And we would like to sit down with you outside  
21 the hearing and discuss exactly what we can provide.

22 MR. SCHULTZ: All right. Fine.

23 DR. KEPFORD: I don't know if it is proper, but  
24 I would like to ask when the security regulations have been  
25 tightened for nuclear power plants. Was this in 1978 that

mpb32 1 these amendments came about?

2 MR. SILBERG: They were promulgated in February  
3 of 1977, effective on May 23, 1977. Some of the provisions  
4 are still not effective, are due to become effective in  
5 February or may be extended..

6 There has been a fairly elaborate scheduling  
7 process by which these have gone into effect.

8 It was May 25, 1977.

9 DR. KEPFORD: Thank you.

10 CHAIRMAN BECHOEFER: I think 15 is similar to  
11 a contention we discussed yesterday, but I would like to  
12 ask SEA whether -- are you saying that there should be a new  
13 analysis of alternatives at this time, and given the fact  
14 that the plant is or will be constructed? And we have  
15 nothing to say about construction. You would have to accept  
16 a constructed plant.

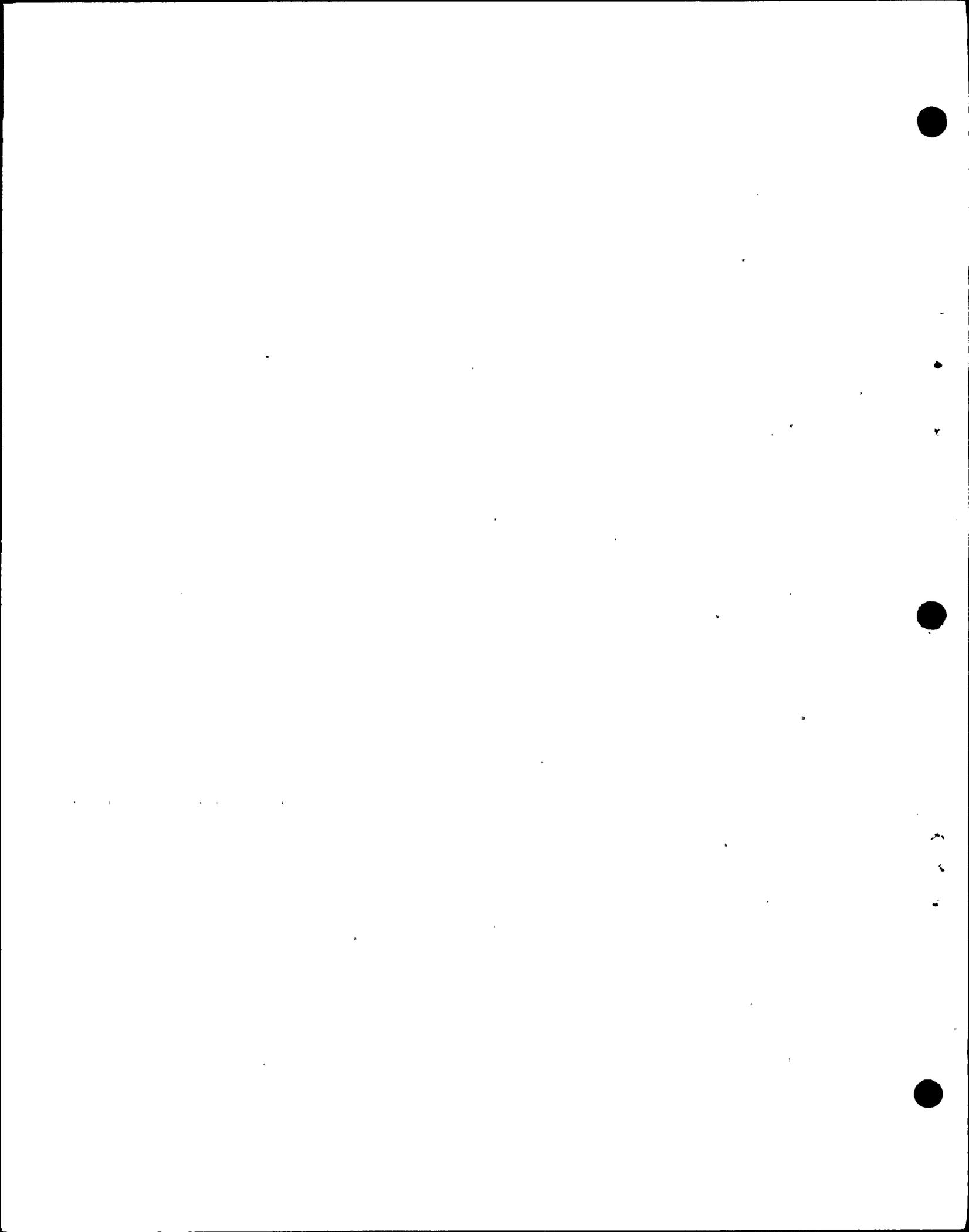
17 Are you saying there should be a new examina-  
18 tion of alternatives? Our view is an alternative or perhaps  
19 something slightly different, conservation; but a new  
20 examination of these subjects at this time?

21 MR. SCHULTZ: Yes, very definitely we think there  
22 should be. I know on the face of it the option of not using  
23 a plant that is already built is nonsensical. On the other  
24 hand, in Austria they just voted to do the very same thing.

25 We think it is offensive, really, for the

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mpb33 1 Company to just say Well, we rely on our 1972 discussion of  
2 alternatives, and the only alternative is either to use the  
3 plant or leave it stand unused. I mean, this is the same  
4 company that, you know, is heating homes and buildings  
5 electrically. And, you know, along with probably most other  
6 utilities, is not engaging in a serious energy conservation  
7 effort, certainly not encouraging the use of alternative  
8 energies.

9 And I think these alternatives should be examin-  
10 ed. And I think there are alternatives to using this plant  
11 because over the life of this plant I think that the rate-  
12 payers would actually lose money, you know, paying for elec-  
13 tricity generated from this plant as opposed to some of the  
14 alternatives.

