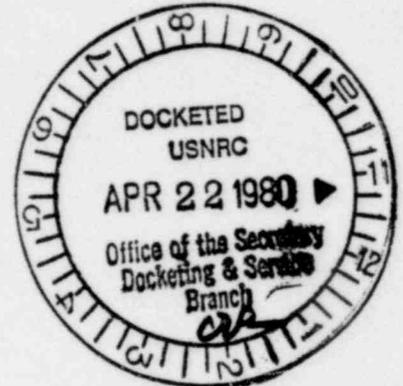


Deborah H. McCarthy
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April 2, 1980

Mr. Joseph M. Hendrie, Chairman
Nuclear Regulatory Commission
Matomic Building
1717 H Street, NW
Washington, D.C. 20555



Dear Mr. Hendrie,

I attended the meeting at Madison on March 25, 1980, regarding the issue of whether or not to lift the stop-work order at Marble Hill; I ask that the following questions and comments be included in the record of that proceeding as allowed by the U.S.C.A.. (Mr. Stello stated there would be a transcript of the meeting, as required, although our local papers reported that the NRC had refused to make such a record.)

1. You (NRC representatives) stated that you write the regulations (regarding qualifications for employment, inspection procedures, training requirements, etc.) for PSI; so I ask who, specifically, among you writes them and what training and qualifications (specifically) does that person(s) have to do so?

2. It was noted by Mr. Keppler (I believe) that it has come to your attention that there are inconsistencies in some instances between your procedure manual and PSI's procedure manuals. With regard to this problem (which should be enough by itself to continue the stop-work order), you merely asked PSI to explain. Did you consider that singular question, and PSI's nonspecific reply, adequate investigation? Why did you not present examples of such inconsistencies and ask them, specifically, to explain the problem and how and when it arose and will be corrected? How can you be at all certain they are following adequate procedures when you know their manual does not conform to your manual? Why would PSI be allowed to write its own manuals; we know already that we cannot rely on them to police themselves.

3. What has PSI done since the issuance of the stop-work order, other than write and rewrite procedures and move all personnel on sight so that the long distance telephone need not be used? Tell me specifically what you heard them say they had done (other than those two things)?
4. Isn't a company who would enter into construction of an ultra hazardous facility (i.e., nuclear power plant) without having such rules, regulations, procedures, training programs and trained personnel ALREADY WORKED OUT (to the nth degree), isn't such a company PER SE unqualified for a license to proceed?
5. After all, Mr. Stello, your inference (in talking about quality control of subcontractors) was that the only way to proceed, if one found shoddy work, was to be rid of the contractor who performed the shoddy work. Does this not apply many times over to the issue of what should be required of the master mind of this plant, PSI?
6. Aren't you, the NRC, going to require production of some of these contracts so you can verify whether or not they do, by virtue of their terms, include an incentive to complete the job as quickly as possible? Or, do you intend to merely accept PSI's self-serving statements on this issue?
7. Why did you, representatives of the NRC, allow PSI representatives to drone on and on reading page after page of printed material (which said little anyway, since two words out of every sentence were PSI doubletalk: "quality assurance", "inspectors" or "quality control managers")? You gave the distinct impression, all four of you, while the PSI men were reading that you were bored; you all conversed with each other, motioned to your colleague on the floor, looked at your watches, etc.; so I ask each of you, had you read the material before the meeting?
8. Assuming for the moment you were all properly prepared, why then did you not insist that the time be used to pose questions to the PSI men? Obviously, from the few exchanges between Mr. Stello and Mr. Norris, you were not getting any information that was helpful in making a decision; why if you are a regulatory body, was that allowed?
9. Weren't you curious as to why there are enough "non-conformances" that PSI is able to detail them and develop trends from them? Anyone who is familiar with statistics knows that it would take many "nonconformances" before any generalizations, or trends could be developed; should you not question why there are so many nonconformances if there is proper quality control assurance?
10. PSI admitted that the quality control committee, one of the big changes they made, is basically a means of getting

information about problems and progress to the various administrative people; it is not and cannot be a watchdog committee since it is composed of PSI people; so how is that a "significant change" that has been made to correct the problems discovered in June?

11. This rule making process is the only chance we citizens have to "participate" in the decision as to whether or not to allow this company (who has shown bad faith through complete lack of planning and expertise) to proceed with building this public nuisance in our community; as Mr. Wendell Berry stated in his remarks to you, you do not give the appearance of being in an adversary or watchdog relationship with PSI. You cannot give me a valid reason as to why I don't have the right to a local referendum on the issue of whether to locate this ultra hazardous plant (which will supply energy to produce nuclear materials in a plant hundreds of miles away) in my community; but you can tell me why you, by your lack of preparation, lack of hard questions to PSI and apologetic manner towards them, by your failure to require independent collaboration of issues, by your initially derisive attitude towards the citizens who came before you and by your intimidation of those citizens, why you have made a charade of this one opportunity we as citizens have left to protect ourselves?

12. What sort of confidence should we place in any NRC official who sits and tells us we should "trust him" to protect our interest because he's the man who believes proper planning and safety controls means "deciding what to do with the waste and contaminated materials (many of which have a half life of tens of thousands of years and cannot conceivably be adequately contained) when the time comes"?

13. Do you intend to allow construction to proceed without requiring any independent documentation of changes which are in force at this date? and if you do intend to require independent collaboration, do you not intend to allow the public to be privy to that information?

