

ENVIRONMENTAL COALITION ON NUCLEAR POWER

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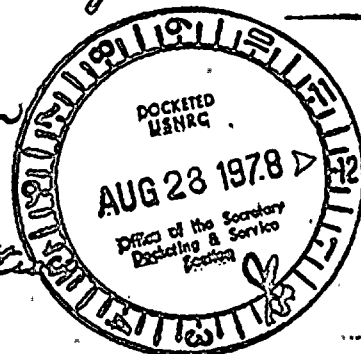
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21 August 1978

Secretary of the Commission
U. S. Nuclear Regulatory Commission
Washington, D. C. 20555
attn: Docketing and Service Section



Dear Madame or Sir:

Late Saturday evening, August 19, 1978, I learned from residents of the Bloomsburg-Berwick, Pennsylvania area that Pennsylvania Power and Light Company had published notice in the Berwick Enterprise newspaper of August 16, 1978, of acceptance for NRC review of their application for an operating license for the Susquehanna Steam Generating Station, Units 1 and 2. As soon as our public university library opened, I checked the Federal Register notice of August 9, 1978, for detailed statement of the notice of acceptance for review, and confirmed that, under the new revision of 10 CFR 2.714 (FR April 26, 1978, 17798-17803), the deadline for filing a petition for leave to intervene, but not specific contentions, will be September 8, 1978. That is fewer than 20 days from now. None of the materials pertaining to this reactor is located closer Harrisburg, Pa., 90 miles away. (Our university library is running as much as

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six months behind in the availability of those microfiche documents as it may receive).

I have been asked by members of our organization who reside in Berwick and in Bloomsburg to proceed with a petition for leave to intervene. In view of the shortage of time (I had been away from home since the morning of August 9), and the intent of the Commission, under the April 26th revision of 10 CFR Part 2, to "facilitate public participation in its facility license application review and hearing process," I hereby request an extension of time adequate to receive the necessary documents pertinent to the application, review them, and file an appropriate petition for leave to intervene and request for an operating license hearing. Since it was the intent of the Commission to allow thirty (30) days for this portion of public opportunity to participate, I request that the 30-day period commence from the date of receipt of the necessary documents (i.e., 5 days after they are mailed from the Commission) for the filing of a petition for leave to intervene and request for an operating license hearing.

The following comments set forth the factors

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considered by the Commission under 2.714 (a) and (d) :

2.714 (a) (1) (i) A failure to file a timely request for hearing and petition for intervention would result from: (a) local residents were unable to contact me, as Co-Director of the organization, until the evening of August 19, 1978, leaving only twenty days to obtain the necessary documents, review them, and formulate a petition which properly includes how petitioners' "interests may be affected by the results of the proceeding" and the "specific aspect or aspects of the subject matter of the proceeding" (10 CFR 2.714 (a) (2)).

(b) Our organization has no funds for attorneys' expert in these matters and therefore must proceed without expert legal assistance on mostly voluntary efforts, which further slow our efforts, as do sheer distance among members of the Environmental Coalition on Nuclear Power. (c) Even though request for pertinent documents is filed with this letter (August 21, 1978), and assuming immediate response from the Commission staff, the earliest anticipated receipt of documents would be August 31, giving barely one week to review the documents and specify those "aspects of the subject matter of the proceeding" in compliance with the Commission's requirement.

2.714 (a) (1) (ii) The members of our organization who reside in the immediate vicinity of the Susquehanna Station, who are rate payers of Pennsylvania Power & Light Co. and Allegheny Electric Cooperative,

and who live in the vicinity of the power lines to be used or the routes along which radioactive materials from the plant may be transported, and also who will be affected by radioactive materials attributable to the operation of the Susquehanna Station at other points in the nuclear fuel cycle are unaware of any other party filing petition for intervention or request for operating license hearing. Having been misled to think that their concerns would receive adjudicative response by limited appearance statements at the mandatory construction permit hearings half a decade ago, the ECNP members now wish to have their interests protected by active intervention at the operating license stage with respect to matters they believe have not been properly disposed of to protect the public health and safety under the Atomic Energy Act of 1954, as amended, or under the National Environmental Policy Act of 1969.

