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UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
ATOMIC SAFETY AND LICENSING BOARD PANEL  
WASHINGTON, D.C. 20555

DOCKETED  
USNRC

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OFFICE OF SECRETARY  
DOCKETING & SERVICE  
BRANCH

Ms. Deborah Davenport  
1802 Market Street  
Camp Hill, Pennsylvania 17011

In re: Metropolitan Edison Company  
(Three Mile Island Nuclear Station, Unit No. 1)  
Docket 50-289 SP (Restart)

Dear Ms. Davenport:

I have received your undated request to the Atomic Safety and Licensing Board to join in the Marvin I. Lewis petition for a leak rate contention in this proceeding.

On October 15, 1985 the Licensing Board denied Mr. Lewis' petition because we lack jurisdiction to consider it. We referred the petition to the Atomic Safety and Licensing Appeal Board. On October 25, the Appeal Board issued its memorandum and order (copy enclosed) affirming the Licensing Board's denial of the petition. The Appeal Board also ruled that it lacks jurisdiction in the matter. The petition was dismissed. No appeal from or review of the Appeal Board's order has been noted.

Therefore there is no petition pending before the Nuclear Regulatory Commission for you to join. If there were, this Board would lack jurisdiction to consider your request.

Very truly yours,

Ivan W. Smith, Chairman  
Atomic Safety and Licensing Board

Enclosure: ALAB-821, 10/25/85

cc: Service List w/o Enclosure,  
w/Davenport's Request

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UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

Before the Atomic Safety and Licensing Board

In the matter of  
Metropolitan Edison Company

(TMI Nuclear Station  
Unit No. 1)

RECORD COPY

Docket No. 50-289  
(Restart)

Re. Deborah Davenport's Request to Join  
In the Petition of Marvin I. Lewis,  
Intervenor, for a New or Expanded  
Contention Concerning the Hartman  
Leak Rate Allegations.

Having read both Mr. Lewis's initial petition asking for new and expanded leak rate hearings, and his response to Licensee's response to his petition, and fully agreeing with Mr. Lewis's request, this petitioner, Deborah Davenport, asks to "join" in the contention.

This petitioner resides in Camp Hill, Pennsylvania, in a location not much more than ten miles from the Three Mile Island Nuclear Station. And this petitioner has friends, and relatives who reside here for whom increasing health and safety concerns, regarding the operation of TMI No. 1, she knows must be raised. This petitioner having M.S., usually considered to be an auto-immune disease, also would be affected by less radiation, and sooner than some citizens in the general population. Extra radioactive releases from the TMI plant could negatively affect the course of the disease, accelerating and increasing this petitioner's neurological symptoms. Petitioner feels that unsafe

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proceedures and practices continuing , in any way , at TMI#1 would result in increased releases to the environment, radioactive releases, which could negatively affect the course of this petitioner's disease. In all possible aspects then, this petitioner's interests could be negatively affected by the continued operation of TMI#1 unless , during its operation that plant is fully and adequately regulated.

Learning from Marvin I. Lewis's petition for expanded leak rate hearings, that new evidence has come to light indicating that procedures for measuring leak rates in B.&W. plants could be faulty, evapoative loss incorrectly having been factored into leak rate calculations, this petitioner concurs that full and careful consideration should be given to this matter. As previously stated, I therefore request to "join" in this contention.

This petitioner is also familiar with some other evidence regarding leak rate measurement practices at TMI#2, which she feels must be weighed re. the contiued operation of TMI1, particularly re. its safe operation.

While this petitioner is opposed to nuclear power, because she feels that current technology has not yet come up with a safe and economically viable method of producing electricity , she is pragmatic enough to know that such methods , and plants may still continue despite objections raised against them. This petitioner also knows; however, that despite having raised objections to current nuclear technology, particularly in regards to TMI Units #1 and #2, neither this petitioner, nor any citizens who have done the same, should be excluded from expressing concerns that are valid regarding those plants.

Some objections were given to Mr. Lewis's acting as a petitioner of limited status, on a prior appeal, or contention. The prior status given certainly should not affect his being heard now as an intervenor on an entirely different subject. Only the positive outcome of that intervention with the NRC should be given weight in such an issue. It would seem foolish to refuse a contention from someone whose technical advise has resulted in improvements in Nuclear Plants that clearly improved the health and safety chances <sup>of</sup> surviving their operation.

Excluding Mr. Lewis because he did not live in this immediate area would seem equally remiss. Radiation from the accident was measured at distances much further than Philadelphia where he resides, and a major accident could affect an area about the size of the state of Pennsylvania. The entire Eastern seaboard, might have been, and still could be affected by the TMI Nuclear Plants.

Excluding anyone with the specific, and complex knowledge needed to follow, weigh, and suggest corrections to the operation of any nuclear plants or facilities, because of distance from those sites, would appear to be an attempt to shut out constructive criticism, (that could also benefit those industries in a sense). Obviously the technical knowledge required for intervention before the NRC, would be, in some matters a long, and complex wisdom to acquire. Not every member of our society in total, not to mention the TMI area in particular will have trained for, or long studied some of the technical issues which could be addressed. It would be an injustice to shut out such expertise.

I should add here that this petitioner does not think that lack of technical training in any area of knowledge that might apply to the nuclear industry should ever exclude any citizen for consideration as an intervenor, however, in certain areas of knowledge, specific technical knowledge should be considered as a qualifying factor in intervening before the ASLB or the NRC. The residence of the person with specific technical expertise should be of small concern in such matters, particularly if the full airing of the matters the intervenor might address would result in improvements in the nuclear industry, that would improve its technical functioning, and thus benefit the health and safety interests of citizens living in areas that might be affected by that industry. And while the Contention/Intervention process seems an adversarial one between citizens and a regulatory agency, and the nuclear industry, it is a means of exchanging valuable, and sometimes productive information between those parties. Such an exchange should not be cut off for any reason.

Finally, it would seem important to consider all evidence that might appear regarding the operation of Three Mile Island. Such evidence, particularly in reference to measuring leak rates at Unit#2 prior to the Three Mile Accident, would be important to prevent the repeat of such an event, or large releases of radioactive materials from TMI#1 during its now renewed operation. It would seem more logical on the part of the industry, and the NRC to try to productively and completely address all matters that might affect the safe operation of Three Mile Island's Unit#1.

The Three Mile Accident is thus far termed, "The worst accident in the history of the Nuclear Industry". Reportedly there has been a great effort on the part of that industry, and the various interest groups that might be called pro-nuclear, to restart Unit#1 at Three Mile Island. Somehow this event was seen as the needed event from which the industry would emerge reborn. This petitioner does not think that will be the case if another serious, life-threatening event occurs at TMI, or even a series of large radioactive releases. TMI will not be the Golden Phoenix, it will be what it always had been..., A NUCLEAR Edsel! Responsible industrialism this is not!

This petitioner feels that some appearance is given, when all facts are not heard regarding technical matters relating to public health and safety, that the short-term profits of a few are being taken over the long term interests of many, including, oddly enough, the nuclear industry. This petitioner, as stated, does not have great trust in the nuclear industry as it currently operates, but that does not preclude this petitioner, and her fellow citizens in this area from having every right to expect that industry to be carefully run and regulated, IN EVERY DETAIL. Not hearing a contention such as Mr. Lewis's would, in my judgement, be refusing us that right.

Sincerely,

*Deborah Davenport*

Deborah Davenport

1802 Market Street

Camp Hill, Penna. 17011

1-717-362-1552