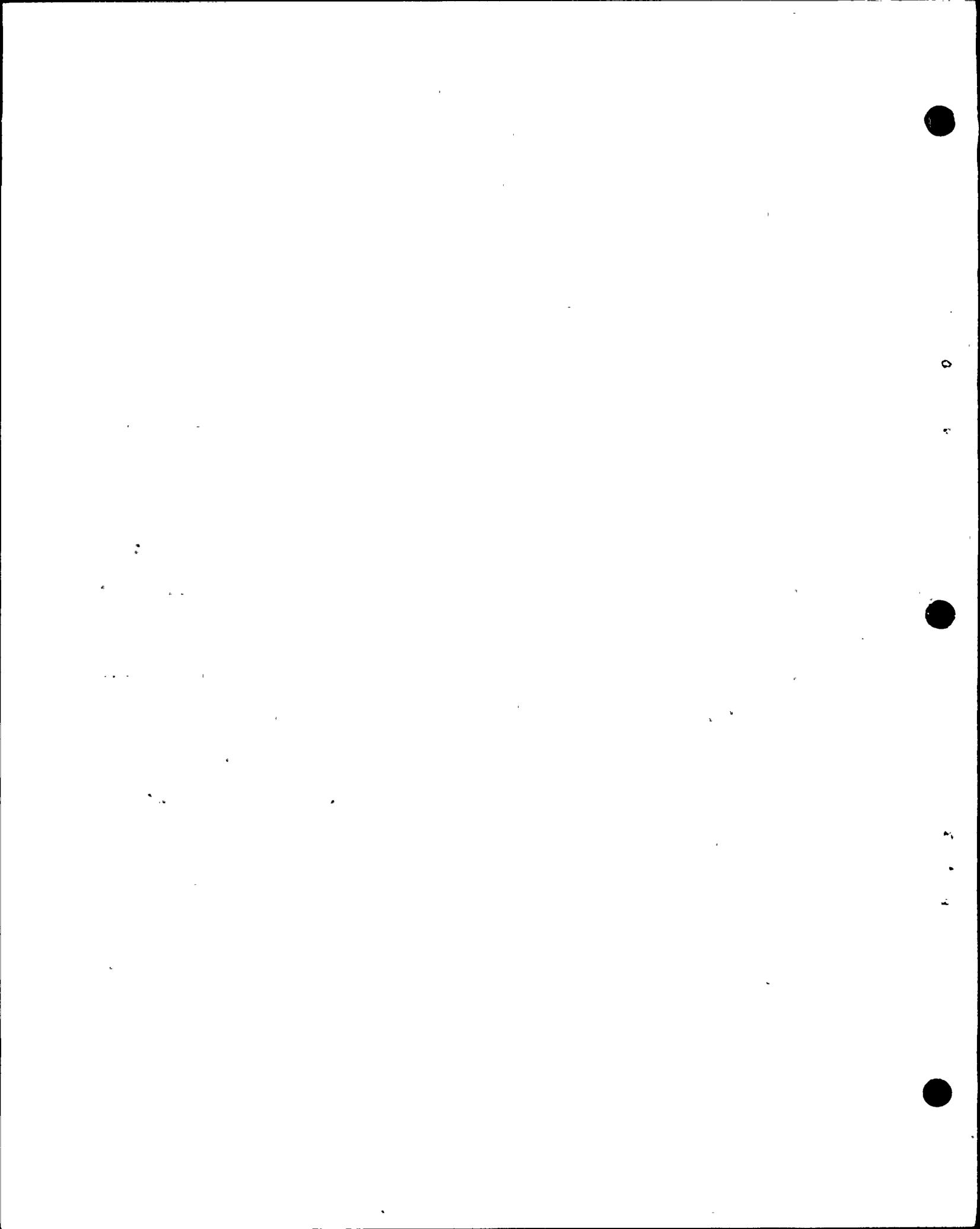
15 CHAIRMAN BECHOEFER: Well, you have a built plant,  
16 so you might well have to pay for the plant.

17 MR. SCHULTZ: Oh, certainly.

18 CHAIRMAN BECHOEFER: So you're consideration of  
19 alternatives would be --

20 MR. SCHULTZ: I realize that. But we do think  
21 there should be consideration of alternatives.

22 CHAIRMAN BECHOEFER: I'm separating a part at  
23 this time, conservation, because that could be a question of  
24 either using or not using the plant. But these others seem  
25 to raise whether the Applicant should go build something



mpb34 1 else or do something else to supply power.

2 MR. SCHULTZ: How are you separating out con-  
3 servation?

c10 4 CHAIRMAN BECHOEFER: Well, I view conservation  
5 as if people conserve enough there will be no need for the  
6 electricity generated by this plant, therefore it doesn't  
7 have to be used.

8 Now that would be one sort of a contention.  
9 Another sort of a contention would be we have a built plant  
10 here. Nevertheless it would be better for society to build  
11 something else and have society pay for both, the plant that  
12 you've already built plus whatever the cost of the alternative  
13 is. That's a different sort of a contention. That's much  
14 more suitable at the construction permit stage than at the  
15 stage where the plant is already built. And I'm wondering if  
16 that is even a reasonable alternative, because NEPA is  
17 limited to examination of reasonable alternatives. And what  
18 may be reasonable in one period of time may not be reasonable  
19 later on.

20 I think the Applicants have cited several cases  
21 that hold that.

22 MR. SCHULTZ: I know they have. I would still  
23 contend that this issue should be litigated in view of the  
24 total cost of the plant.

25 I realize, you know, the cost of construction is

mpb35 1

2 so high, but in terms of the total realistic cost to the  
3 consumer of the plant over the lifetime of the plant as  
4 opposed to other alternatives, including conservation or  
5 alternatives, construction alternatives.

6 DR. JOHNSRUD: Could I raise a point here, since  
7 this goes to a contention of ECNP as well, that might assist  
8 you in reaching your decision?

9 I would suggest to you the NRC Staff's response  
10 to the Honeker versus Hendrie, the Honeker petition recently  
11 in which the Staff itself estimated that the anticipated  
12 cost of phasing out the entire nuclear power, commercial  
13 nuclear power program would run on the order of \$60 billion  
14 for phase out and replacement with alternate sources, it  
15 would seem to me that this might set a possible mode of  
16 examining this issue with respect to a plant that has already  
17 been built but could still, having not yet become radioactive,  
18 be replaced by more benign alternative sources.

19 CHAIRMAN BECHOEFER: Do the Applicants have any  
20 comments?

21 MR. SILBERG: First of all, the Honeker petition  
22 had nothing to do with the licensing case. I don't see that  
23 that provides any basis or guideline for going ahead and  
24 litigating this issue.

25 Second, to the extent that SEA wants to look at  
other alternatives, those have never been specified. There's

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mpb36 1 nothing in the contention that would remotely point us in the  
2 right direction.

3 Finally, with regard to the allegation that the  
4 Committee is not engaging in serious energy conservation,  
5 I suggest that's far from the case, that those kinds of  
6 allegations do not meet the threshold requirements required  
7 in the Consumers Power case which the Supreme Court has  
8 specifically affirmed in the Vermont Yankee decision.

9 Finally, I would agree with Mr. Schultz's state-  
10 ment that the option of using the plant is nonsensicle by  
11 definition -- of not using the plant, that in and of itself  
12 puts the option outside the rule of reason to which NEPA is  
13 to be interpreted.

14 MR. SCHULTZ: Well, I would respond by saying  
15 what I meant to say was it would appear to be nonsensicle.  
16 But I don't think it is nonsensicle in this case.

17 Our petition does say there is the alternative  
18 of the utility developing alternative energy sources includ-  
19 ing solar, wind, and hydro power. I'm sure we could have  
20 attached a couple of books to it on, you know, what the  
21 utility could do.

22 And, again, I can only agree with Dr. Johnsrud  
23 that it would certainly have been better for us to have been  
24 here in 1972. But you can't do much about that now.

