

NRC PUBLIC DOCUMENT ROOM



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To: ASLB DOCKET #50-289  
NRC STAFF  
G. F. TROWBRIDGE, LICENSEE'S lawyer.

Subject: DRAFT CONTENTIONS DOCKET 50-289  
by MARTIN I. LEWIS, INTERVENTION PETITIONER

IN ACCORDANCE WITH BOARD MEMO + ORDER  
OF SEPT 24, 79, I AM SUPPLYING A  
LIST OF DRAFT CONTENTIONS BY MAIL  
TO THE (ABOVE) NAMES SPECIFIED IN THE ORDER

I have not wished to set forth all  
my contentions earlier than necessary.  
One of my great ~~was~~ worries about  
pointing out all my concerns at an  
early date is that I might not  
be allowed to raise other contentions  
at a later date. (2,714(P))

CERTAIN RECENT EVENTS POINTED OUT  
THAT THIS WORKY WAS NOT NEBULOUS  
BUT CONCRETE.

I HAVE COMMENTED UPON THE EPICURE  
II FILTERING SYSTEM AT TMI #1  
(Memo to Sec/NRC 9-13-79) I have  
pleaded with the NRC to show more  
care where the water dumping was  
a danger since 3/28/79. (See telegram  
2:15 AM 3/30/79 to Commissioners from M. Lewis)  
I have subsequently been WORRE=

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CONTENTION

about the contaminated water @  
TMI #2. (See 8-2-79 letter to  
Sen. Schweicker) One of the worries  
that I had about the contaminated  
water at TMI #2 is that the  
tanks at TMI #1 must be  
available for an emergency dump.  
(See letter to Schweicker). I stated  
that this "emergency" is likely in my  
comments on EPICURE II and letter to  
Sen. Schweicker.

Now the NRC Staff comes before a  
~~the~~ NRC hearing on 9-28-79 and admits  
all of my worries are founded and  
immediate! ("40 days" according to a  
letter to NRC Chmn. Hendrie from Senate  
Nuclear Regulation Subcommittee - Sat. pg  
9-29-79 enclosed.)

~~Now~~ Of course, I admit that I was  
going to enclose a contention  
along these lines, however, I had only  
poor suspicions as to the immediacy  
until the NRC Staff admitted "40 days".  
It sounds almost Biblical. I hope the  
Staff means a full 40 days and  
40 nights.

This is my worry about submitting  
contentions early:

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CONTINUATION.

If I submit my contentions now, am I cut off from expanding or introducing contentions - no matter what the circumstances - at a later date? If so doesn't this put the rule of NRC Boards and regulations above the consideration of the Public's Health and Safety? I contend that NRC rules are not responsive to the Health and Safety of the Public.

I leave this point open, and go on to supply my draft contentions. Basically, I petitioned to intervene because the operation of TMI #1 is an invitation for another Class 9 accident at the site, and a Class 9 accident can at TMI #1 can kill me.

I wish to explore my contention - within my petition - that a Class 9 accident can kill me. I explore the fact that AEC documents state that a Class 9 accident can kill people 150 KM away on Page 4 of my 92679 submittal. I live within 150 KM of TMI #1. I live in Philadelphia, a city of a little less than 2,000,000 people. I believe that this is sufficient to demonstrate that a Class 9 accident at TMI #1 can kill me.



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CONTENTION

at TMI #2, on the same site as  
 TMI #1, on 3/28/79 and subsequently,  
 to the accident, they are still deficient.  
 And still, the NRC shows its lack  
 of sensitivity to public concerns.  
 The public hearings about the TMI #1  
 emergency plans were held on the  
 TMI site. The TMI site is  
 in the midst of a continuing  
 Class 9 accident. Few announcements  
 of radioactive releases have gotten out.  
 Those people, who are most concerned  
 with emergency planning, are also  
 those people who are most fearful  
 of entering this most dangerous site.  
 The NRC has excluded those most  
 concerned with emergency planning  
 with their choice of a site. (NRC memo  
 Engle to Vollmer Sep 12, 79)

CONTENTION

Exclusion of the most concerned and  
 most affected is an NRC attitude  
 which guarantees that the Health  
 and Safety of the public will get  
 nowhere near the primary it requires  
 by law and morality.

I have many more contentions which refer to the fact that a class 9 accident @ TMI can kill me in Phila.

Calculations of radiation release in WASH 1400 have been largely debunked as extraordinarily low. Dr. Remussen in a press interview admitted that his probability for a Class 9 accident at TMI #2 was off by hundreds of millions. Dr. Harold Lewis (no relative) points out that the error bands of WASH 1400 are less than they should be.

None the less, the NRC bows to its loyalty to WASH 1400. NUREG 0564 dated 6/79 still puts Class 9 accidents as "not considered" and gives the reason not to consider as "the probability of their occurrence is judged so small." Page 6-2. Table 6-1.