2.714 (a)(1) (iii) The Environmental Coalition on Nuclear Power and its member groups have participated in (1) the Newbold Island Units 1 and 2 proceedings, pointing out the inadequacy of Staff and Applicants' assessment of population and compliance with 10 CFR 100 which in part led to the Staff's decision to request the Applicant to select an alternative site and to the Staff's revision of its urban siting policy; (2) the Limerick Units 1 and 2 proceeding, in which our contentions raised the still-unresolved issue of station responsibility for full operation of the

3/ plant during low-flow season; (3) Three Mile Island, Unit 1, in which the applicant complied with our request, by stipulation, to improve the iodine containment purge system to reduce iodine exposures to the public; (4) Three Mile Island, Unit 2, in which ECNP's Executive Board member, Dr. Chauncey Kefford, as designated representative of joint intervenors and their sole witness, pointed out the inadequacy of the radon-222 number in the Table 5-3, "Summary of Environmental Considerations for Uranium Fuel Cycle" (10 CFR 51.20(e)), forcing the vacation of that number from Table 5-3 by order of the Commission (Order of March 2, 1978) and subsequent vacating of the radon number altogether (FR March 14, 1978), as well as the conclusion of the Appeal Board that intervenors' contention concerning an eternally propagated event (aircraft crash impact) was of sufficient importance to merit reopening of the license proceeding before the Appeal Board (July, 1978); (5) in Peach Bottom 2 and 3, in which specification of ALARA and the need for cooling towers on inland water ways were affirmed in Circuit Court decisions based upon argument by intervenors; (6) and in Fulton 1 and 2, in which at a recent Conference with NRC Staff, utility counsel stated that the issues raised by intervention had been responsible for the plant not being built (presumably meaning that the settlement of matters in contention caused sufficient delay that the manufacturer of the reactor withdrew from the contract prior to beginning, or even scheduling, of license (cp) proceedings). In all of these instances intervenor

participation by ECNP and its member groups has raised issues and resulted in actions beneficial to the public health and safety. We believe it reasonable for the Commission to anticipate equally responsible and beneficial results from our participation in the proposed operating license proceeding. In the absence of access to the necessary documents for review, it is impossible to specify in this preliminary letter of request for time extension precisely in what ways petitioners will contribute to that record.

2.714 (a) (1) (iv) Petitioners' interests are not represented by the Applicant. Petitioners believe their interests will not be adequately represented by the Staff. We know of no other possible parties, except possibly the Commonwealth, which has not shared intervenor concerns (except to a limited extent at Limeick and Newbold Island) in prior proceedings. Therefore, the NEPA concerns relating to the nuclear fuel cycle, for example, (ALAB-367) which will be raised by ECNP, among other matters, would not receive ventilation in the absence of our participation, so far as we are able to know.

2.714 (a) (1) (v) We see no way in which an intervention by ECNP would be capable of causing undue delay in the issuance of an operating license, if the Commission determines that it wishes to issue such license. We believe, however, that still-unresolved nuclear fuel cycle issues that are necessary to the compliance with NEPA may be raised only through intervention by our public-interest organizations. Examination of the FSAR and Environmental Report will doubtless result in additional contentions at the appropriate stage.

This lengthy discussion under revised 10 C.F.R. 2.714 (a) (1) (i-v) is provided as background justification for a request for an extension of time in which to file a proper petition for leave to intervene and request for an operating license hearing. I assume much of it will have to be restated in the actual request/petition.

If it is essential also to justify this request for an extension of time in which to file, under 10 C.F.R. 2.714 (d) (1-3), I would add the following comments:

2.714 (d) (1) Members of ECNP live within a twenty-five mile radius of the Susquehanna Station, some much closer to it; others are ratepayers of the utility; others are affected by power lines tied to the facility; others will be affected by transportation of radioactive materials from the plant; others will be affected by the environmental effects and economic costs of portions of the nuclear fuel cycle associated with the plant.

2.714 (d) (2) As indicated above, members of this organization live in the vicinity of the plant and are property owners. Others have financial interest as ratepayers and taxpayers. Still others have interest in the full fuel cycle environmental and public health and safety aspects.

2.714 (d) (3) An order which grants an operating license to the plant will affect the health, safety, fiscal condition, and property of these petitioners by allowing the Susquehanna Station to become radioactive and to generate power with resultant rate increases.

In conclusion, I request that all documents pertinent to the application, Staff review, and licensing of the Susquehanna Station be sent to me at the address below. I enclose a copy of the letter submitted today to the Director of the Division

of proper management, effect of nuclear reactor regulation. If
I have omitted any documents from that list, I ask that
you send them, or have them sent, to me as quickly as possible.
Because my schedule for the coming weeks was already filled,
I will have little time to prepare this request and petition at
best; a speedy delivery will be appreciated. Thank you for
attending to the matter promptly.

Sincerely,

(Dr.) Judith H. Johnson (JOHNSON)

Co-Director, Environmental Coalition
on Nuclear Power

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814-237-3900

I ask your acceptance of correspondence
in my hand. The typewriter has not
arrived, and my occasional typist
is out of town.