25 It would certainly be better to have more money.

mpb37 1 and more resources, but I personally work all day in a law  
2 office. I'm not going to spend all night in the library  
3 reading these volumes, which the Staff has informed us, you  
4 know, aren't the sort of things we should have been reading  
5 anyway.

6 I'm going to spend what time I have formulating  
7 these contentions. And I think we've raised some legitimate  
8 points. And I think Mr. Miller and some other people in our  
9 organization, small as it is, have attempted to do this.

10 MR. SILBERG: Just so it doesn't appear in the  
11 record that Mr. Schultz is the only person who works in the  
12 evening, some of the Applicants' people do also.

13 MR. SCHULTZ: I'm sure you do, and I'm sure you  
14 got paid better than I do too.

end 3c

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10.070

1 CHAIRMAN BECHHOEFER: This might be a good time  
2 for a break. I think we have about finished with the SEA  
3 contentions, in any event. Perhaps we have time for a few of  
4 CANDs contentions.

5 MR. SILBERG: I would like to strongly urge that  
6 we continue as long as we can. There are a lot of CAND con-  
7 tentions.

8 CHAIRMAN BECHHOEFER: I realize that.

9 MR. SILBERG: I don't know how long it will take.  
10 And to the extent we can finish earlier tomorrow rather than  
11 later, I think that would be of significant benefit to every-  
12 body.

13 CHAIRMAN BECHHOEFER: By the way, I understand this  
14 room will be available at 9:00 tomorrow morning, at least, so  
15 we will meet here tomorrow.

16 I think before we get into the CAND petition,  
17 we have one limited appearance request, one additional one,  
18 and we would invite that woman up here now to make a statement  
19 which I hope will be short because we want to --

20 DR. PARIS: She's from Allentown and can't come  
21 back.

22 LIMITED APPEARANCE STATEMENT OF SARAH RITTENHOUSE  
23 A RESIDENT OF ALLENTOWN, PENNSYLVANIA

24 MS. RITTENHOUSE: My name is Sarah Rittenhouse  
25 and I'm from south of Allentown in PP&Ls jurisdiction.

agb2

1                   And as I sit here listening it seems to me there  
2 is an injustice being done. This plant, if it is licensed  
3 to operate, will have an adverse environmental impact.

4                   To justify this adverse environmental impact, PP&L  
5 must justify the need for this plant. Therefore, any factor,  
6 anything used to justify the need for this plant, efficiency  
7 projections or energy need projections or cost-benefit figures  
8 or emergency plans, whatever, is open to question on the basis  
9 of its being a factor in justifying the adverse damage to the  
10 environment and therefore it properly belongs under the  
11 jurisdiction of this Commission. I can't see all this ruling  
12 out.

13                   CHAIRMAN BECHHOEFER: Okay, let's get into the  
14 contention of the Citizens Against Nuclear Dangers. I think  
15 we'll proceed with these by the dates they were received, the  
16 dates of the transmittals.

17                   MS. LEMANOWICZ: My name is Irene Lemanowicz.  
18 I'm Chairperson for Citizens Against Nuclear Dangers.

19                   Our organization has been in existence for about  
20 six years and we also are limited in what we can do because  
21 of time and finances, education also. It's very difficult to  
22 understand the NRCs regulations, the numbers. It's kind of  
23 like you would almost have to be a computer, a programmed  
24 computer, so we're going to have to do this the best we can.

25                   Mr. Halligan is a member of our organization and

1 has done most of the research for us. And I'm asking you to  
2 direct most of your questioning to Mr. Halligan.

3 Before the construction stages, we were opposed  
4 and again with lack of knowledge, we did not formally intervene.  
5 We just couldn't because of the lack of knowledge.

6 But at the hearing at the Berwick Senior High  
7 School, I had handed in more than 1600 signatures of people  
8 opposed to the construction of this plant. And the contentions  
9 in the petition are very similar or near-exact to the contentions  
10 that we ask for at the operating license stage.

11 It's a strange situation that even before the  
12 construction stage, when it was advertised hearings were going  
13 to be advertised on participation in the construction -- the  
14 response, the public response to the granting of a construction  
15 permit, before that point the ground was bought by Pennsylvania  
16 Power and Light Company and before there were plans for hearings  
17 on whether or not it could be constructed, it was being  
18 constructed.

19 So there's a question in my mind and the people  
20 that I represent as to the validity of all of this, the legal  
21 work that is being done by the NRC, it's just very questionable.  
22 There just doesn't seem to be an honest necessity for any kind of  
23 big to-do, like I would call this hearing a big to-do, as to  
24 whether the Board would permit the construction permit or an  
25 operating permit because here again you've allowed the

1 construction of a plant and just minutes ago had said well  
2 you can't do anything about the construction of the plant, it  
3 has to be completed now, it's gone through the construction  
4 permit stages and so on.

5 Well you're almost saying that you can't -- that  
6 this thing is going to be constructed, we may not be able to  
7 say you can't operate it. So I'll have to -- and, you know,  
8 my point now, I would ask you to refer to Mr. Halligan for the  
9 contention.

10 CHAIRMAN BECHHOEFER: Well as I think you did  
11 understand, we just have no jurisdiction over construction.  
12 We do have authority to determine whether the plant will operate  
13 and, if so, under what conditions.