CONVENTION: I contend that the Staff and the entire NRC is blind to the fact that the probability of a Class 9 accident at TMI #1 on 3/28/79 was unity, "1" and that one is a high probability. In fact, I do not know of much higher probabilities.

Further, consolidation of parties and contentions has lead to a masking of many issues which were specifically trying to place the danger of a Class 9 in contention.

I must now leave my contentions concerning "why a Class 9 accident @ TMI can kill me", and go on to my statement on P 3 of this submittal, "the operation of TMI #1 is an invitation for another Class 9 accident at this site."

Herein, I wish to point out my contentions about design flaws, material (water) problems, perpetuation of TMI #2 faults, and operator and management errors guaranteed by lack of importance given to the Health and Safety of the Public.

My first contention is presented on Page 2 of this submittal in the discussion of early filing of draft contentions. I will not repeat the background.

CONTENTION  
FROM P 2

My contention is that the tanks at TMI # must be available for an emergency dump from the ongoing Class 9 accident at TMI #2. This feature is directly related to safety. TMI #1 tanks must be available for an emergency dump whether or not the EPICORE II system cleans out the TMI #1 auxiliary building or not. If the leak rate at TMI #2 increases significantly, all the tanks on the site will be needed and then some.

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CONTAMINATION

I wish to make a general contention about the filters at TMI #1. The filters at TMI #1 must be upgraded to the point where they will work with the same accident occurring at TMI #1 as has occurred at its twin, TMI #2. I discuss this on P 2 of my 9.9.79 filing. The filters in the auxiliary building at TMI #1 must have pre-heaters as they don't get wet & stop operating as they did in TMI #2 on 3/28/79.

I wish to contend that the public cannot fathom how bad is the situation at TMI #1 site because continuing bulletins concerning radioactive emissions have not been forthcoming. I also have a difficult time determining how bad the situation is in TMI #2 without this information. Without some indication of how much radioactivity is continuously given off, I must assume the worst case for material failure and problems at TMI #1. I, therefore, must contend that the NRC set up its criteria for operation of TMI #1 as if all materials had failed in TMI #2 and, therefore, as if all materials will fail in TMI #1 when it has its Class 9 accident.

CONTAMINATION

I also point out and contend that there are many design problems dating back to the AEC that must BE CONSIDERED = HAVE FAILED AT TMI #2 (Bul. AT&T: 4 P 13)



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Contentions from  
9-26-79 submitted

I wish the contentions on P 11 of my 9-26-79 submittal included in my draft contentions. I do not repeat this list here because the NRC has been reproducing my submittals and sending them to all parties.

If, however, you don't have a copy call me at CC 95966 or 934-6685 in the evening and leave a message.

On P 12 of my 9-26-79 submittal I write a scenario of how and why I am sure that pipe cracks and leak detection pose immediate and significant danger. I am not repeating that scenario but with pipe cracks and leak detection included in my ~~scenario~~ draft contentions.

I am not including contentions on workmanship at this time. I respectfully request that contentions ~~in~~ be held open until 10/22/79.

Marvin Lewis

P.S. I have written this on Yom Kippur. The Talmud says that a man may work on Yom Kippur to save a life. I hope that the Board listens to me well enough to save more than 1 life and, by so doing, the Board will absolve my sin of working on Yom Kippur.

Marvin I. Lewis  
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9-13-79.

Secretary of the BRC

Sir,

Please accept the following as my comments on WUREG 0591, Environmental Assessment Use of Spicore II at 111-2. (August 14, 1979.)

The only real reason to decommission some of the water in the auxiliary building is to allow the auxiliary building tanks to act as a surge tank for the water in the containment!

Water in the containment is near the 8 foot level. There are important penetrations at the 8 foot level. (Electrical and plumbing) Submergence of the penetrations at the 8 foot level can produce emergency situations.

Obviously -at Ed is hoping to clean out the tanks in the auxiliary building to use as surge tanks for keeping the water in the containment below the 8 foot level. (Page 3 Para 2.1 middle.)

But there is many problems with this strategy ignored in the Env Assessment.

1. The solid waste has no where to go. We may be facing a situation where many low level repositories are closed due to spills and resultant danger as in Beatty Wd.

2. The problem of the decontaminated water ultimate disposal is begged.

3. Allowing the auxiliary building to be used as a surge tank means that the next batch of water in the auxiliary building will be heavily High level and Transuranium contaminated water. This is a greater problem than the present

4. The other reasons are fluff and do not hold water. Reduction of worker exposure would not be consistent with using auxiliary building tanks as surge tanks. Yet, these two reasons are stated together in the same Paragraph. (Page 4).

5. Ignoring other problems does not make them go away. Saying that this strategy does not harm anything is not the same as saying that this strategy is harmful. P 12 "Leave on loading pad." What for ever?

6. This assessment is so full of holes that I cannot go on. One thing that this assessment does prove is that whoever wrote it is not sensitive to the health and safety of the public.

Marvin Lewis

Dup  
of  
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