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 Division of Site Safety & Environmental Analysis

DOCKET #  
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SUBJECT: Opposes piecemeal preparation of DES. Disjointed approach prevents assessment of overall impact on human environ. Legal action may be taken to prevent continued use of approach.

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*[Handwritten signature]*

Thomas J. Halligan  
P.O. Box 5  
Scranton, Pa. 18501  
August 18, 1979

Director  
Div. Site Safety & Environmental Analysis  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

REGULATORY DOCKET FILE COPY

Dear Director:

Reference -- Draft Environmental Statement  
NUREG--0564, June, 1979  
Related to the operation of the  
Berwick Atomic Power Plant  
(Susquehanna Units 1 & 2)  
NRC Docket Nos. 50-387/388

The following comments are submitted on behalf of the Citizens Against Nuclear Dangers, Berwick, Pennsylvania, interveners before the NRC Atomic Safety and Licensing Board in the above proceedings.

The Applicants, who are responsible for the preparation of the Draft Environmental Statement (DES), have failed to satisfy certain requirements of the National Environmental Policy Act (NEPA) and thereby place in jeopardy the validity of the DES in its present form.

The Applicants are attempting to circumvent NEPA by piecemealing their assessment of the Berwick atomic plant's overall impact on the human environment. The Applicants are preparing a separate DES for the so-called Pond Hill Flow Augmentation Reservoir, which is a transparent attempt to circumvent NEPA. The submission of a separate DES by Allegheny Electric on sections of the UHV transmission lines from Berwick is another example of piecemealing. The Applicants will know doubt, at some latter date, prepare other DES's, piecemealing such integral projects as the uranium fuel cycle, on-site storage, decommissioning of the atomic plant, and more

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Recent decisions of the Federal Courts have held that the piecemealing of a major project, such as Berwick, for purposes of environmental assessment, is not permissible under NEPA. You are advised that the DES (NUREG--0564) cannot be considered a comprehensive assessment of Berwick unless and until it takes into account the cumulative effects of all related actions. In order to be acceptable, NUREG--0564 must address the impacts of the proposed "Flow Augmentation Reservoir" and all other projects inextricably linked to the Berwick atomic power plant, but which have not been included in the Applicants DES to date. These piecemealed projects may seem individually limited, but they are cumulatively significant! Piecemealing of a DES is illegal!

Failure on the part of the NRC to rectify this fundamental defect in the DES may invite a lawsuit in Federal District Court to halt the process of environmental review by the NRC until the Applicants comply with NEPA as it relates to piecemealing violations.

Yours truly

*Thomas J. Halligan*

Correspondent