14 MS. LEMANOWICZ: Well who does?

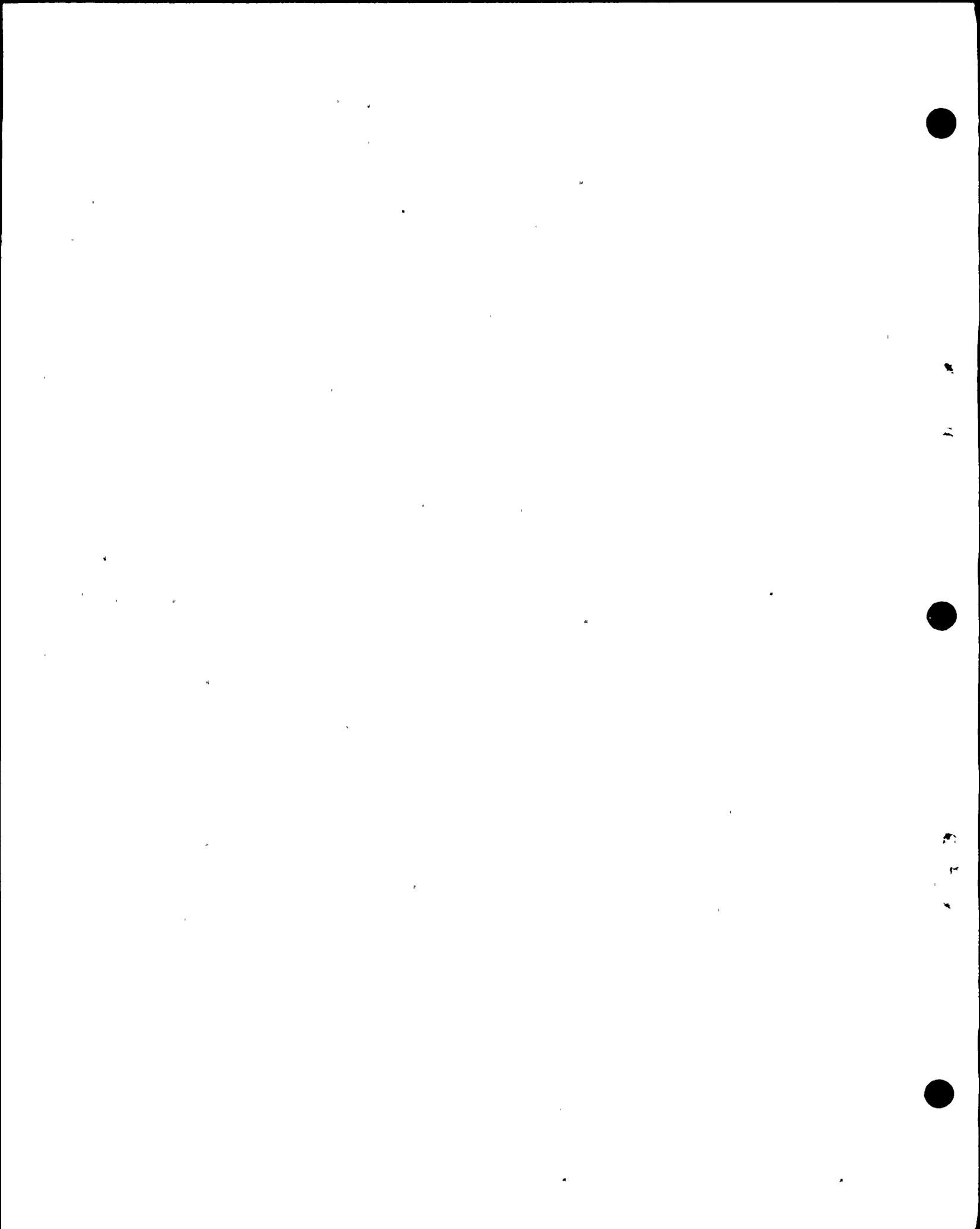
15 CHAIRMAN BECHHOEFER: We do. I say we have that  
16 authority. We have the authority to determine whether this  
17 plant can operate and, if so, under what conditions, what  
18 authority.

19 MS. LEMANOWICZ: But it was under your jurisdiction  
20 also --

21 CHAIRMAN BECHHOEFER: No, not the construction,  
22 it was not, another Board had that.

23 MS. LEMANOWICZ: You mean it was another Board  
24 under the NRC?

25 CHAIRMAN BECHHOEFER: Yes.



1 MS. LEMANOWICZ: -- that had held hearing in the  
2 Berwick Senior High School?

3 CHAIRMAN BECHHOEFER: Yes, and that was authorized.  
4 There was a full set of hearings and I don't think anyone  
5 intervened. But opportunity was certainly provided.

6 MS. LEMANOWICZ: Well one of our people had tried  
7 to intervene, but she was disqualified because it was just  
8 not quite timely or something. We just don't have the know-how,  
9 I think we just have to take a course in NRC regulations and  
10 maybe electrical or nuclear utility regulations or whatever.

11 CHAIRMAN BECHHOEFER: Right. Well, in any event,  
12 all I'm saying is we are only authorized to do certain things,  
13 and our jurisdiction is limited to that.

14 So let's proceed with your contentions.

15 MR. HALLIGAN: Sir, I have an opening remark here  
16 that's pertinent to this.

17 Mr. Chairman, gentlemen of the Licensing Board,  
18 ladies and gentlemen, I'd like to just momentarily just set  
19 the theme for this. I'd like to quote one phrase from the  
20 Honorable Victor Gilinsky, Chairman of the U.S. Nuclear  
21 Regulatory Commission in a delivery he made on November 30, 1978  
22 and he said in part:

23 "One reason that those anxious to move  
24 things along should be cautious about recommending  
25 a cutback of procedural rights in NRC proceedings

b6  
1 is that one man's delay is another man's due  
2 process."

3 And we will from time to time remind those present  
4 of our procedural rights.

5 I'd also like to point out and follow up on this  
6 hearing on the construction that going back on or about  
7 July 25, 1973, I was denied the opportunity by the Atomic Safety  
8 and Licensing Board that was empaneled at that time to take  
9 testimony at the Berwick PA on the permit to allow construction  
10 for the atomic plant.

11 It seems that approximately 70 people, or 60 rather,  
12 had signed up and others could sign in, and the names were  
13 arranged alphabetically on the second day--I don't know if it  
14 happened on the first day--and they called them off alpha-  
15 betically, if you weren't there at 9:00 they went to the next  
16 name.

17 And they had gone through the list by noontime.  
18 Although the public announcements and so on said that the  
19 hearings were to continue through the day, but they had  
20 adjourned and left the facility prior to this time and denied  
21 many people the right to testify at that hearing, those who  
22 were opposed and in favor of it.

23 We just wanted to submit that for the record. I  
24 was denied personally that opportunity on or about July 25, 1973  
25 to testify before the NRC.

agb7

1           The contentions actually begin with this letter of  
2 December 4, 1978, which we submitted to all on the service list,  
3 we asked for -- there are many recommendations we made including  
4 that they convene a conference in this building and they did.

5           We thank the members for that. But we asked for,  
6 among other things in pursuance of Freedom of Information Act,  
7 that all the intervening parties be promptly furnished free of  
8 charge a certified set of the complete NRC file including the  
9 application, correspondence and the whole business.

10           We said; and we reiterate this now, we felt this  
11 was a reasonable and necessary request. This request was  
12 denied by the NRC, and we regret that we did not even have the  
13 courtesy of a reply in writing to that.

14           MR. CUTCHIN: Mr. Chairman, I would like to  
15 interject here.

16           CHAIRMAN BECHHOEFER: I was going to ask for your  
17 comments, because this Board doesn't have control over Freedom  
18 of Information Act requests.

19           MR. CUTCHIN: Certainly, sir.

20           This particular letter is at the present time and  
21 was as I left home last Friday being treated as a Freedom of  
22 Information Act request and, in addition, the Staff is in the  
23 process of replying to a copy of this letter which was sent  
24 to the Congressman -- to Senator Schweikert.

25           CHAIRMAN BECHHOEFER: Yes, and we received it also.

agb8

1 MR. CUTCHIN: And we'll be responding to that  
2 letter as well, so I think it is premature to state that it has  
3 been denied or that it is not being responded to. It will be  
4 responded to in due course.

5 MR. HALLIGAN: May I correct that, then?

6 I wasn't aware of these matters.

7 But the thing of it is December 4, if we received  
8 the documents, the Intervenors, let's say within 10 days' time,  
9 we would have had a sufficient time to evaluate all of the,  
10 for example, the emergency evacuation plan and the other  
11 pertinent information which would have aided us substantially  
12 in submitting our amended applications or our contentions,  
13 you see, in compliance with rules and regulations and so on.

