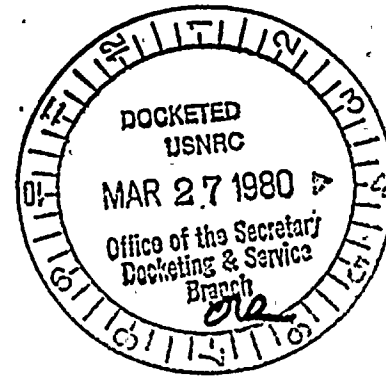


UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

ATOMIC SAFETY AND LICENSING BOARD

Charles Bechhoefer, Chairman  
Dr. Oscar H. Paris  
Glenn O. Bright



In the Matter of  
PENNSYLVANIA POWER & LIGHT COMPANY  
and  
ALLEGHENY ELECTRIC COOPERATIVE, INC.  
(Susquehanna Steam Electric Station,  
Units 1 and 2)

Docket Nos. 50-387  
50-388

MEMORANDUM  
(March 27, 1980)

At the prehearing conference on March 20-21, 1980, the Board denied the Applicants' motions against ECNP and SEA, with the understanding that ECNP and SEA would supplement their answers to the Applicants' and Staff's interrogatories by May 1, 1980 (Tr. 552-53, 585). We indicated that we would delineate the areas in which further answers were warranted. We do so here.

1. With respect to an assessment of releases of Radon-222, within the meaning of Contention 1A, we stated that, inasmuch as the Applicants had not furnished any analysis of Radon releases other than an adoption of the figures in Table S-3 (see ER, §5.9), the answers to interrogatories on this subject previously furnished by ECNP and SEA were adequate, except that no analysis of the Staff's assessment of Radon releases, as included in the DES at

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§4.5.5 (pp. 4-25 through 4-28), has yet been supplied by either ECNP or SEA (Tr. 510-511). Consistent with the supplementation requirements of 10 CFR §2.740(e), ECNP and SEA (to the extent they are able to do so) must answer the Applicants' interrogatories 1A-1 through 1A-5 and the Staff's interrogatories S-1.1 through S-1.11, using the DES assessment as a basis for answers. If particularized information has not been developed, at least a generalized basis for the contention should be provided (Tr. 513).

2. In responding to questions on Contention 1B, ECNP has identified Technetium-99 as an isotope the health effects of which it believes have not been adequately assessed. Because Table S-3 of 10 CFR §51.20 has been amended to delete any quantity figure for Tc-99 releases, we indicated that Contention 1 should be amended to transfer Tc-99 from part 1B (challenge to health effects of releases) to part 1A (challenge both to health effects and quantities released). Neither the Applicants nor Staff have provided any assessment of the releases of Tc-99; until an assessment is provided, ECNP and SEA need not indicate why the assessments of Tc-99 releases are erroneous. (If they have developed information on Tc-99, they should of course identify it, but a failure at this time to have developed such information will not be considered by us as evidence of default.) Presumably the FES will include an assessment of the quantities and health effects of Tc-99 releases. If so, discovery on that subject could then

proceed on the schedule outlined in our March 6, 1979 Prehearing Conference Order (LBP-79-6, 9 NRC 291, 327 (schedule items 6 and 7)).

3. If ECNP or SEA have as of May 1, 1980 identified any isotopes other than Rn-222 or Tc-99 the health effects of which they wish to have considered; they should identify those isotopes and answer the Applicants' interrogatories 1B-1 through 1B-4 and the Staff's interrogatories S-1.12 through S-1.15. (To the extent that ECNP's answers to the Staff's interrogatories S-1.11 through S-1.14, including the 50-year limitation, remain valid, ECNP may so state.)

4. Certain of ECNP's answers to the Applicants' interrogatories on Contention 2 were based on an incorrect assumption as to the relevance of Table S-3 to this contention (Tr. 525-26). ECNP should answer Applicants' interrogatory 2-1 using §5.2 of the Environmental Report as the source of information to be analyzed (Tr. 530-31). (ECNP may, of course, identify any errors which it believes are present in §5.2.) ECNP should also update, if possible, its answers to interrogatories 2-2 (particularly with respect to the magnitude of health effects) and 2-9. ECNP need not answer the Staff's interrogatories on Contention 2, inasmuch as they are limited to the health effects of releases not included in ECNP's original contention and ECNP has indicated it has no interest in litigating the health effects of Cs-137, Co-60, and

chlorine.