14. Who specifically trained all these new employees PSI hired (and all the old unqualified ones); how were they trained so quickly? How can you think of letting work proceed when it's obvious that the most PSI has done is to hire consultants to write manuals for them (as opposed to having completed adequate training of its employers)?

15. You (being NRC representatives and Public Service Indiana representatives) said the meeting was to be based on the "truth"; how can you make a tongue in cheek comment like that? Does your "truth" include the assertion that with all the nuclear power plants now in operation "we've only had one Three Mile Island"? After all, any well read person knows of many "accidents" and "shutdowns" - what is your

nomenclature those incidents? And is it your opinion that Three Mile Island is over? You said you would figure out what to do with the waste and contaminated structures "when the time comes"; well, what have you decided to do to keep those pipes from disintegrating while you figure it out at Three Mile Island?

16. How can you state with any degree of certainty what dosage of radiation people took at Three Mile Island; isn't it true that detectors were not in place until three days after the first announced leak? So the readings you toss out are a measure of what was present on the date and in the place the reading was taken, nothing more, isn't that true?

17. As to notice of the meeting in Madison, in what papers and on what days was notice of the actual date of the meeting published? I saw a publication of notice that the meeting would be on one date; then it was changed to March 24, 1980. I saw no proper notice that the meeting had been changed again to March 25, 1980.

18. As I understand the law, every proceeding is (should be) adversary in substance if it may result in an order in favor of one person as against another and the proceeding is none the less an adversary one simply because the primary purpose of the agency is to protect the public interest (U.S. v. Abilene & S.R. Company, 265 U.S. 274, 44 S.Ct. 565; in light of that, how can you (looking to the transcript of that March 25, 1980 meeting) justify your behavior? Your lack of questioning? Your failure to require independent verification? Your failure to take control of the situation? Your willingness to let PSI proceed based on their own self serving promises?

20. What factors are considered in choosing a site for a nuclear power plant? Is it mere happenstance that they are often located in rural areas where the education level of the populace is low and where the opportunity for a regular paycheck goes a long way to win a person's loyalty?

21. If an emergency occurred, how long would you have to put into effect an evacuation plan? How can you pretend to think ANY evacuation plan of a 10 mile/50 mile radius (as you've indicated would be required) would work?

21. Since you who attended the meeting on behalf of the NRC were not the ones who will make the ultimate decision here, did you not have an even higher duty to search out answers to these and other obvious questions? The members of the committee who make the decision will have nothing in front of them other than the material submitted by PSI itself; the people of this country cannot remain calm as it becomes clear that this is what you consider regulatory action.

22. I understand that after I left you (Mr. Stello) agreed it might be a good idea to get some independent agent to inspect the "corrected" faults in the concrete; did it take a chance suggestion from a member of the public to make you think of that?. And you are the watchdog for the public?

23. Might I suggest that the independent agent should be allowed to test wherever he wants and not where directed by PSI?

24. Have you made provisions for a complete security check of all employees and contractors working at Marble Hill? If not, on what basis do you justify the lack? An ill inclined contractor or worker alone could perform shoddy workmanship which would have grave consequences later. Terrorism is as much a real threat as earthquakes and tornados; this plant in particular might be more susceptible to such an act considering who is to be the recipient of its power. Have you considered this or is this another problem you will deal with when the time comes?

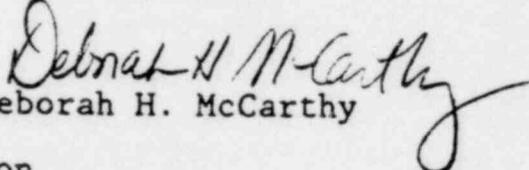
Senator Townsend of Indiana has acknowledged that the Public Service Commission in Indiana is a source of real problem to the people; i.e., that it is interested in excess profits regardless of the effect on the people. Obviously, since the power produced by Marble Hill is to be shipped out of the state, this plant is not for the people, but for the profits. Since you must know even more about this than I, and yet you continue to rely on the "good faith" of those same individuals, it can only be said that you are indeed acting in collusion with the Commission members and PSI officials.

I want the record to reflect my feeling that NRC representatives were generally unprepared for the March 25th meeting, or, they were unwilling to press PSI for any hard facts or explanations. Further, Mr. Thornburg, Stello and Keppler repeatedly checked their watches and commented about the time. Mr. Stello, while telling people they would have the opportunity to ask all their questions, repeatedly badgered "How many more questions do you have" and "There is a long line of people waiting" and he failed to control the floor for those who were asking questions; and, in more than one instance, joined in the derisive attitude of the pro-Marble Hill people in the crowd (construction people, equipment operators and engineers primarily).

This meeting did not serve the purpose of getting any hard data from PSI as to what specifically they have done to correct their heneous planning, construction, training, and quality control practices. NRC officials ontinue to fail to deal with many of the issues which are of concern to the citizens, i.e.,

1. Why should a company who went so far with no planning (and would have gone further) be allowed to proceed at all?
2. What has PSI done to change?
3. What has been done to set up controls to be certain everything is done perfectly (because anything less than perfect is not safe enough)?
4. What has the NRC done to exercise its power and duty to assure public safety?
5. How can you think of building this plant when you admit that you'll have to figure out what to do to keep us from being contaminated by waste, spills and/or shut downs, when the time comes?
6. Since you obviously do think its okay to proceed without having the answers to those ultimate questions, how can you pretend to be any sort of watchdog agency?.

Sincerely,


Deborah H. McCarthy

cc: Senator Walter D. Huddleston
Senator Wendell H. Ford
Senator John Berry