14 In other words, this is a different matter, you see.  
15 In other words, we didn't get them and it hurt us.

16 Now last Monday I went to Washington, D.C. to the  
17 Document Room on 1717 M Street, the NRC Document Room and  
18 requested certain information and certain things from the  
19 session file, as it is called.

20 When we looked for it I selected a few to be  
21 copied there, and they weren't in the file. They simply  
22 weren't there. It took them a half hour to tell me three  
23 people couldn't find the documents that the woman in charge  
24 told me definitely were there because they were on the list,  
25 the current list there. But they were not in fact in the file

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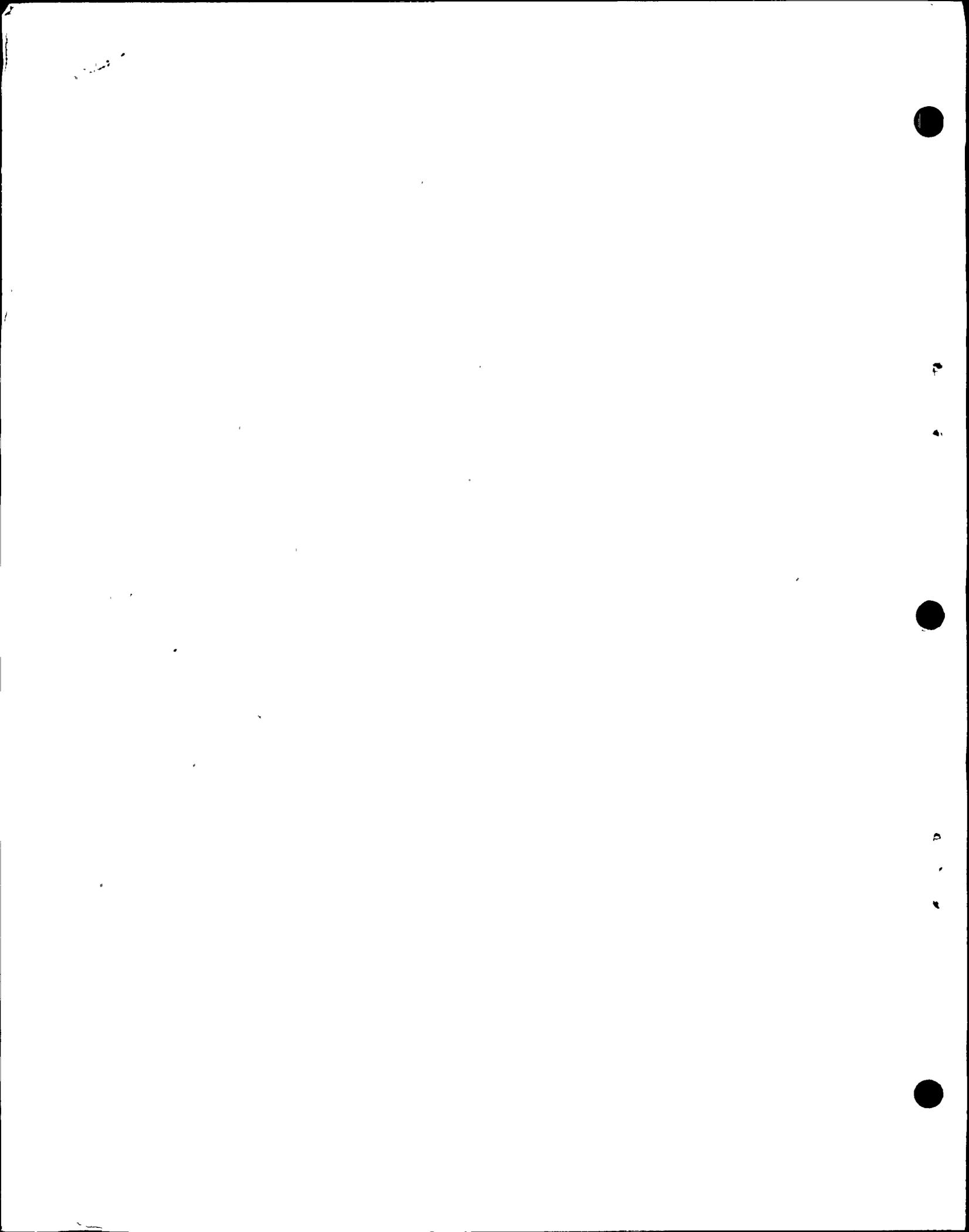
1 so they said they will find them on microfiche and get them for  
2 me. And there was a mix-up there, too.

3           The thing of it is I asked for a number of documents  
4 and they said, You must buy these by the page at 8¢ a page. And  
5 if these were published, all of these documents apparently  
6 would cost something like maybe \$50 or \$60. But when you pay  
7 8¢ a page for them it could have run into about \$500, I esti-  
8 mated, maybe more which is unreasonable for a private citizen  
9 who is intervening in the public interest to, you know, put  
10 out.

11           I said what is the alternative and I was informed  
12 by the woman in charge -- and I believe it is a Mrs. Lynn,  
13 L-y-n-n, the last name, I think, was Scattolini, S-c-a-t-t-o-  
14 l-i-n-i -- and she assured me beyond any doubt that the  
15 complete file was in the reference rooms in Wilkes-Barre, Pa.,  
16 and had been there and that it was up to date, et cetera,  
17 and there was no problem. And it is called again the Accession  
18 List, put out monthly and so on or weekly.

19           And she showed me this and I took copies of some  
20 of the pages of it. I have extra ones here.

21           Then I went to Wilkes-Barre yesterday, yesterday  
22 morning, to the Osterhout Library and went to the basement  
23 area and found the documents. There is no security for them  
24 there, there is no sign-in list. They showed where some had  
25 been vandalized, they showed a different document altogether.