5. In response to Applicants' interrogatory 3-1, ECNP should indicate whether it accepts the fuel requirements stated in §5.7.3.1 of the ER (copies of which the Board provided to the parties at the conference) (Tr. 531-533). If it accepts that amount, no further answer is required. In response to interrogatory 3-2, ECNP, if it wishes to rely on the results of the NURE program, should indicate whether it will accept those results. ECNP should also provide more specificity in its response to interrogatory 3-3, if it can do so (see Tr. 547). In response to interrogatory 3-6, ECNP should provide the missing element of its formula, by indicating that it will accept the number for a particular date (any date is adequate) as the starting point for calculations. For interrogatory 3-7, ECNP need not perform extensive research but might wish to define a generalized basis for its claim of higher fuel prices. To the extent it has developed particularized calculations, it should furnish such information.

6. With respect to Contention 4, ECNP's answer to Applicants' interrogatory 4B-1 appears adequate if one takes into account ECNP's February 11, 1980 response to the Applicants' February 4, 1980 motion. ECNP should affirm that it wishes to include this response as part of its answer. In response to interrogatory 4B-2, ECNP should indicate whether it will accept

the listing of facilities in Table 1.1-8 of the ER (a copy of which was provided to it by the Board at the prehearing conference) (Tr. 532, 533-34).

7. If any party has answered any interrogatory by stating that it has no information or that it is developing information, it must supplement those answers to reflect any new information it acquires. As but one example, ECNP has answered interrogatories on its Contention 18 in this manner. The May 1 responses should reflect new information gained as of that date.

8. The Board also declined to dismiss CAND from the proceeding but limited its contentions to those as to which it is the sole sponsor. By May 1, CAND must answer all interrogatories to the extent it has information to do so, relating to the environmental contentions it is solely sponsoring — i.e., Contentions 16 and 17 and the portion of Contention 2 concerning releases of Cesium-137, Cobalt-60, and chlorine (Tr. 706-707, 709-10).

At a later date, the Board will issue a prehearing conference order explaining the reasons for our rulings reflected above (as well as setting forth additional rulings and other matters discussed at the conference).

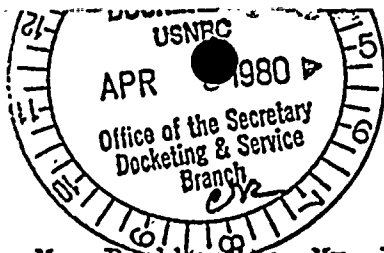
FOR THE ATOMIC SAFETY AND  
LICENSING BOARD

Oscar H. Paris  
Dr. Oscar H. Paris, Member

Charles Bechhoefer  
Charles Bechhoefer, Chairman

Mr. Bright, who is recovering from surgery following an accident, did not participate in the consideration or disposition of the matters discussed in this Memorandum.

Dated at Bethesda, Maryland,  
this 27th day of March, 1980.



3/27/80  
James L. Perkins

March 27, 1980

Mr. Bechhoefer, Mr. Bright, and Dr. Paris  
ASLB for Susquehanna 1 and 2 Docket #50-387, 388  
USNRC  
Washington D.C. 20555

Mr. Bechhoefer, Mr. Bright, and Dr. Paris:

I attended the hearing on March 20 in the hope of being able to make a limited appearance statement. However, due to another commitment and to the lengthier than expected hearing I missed my opportunity. I hope you will accept these written comments as if I had been able to present them.

I have several points: the first is relatively minor. I made a limited appearance statement to you in January, 1979, regarding the use of the Rasmussen Report by PP&L for public relations purposes. At the lunch recess that day I asked Mr. Bechhoefer if I would receive a reply. I think he said I would. Much later I received a letter from Mr. Cutchin saying, in effect, that neither the Staff nor PP&L needed to answer my statement unless it had a direct bearing on certain issues. He then completely mischaracterized my statement and assured me my concerns were without support. I responded to clarify my position, but received no further word. Assuming that neither the Staff nor the Applicants were supposed to respond because of Mr. Cutchin's letter, I gave up.

Later still I read by chance a copy of the Special Pre-hearing Conference Order of March 6. On page 77 it reads:

"During the special prehearing conference, we heard a number of limited appearance statements offered in accordance with 10 CFR 2.715(a). We asked the Applicant and/or Staff to prepare responses to those statements not comprehended by the admitted contentions."

