



DOCKET NUMBER 80-387,388  
PROC. & UTIL. FAC.

RD 1  
600 Meadow Lane  
Northumberland, Pa. 17857

October 29, 1981

DOCKETED  
USNRC

'81 NOV -5 P2:22  
*era*

OFFICE OF SECRETARY  
DOCKETING & SERVICE  
BRANCH

Commissioners  
U. S. Nuclear Regulatory Commission  
Washington, D. C. 20555

Commissioners:

I am writing to you in a mood of consternation after attending the final day of hearings, a day set aside for limited appearance statements, regarding the application for an operating license for the nuclear plant Susquehanna. The source of my mood is my realization following the hearings that the ASLB is not exercising its proper role in assuring the compilation of a full record. As a case in point please consider the following chronology:

May 22, 1981 - I sent comments to the Office of Nuclear Reactor Regulation on the draft Supplement 2 to the DES for Susquehanna. I questioned several specifics in the draft, but particularly challenged the Staff's "Estimated Economic Risk" calculation on several grounds. Of these the most significant was the use of an unacceptably low probability factor for a one billion dollar accident at Susquehanna.

c. July 15, 1981 - I received a copy of the section of the FES in which the Staff addressed my comments. The Staff identified three alleged errors in my comments: an improper probability factor, an improper application of fixed charges, and double counting of certain costs. The author of the rebuttal justified the Staff's position by offering a trivial and irrelevant comparison with the casting of dice, by mischaracterizing testimony given before the Subcommittee on Oversight and Investigations of the House Committee on Energy and Commerce by Susan Shanaman, head of the Pennsylvania Public Utility Commission, and by asserting that I could not differentiate between lost fuel savings and lost revenues due to decreased sales to the PJM grid, respectively.

July 19, 1981 - Not knowing to whom I should communicate my concern regarding the Staff's unwillingness to modify its position on this issue and sensing that the release of the FES represented a significant piece of evidence in the record of the proceeding, I wrote to the Board Chairman, whose name I did not then know. In my letter I summarized the errors the Staff had made in addressing my comments and urged the Chairman

to contact the Staff about the matter. I half-expected to receive some acknowledgment of my letter. At the least I expected my letter of concern to be added to the docket. To the best of my knowledge, the Chairman never tried to contact me nor was my letter distributed to the parties.

September 25, 1981 - I sent a second letter to Mr. Gleason, who, I had learned, was serving as Chairman. I said I had sent him a letter but had received no assurance it had arrived. I mistakenly used the word, record, out of ignorance, rather than docket, but I feel I was clearly indicating my concern that my comments on the erroneous FES were of interest to all the parties. In particular I asked Mr. Gleason for a response so I would know the disposition of my letter.

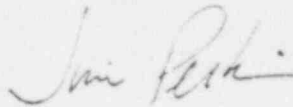
October 23, 1981 - Having received no acknowledgment of either letter, I attended the hearings held in Berwick, Pa., on the day set aside for limited appearance statements. In my turn I asked why my letter had not been added to the record, again using the wrong word, but with a clear intent. Ultimately Mr. Gleason pointed out that the only way I could have anything added to the record was to read it that day. Not having a copy of my letter I asked him to add it to the record, a request he said he would fulfill.

After I returned to my seat it struck me that if I had not been able to attend the limited appearance hearings my concerns would never have surfaced in the record or even in the docket of this proceeding, despite the fact that the Board Chairman had had the matter pointedly brought to his attention twice prior to the commencement of the hearings. It seems to me that since the FES is part of the record any good faith effort to point out deficiencies in as timely a manner as possible should deserve expedient treatment. At the very least all parties should be notified that some doubts and concerns have been expressed. I believe it is the duty of the Board to ensure that the record and, by implication, its components are complete and correct to the best of its ability. Is that not the case?

In this relatively small instance and in more substantive issues in this case, including the prohibition from cross examination of the most experienced Intervenor in the aftermath of some sharp, if not unethical, practices by the lead attorney for the Applicants, I urge you to use your oversight powers to prevent the ASLB from deciding this case. There are several issues of controversy regarding the manner in which this case has been handled by the original and the reconstituted ASLB which demand a review by the NRC before the granting of any license.

Thank you very much for your consideration of this letter and my concern. As evidenced by headlines in local papers referring to the hearings as a steamroller process, public perception of the NRC's role lacks any confidence. I urge you to begin to rebuild that confidence by thoroughly investigating the actions of this Applicant and this ASLB before authorizing start-up of the plant.

Sincerely,

A handwritten signature in cursive script, appearing to read "Jim Perkins".

Jim Perkins

copies: Commissioners Palladine, Bradford, Gilinsky, Ahearne and  
Roberts  
Senators Heinz and Specter  
Representatives Ertel and Nelligan  
Samuel Chilk, Secretary of the NRC