agbl0

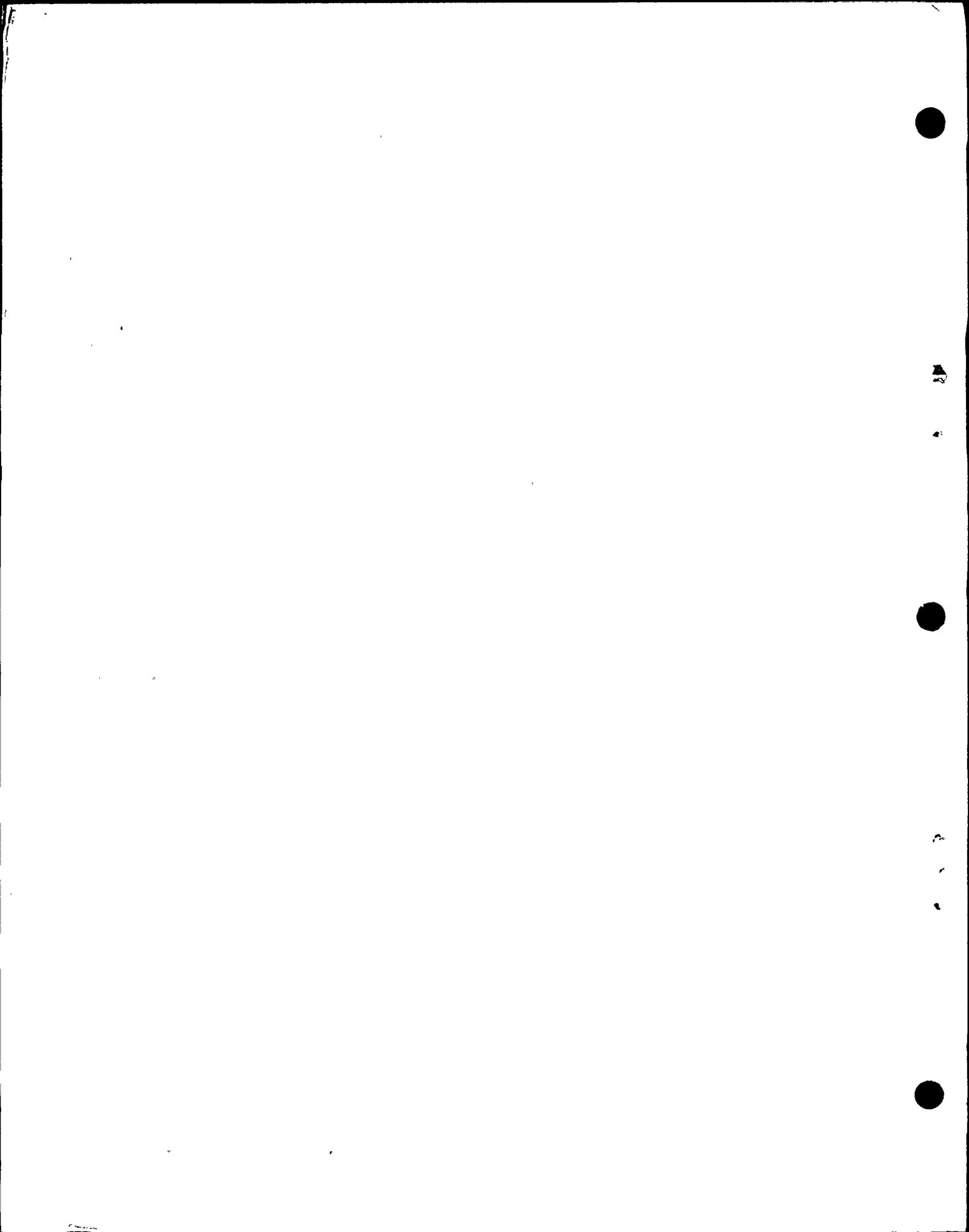
1 I spoke to two assistant librarians and the head  
2 librarian and they said they never saw an accession list issued  
3 by the NRC, which I was given to believe in Washington as a true  
4 and correct and accurate correspondence file. They produced  
5 something else which simply--there were rubber stamps on it  
6 saying one entry was in December from a memorandum file, one  
7 was from the correspondence file back in November. They were  
8 not listed in chronological order, they did not identify the  
9 correspondence and the subject matter and so forth. It would  
10 have been virtually impossible to do any reasonable research  
11 to prepare.

12 And I submit that: when we come to the point where  
13 some of the attorneys here state that we were not specific  
14 enough, I submit that we could not possibly do the research  
15 honestly because of these hurdles that were there.

16 Whatever the problem is, I don't know if this  
17 could have been, you know, sheer coincidence. I think it was  
18 more than that, and I would suggest it may be -- that perhaps  
19 you should look into this in due course. But this is a problem  
20 we're faced with.

21 CHAIRMAN BECHHOEFER: I would like to ask, does the Staff  
22 have any way of finding out whether the local Public Document  
23 Room has the appropriate documents in it?

24 MR. CUTCHIN: Mr. Chairman, without some definition  
25 of which documents he was unable to find, I would not be able



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1 to do very much. However, I could refer the matter to the local  
2 Public Document Room Staff back in Washington and to the extent  
3 that they are sending the Susquehanna Plant files to the local  
4 Public Document Room, all they could assure me is that they were  
5 sent.

6 And what happens to them after they get there is a  
7 matter of the courtesy of the local library. We do not pay  
8 local people to keep these Document Rooms in order. We do  
9 periodically send out Staff people from Washington to spot-  
10 check these libraries. But, beyond that, I could not do more.

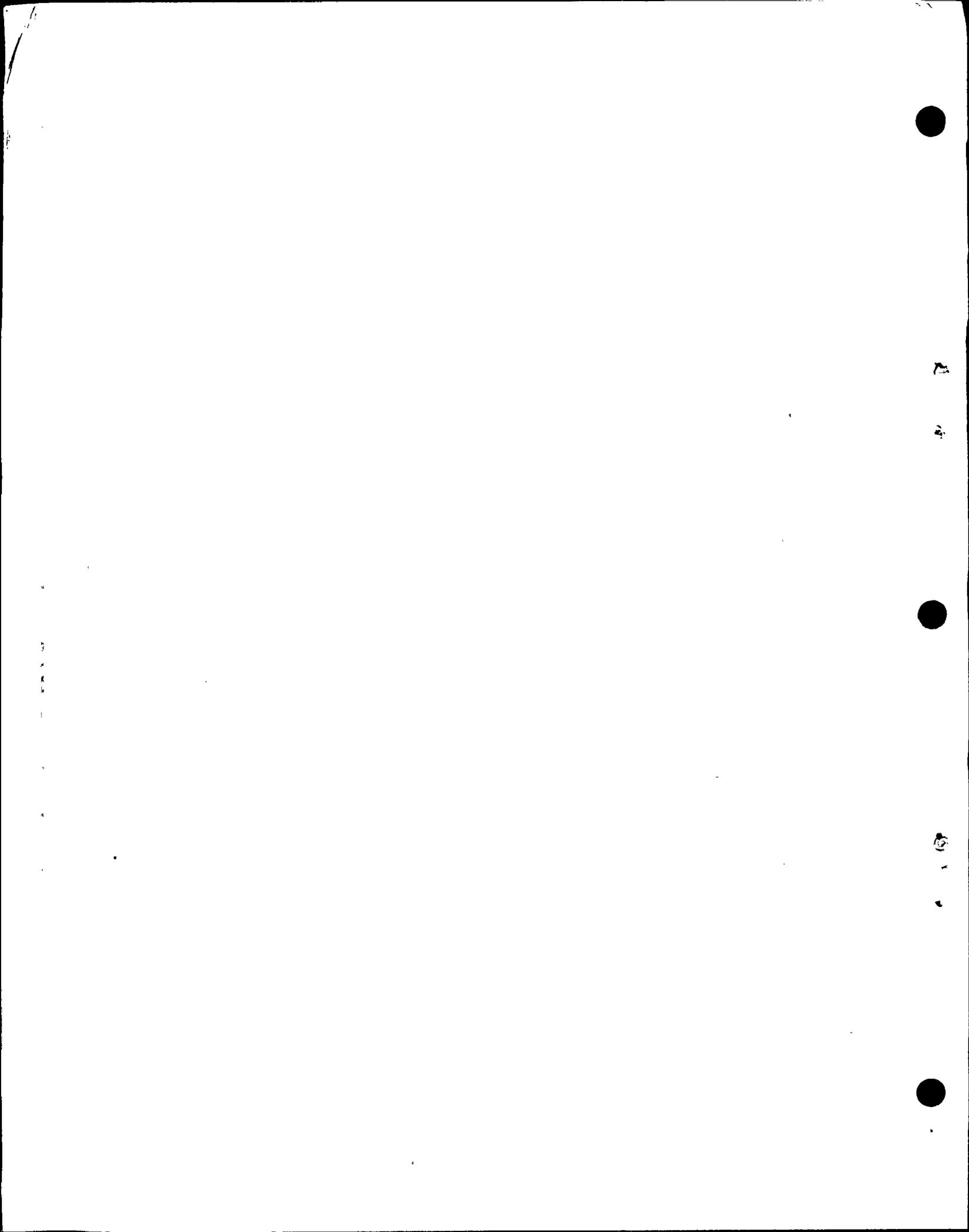
11 CHAIRMAN BECHHOEFER: It might be useful if the  
12 Staff or someone came out to this one and, I don't know that  
13 you could do anything --