As I've read the contentions, there is none that mentions PP&L's public relations campaign. That is a small matter, but it does cause me to wonder about the good faith of the attorney for the Staff.

I'd like now to share with you several quotations that seem germane to this hearing. On page 24 of the Kemeny Commission Report reads the following comment:

"What we consider crucial is whether the proposed changes are carried out by the same organizations (unchanged), with the same kinds of practices and the same attitudes that were prevalent prior to the accident. As long as proposed improvements are carried out in a 'business as usual' atmosphere, the fundamental changes necessitated by the accident at Three Mile Island cannot be realized."

James L. Perkins

page 2

So we must look to the NRC and the utility for improvements in attitude, for true concern and for a new way. On March 10, 1980, Olan Parr, the NRC project manager for the Susquehanna facility, was quoted in the Harrisburg Patriot: "When you come out of a situation like that, (TMI) you're a little bit punchy. You have expended so much effort in a very narrow area. Now we are trying to relearn how we were doing business before." (emphasis and parenthetical comment mine) I suggest to you that the Staff, upon which you rely for support and upon whose judgement the neighbors of Susquehanna may someday have to rely for their well-being, has not learned the lessons of TMI. On the national level this was commented upon by Kemeny on page 56:

"With its present organization, staff and attitudes the NRC is unable to fulfill its responsibility for providing an acceptable level of safety for nuclear power plants."

(On a personal level, this was reconfirmed by my experience at the special prehearing conference last week. As I took notes for Dr. Johnsrud, I was startled to have a Staff attorney shout at her right over my head. Uninformed though I may be, it certainly seems that requests for a party to refrain from interrupting should be directed to the chairman or at least politely to the individual. Such behavior does not seem to represent changes in attitude which are positive.)

Of all these quotes and thoughts, perhaps the best summation was offered by Mitchell Rogovin in The Prognosis on page 171: "We are not reassured by what we see so far."

So, here we are in another licensing situation. The Applicants had moved to throw out one intervenor and exclude two others from oral participation in making the record complete. What has been the method used to bring about this situation? It certainly seems that the attempt has been made to bury the representatives under massive requests for information. Ask them to list every document and every conversation they've ever had pertaining to low-level radiation. Ask them the names of the Applicants' plants, and then ask them where they got that information. Ask them for information that no one knows such as the amount of radon due to the plant should it ever be allowed to operate.

And then, when the answer is we don't know, or this is unreasonable, the response has been to demand the answer again and to threaten the intervenors with expulsion. I don't think the attitudes of the utility seem to have changed much either.



James L. Perkins

page 3 (please excuse the change in type face)

I'd like to ask you to do something positive.

Here is a utility, PP&L, which:

- 1) does not need the power. Annually this company sells outside its service area 30 percent or more of the total kwh it sells to its customers. Furthermore, it is the only winter peaking member of its P-J-M conglomerate, to the best of my knowledge.
- 2) has spent about 1.6 billion dollars to date, but has announced that its current estimates call for an additional 1.6 billion dollars.
- and 3) in debates and talks throughout the state has been represented by its public relations people as continuing to build the plant for economic reasons only. On several occasions I have heard PP&L spokesmen say that in 1968 the company's forecasts indicated they would need the plant, but that now they don't. These representatives say the company must keep building in order to recoup the past investment.

The question of the need for power is real, but is not one that can be addressed by the present Public Utility Commission. It is a question that ought to be addressed now, in light of the sales records of the last few years, and PP&L's notable record as conservation proponents. As long as the construction permit for Susquehanna is in place, PP&L feels the weight of the millstone around its neck. The company must keep constructing the unneeded and phenomenally expensive plant. So, for the people of the upper Susquehanna valley, for PP&L and for all PP&L customers, I ask you to suspend the construction permit for Susquehanna until an independent auditing team is given freedom, funding and access to PP&L records to assess the company's need for power and to assess the consequences and explore with the Pennsylvania Public Utility Commission alternatives to the consequences of a permanent halt to the construction.


If it is not in your power to suspend the construction permit, I ask that you recommend to the NRC Commissioners ~~that~~ such a suspension without prejudice. I would truly like to see PP&L back in the public's favor and freed from this folly.

PS Best wishes for  
Mr. Bright's  
recovery soon!

PPS please drop the  
enclosed card in the

mail so I will know this has arrived. Thanks

Sincerely,



James Perkins

Box 1378

State College, PA 16801

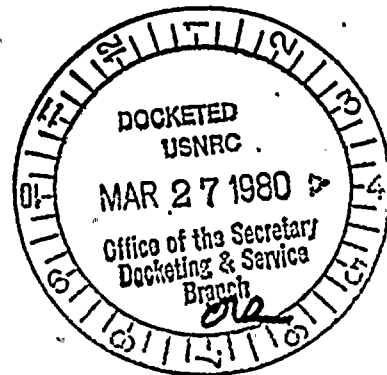


3/27/80

UNITED STATES OF AMERICA  
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ATOMIC SAFETY AND LICENSING BOARD

Charles Bechhoefer, Chairman  
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Glenn O. Bright



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FOR THE ATOMIC SAFETY AND  
LICENSING BOARD

Oscar H. Paris

Dr. Oscar H. Paris, Member

Charles Bechhoefer

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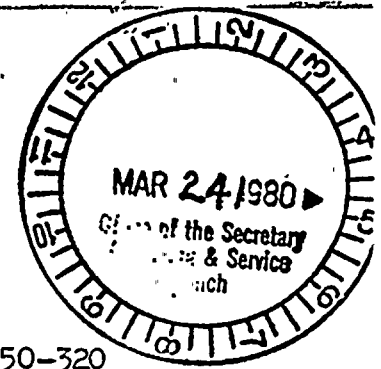
Mr. Bright, who is recovering from surgery following an accident, did not participate in the consideration or disposition of the matters discussed in this Memorandum.

Dated at Bethesda, Maryland,  
this 27th day of March, 1980.



3/21/80

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION



In the Matter of )  
METROPOLITAN EDISON COMPANY, ET AL.. )  
(Three Mile Island Nuclear )  
Station, Unit. No. 2) )

Docket No. 50-320

REQUEST FOR HEARING

Pursuant to the Commission's Order of 2/11/80 and the provisions of 10 CFR 2.714, I, Steven G. Sholly, hereby file this request for a hearing on whether the requirements set forth in the proposed Technical Specifications are both necessary and sufficient for the maintenance of the facility to protect the public health and safety and minimize the danger to life and property; and whether the provisions of this Order would significantly affect the quality of the human environment.

I am a resident of Mechanicsburg, Pennsylvania, which is within fifteen miles of the TMI-2 facility, and am employed at present in Hershey, which is some eight miles distant. Most of the places to which I travel within the normal conduct of daily living are within fifteen miles of the facility. I have, in addition established standing in the TMI-1 Restart Proceeding.

My interest in this proceeding is that of a private citizen concerned with the financial, technical, and management competence of Metropolitan Edison Company to safely maintain the TMI-2 reactor in safe configuration. The proposed Technical Specifications as propounded in Appendix I to the Commission's

Acknowledged by card 3-26-80 era

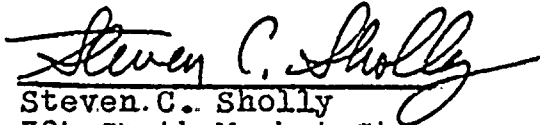
Order of 2/11/80 do not take sufficient consideration of the unique hazards posed by the continuing accident at Three Mile Island Unit 2, nor do the proposed Technical Specifications take adequate note of the profound inability of Metropolitan Edison Company to write technically sufficient procedures for operating TMI-2, to provide for sufficient training of reactor operators to implement proper procedures and ensure compliance with Technical Specifications, or to provide the technical, financial, and management skills required to safely conduct operations at TMI-2 while the plant is in the so-called "Recovery Mode" of operations.

The proposed Technical Specifications provide for insufficient monitoring, surveillance, and reporting requirements. The public health and safety is not adequately protected by the proposed Technical Specifications, and therefore represent an insufficient basis for ensuring the safe operation of TMI-2. Because of this, the likelihood of significant impact on the human environment is very high, unacceptably so.

A copy of this request for hearing has been sent to the Commission's Executive Legal Director and to the Counsel for the Licensee.

DATED: 21 March 1980

Respectfully submitted,

  
Steven C. Sholly  
304 South Market St.  
Mechanicsburg, PA 17055  
Ph. (717) 766-1857