14 MR. CUTCHIN: I'm not sure whether they have or have  
15 not in the recent past, Mr. Chairman. These Document Rooms  
16 are made available and --

17 CHAIRMAN BECHHOEFER: I know. I'm aware of that.  
18 I just wasn't sure if there was any way of ascertaining --

19 MR. CUTCHIN: I know of now way we can guarantee  
20 that the documents that are there today will be there tomorrow  
21 or next week. All I can do is determine what documents  
22 supposedly have been sent and made available here. He has not  
23 been specific enough for me to focus on the three or four that  
24 he alluded to.

25 MR. HALLIGAN: Well I don't want to take up undue



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1 time, but I will say this, sir, it does state in the Federal  
2 Register that those documents are in fact in the library in  
3 Wilkes-Barre and they were in fact not there.

4 MR. CUTCHIN: Those documents that were stated in the  
5 records to have been there, we can certainly make sure that  
6 additional copies are sent of those that are not presently  
7 there, but I'd have to go back and refer the matter to the  
8 Staff. I'd be happy to talk to the gentleman off the record.

9 CHAIRMAN BECHHOEFER: I think that would be useful.

10 Could you tell the Staff attorney, Mr. Cutchin,  
11 exactly what documents you found were not there? And I think  
12 he could perhaps arrange for other copies to be sent.

13 MR. HALLIGAN: The point to be made here is though  
14 we were not able, physically able to obtain material prior  
15 to this time, so if we lack some technical expertise, references  
16 and so forth, it was beyond our control.

17 We went to Washington, we went to the source, and  
18 they told us to come back here and it's a mess over there.

19 DR. JOHNSRUD: Mr. Chairman, may I confirm this  
20 since I've had a similar experience on a microfiche under the  
21 title Docket 50-387, Item 222, Susquehanna Steam Electric  
22 Station Units 1 and 2 with further entitlement Letter Requesting  
23 Acknowledgement of NRC Support to be Provided in Response to  
24 Notification of a Radiological Emergency (PP&L Company,  
25 Pittsburgh, 23 June 1977).

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1 I found the actual document to be Amendment No. 24  
2 to the FSAR for the LaSalle County Station in Illinois.  
3 Therefore, the document that I was looking for, which certainly  
4 pertained to a contention we have raised in this case, simply  
5 was not available.

6 I'm quoting to you what was on the entitlement of  
7 the microfiche. And what I found there was Amendment 24 to  
8 the LaSalle FSAR.

9 CHAIRMAN BECHHOEFER: Which hand is supposed to  
10 know which other hand is doing what?

11 DR. JOHNSRUD: Well, sir, since many of our  
12 contentions may be ruled out because we had improper access  
13 or no access to information, I think what Mr. Halligan is  
14 raising here is a matter of rather great significance.

15 MR. HALLIGAN: That's my point.

16 CHAIRMAN BECHHOEFER: Well, in taking contentions  
17 into account, we will try to take some of these factors into  
18 account.

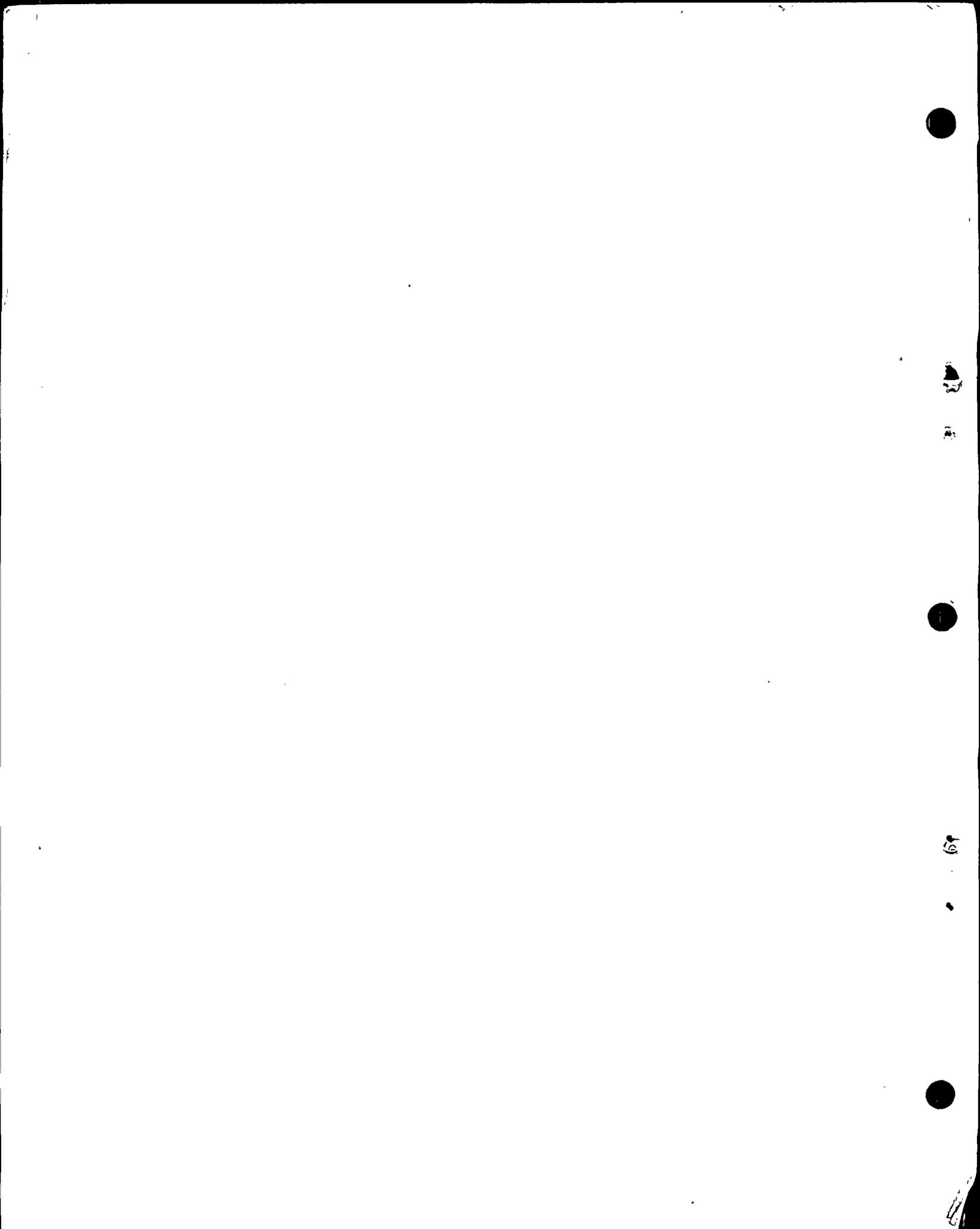
19 MR. HALLIGAN: I'd appreciate it, sir.

20 CHAIRMAN BECHHOEFER: I don't know whether we  
21 have time to get to any of your specific contentions.

22 MR. HALLIGAN: Well I can move on if you want.

23 The thing of it is -- it's your prerogative.

24 The other intervening group bears witness to this.  
25 Since the Nuclear Regulatory Commission has found



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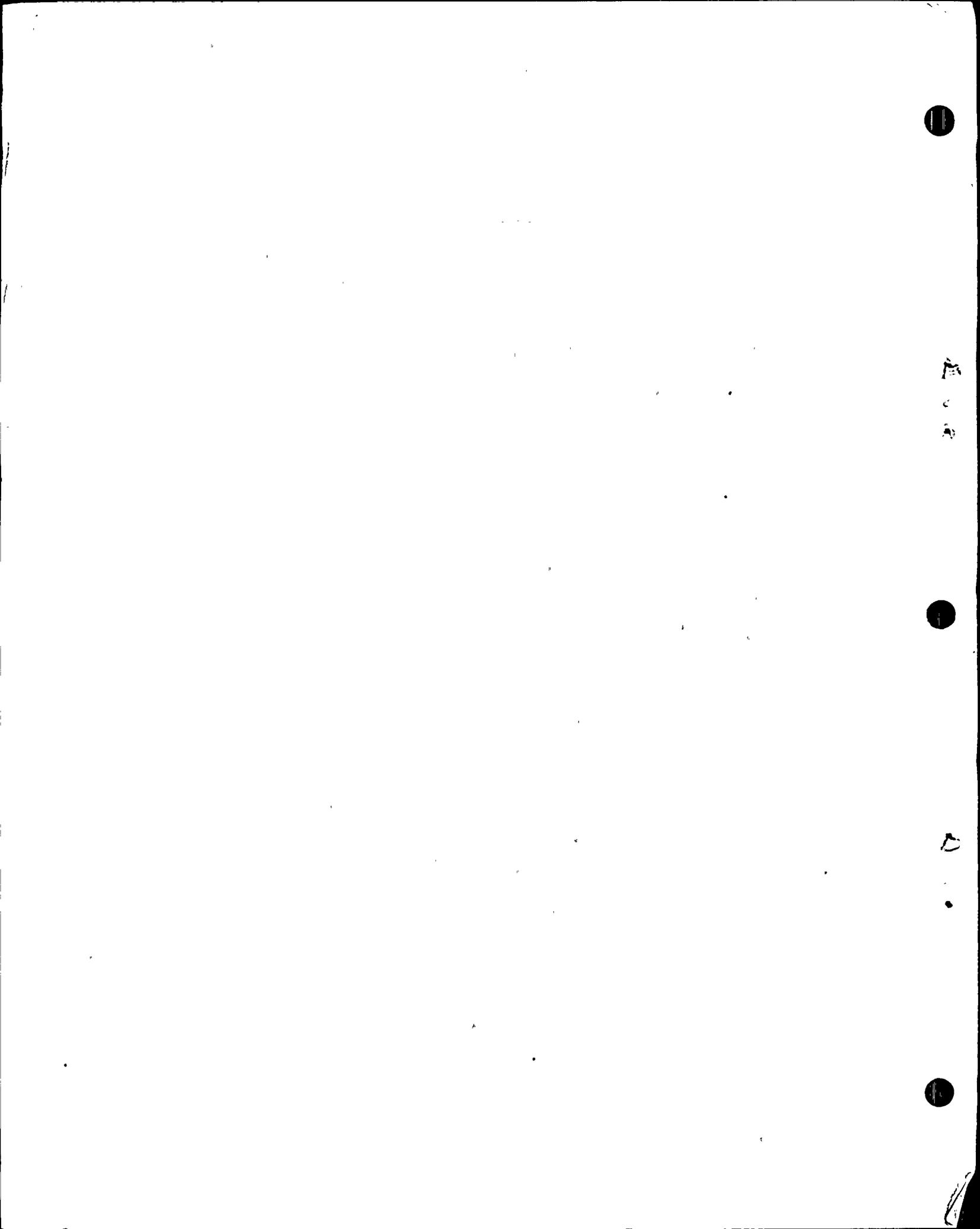
1 fault with virtually every one of our contentions, this is a  
2 relevant matter because they cite fine points of the rules and  
3 procedure and so on, whereas the electric company says that  
4 they are willing to debate these issues in a formal public  
5 hearing. They don't agree with many of our contentions, but  
6 they are willing to have a full airing.

7           And by the way, we appreciate this panel giving  
8 us standing here at this point. This was not unanimous  
9 originally.

10           Turning then to the main point. We are here in the  
11 public interest and our main purpose is to aid and assist this  
12 Licensing Board. We will propose, if we are allowed, to make  
13 alternative options and so forth, we will try to assist you  
14 by giving you information that we have that you may not have to  
15 help you make your determination, not only on our particular  
16 contentions but in general help determine whether or not a  
17 hearing is, in fact, required or needed.

18           We believe that it is. And we would like to parti-  
19 cipate in that hearing in the areas that we have some material  
20 to offer. We do this not to obstruct or delay, but to assist  
21 the government in its duty to adjudicate this matter.

22           And although our contentions deal with all four  
23 general areas: economic, public health, public safety and the  
24 environmental issues, each of the contentions may stress one  
25 point more than the other three.



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CHAIRMAN BECHHOEFER: We're aware of that. We'll get to these tomorrow. We do want to discuss all of them with you.

I think it's getting to the time when I guess we turn into pumpkins or something, but we've got to get out of here by a quarter to 5:00.

So at this point the hearing is adjourned for the day. We will reconvene tomorrow at 9:00 in this room.

MR. SILBERG: Is there any chance we could reconvene earlier?

DR. JOHNSRUD: Some of us have to travel a long distance to these proceedings.

CHAIRMAN BECHHOEFER: I think 9:00 is early enough.

We are going to try to end by about 11:30. We may try to push a little bit tomorrow morning.

(Whereupon, at 4:45 p.m., the hearing in the above-entitled matter was recessed, to reconvene at 9:00 a.m., the following day.)



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