



POOR ORIGINAL

TTC

1 of 7 pages plus enclosure Marvin I. Lewis

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Phila. PA 19149
9-9-79.

Chairman Hendrie, Commissioners Aherne, Bradford, Gilinsky, Kennedy.
In the matter of Three Mile Island #1 Operation, Amendment of
PETITION TO INTERVENE. Docket 50-289.

Sirs:

Recently, I sent in a request to be an intervenor and participant
in Docket 50-289. I lost my copy of my petition. Would you kindly
send me back a copy of my petition?

sent 9/13/79

Also, I would like to amend my petition with this letter. My
previous petition was a hastily written single page. I left out
many pertinent and important points in my haste. I am not vacating
anything in my previous petition. I am merely adding to it.

At this point in the proceedings, I respectfully petition that
thesame aid to citizen participants be extended in this Docket 50-239
as was extended in Docket RM-50-3, The Uranium fuel Cycle; namely,
that citizen intervenors' submittals be reproduced and distributed
to the distribution list by the NRC.

My reasons for asking for this aid include the following:

I am not a rich man. If I must reproduce and distribute my
submittals to the entire distribution list, I will not be able
to participate in a timely fashion. In other words, I might
have to wait for my bimonthly paycheck for repro and mailing costs.
As in the case of Docket RM 50-3, reproduction and mailing aid
is required for fair and worthwhile citizen participation.

The following part of this amendment is a clarification of my
petition to intervene.

As the Federal Register Notice stated, let's look at my points
in light of 10CFR Para. 2.714 (a) (3)(d):

1. The Petitioner's right to intervene.

I am a citizen of the United States of America. I reside in Pennsylvania.
I am a ratepayer whose utility company wheels on the Pennsylvania,
New Jersey, Maryland (PJM) Grid. The same grid that Three Mile Island
wheels on. (Wheeling refers to supplying and being supplied by an
electric transmission network.) Therefore, some of my electric payments
do go to Met Ed for the TMI produced electricity. Also, the reliability
of the PJM Grid relates to the reliability of the electricity which
I use.

More importantly, I love life.

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I, therefore, have the right to intervene in any government action . . . which reduces my chance of longevity. I also have the right under the First Amendment to the US Constitution to petition the Government for redress of grievances. I have the right under the National Environmental Policy Act to demand that the Government follow appropriate rules in the exploitation of the environment.

2. Nature of the Petitioner's Property or Interest.

I have already stated above the nature of the petitioner's interest.

My major interest, again, is my own life.

3. How the actions of the Board will effect the Petitioner's interest.

Radioactive iodine and other radioactive isotopes are given off continuously by operating nuclear power plants such as TMI#2. They are also given off continuously by non-operating nuclear power plants. TMI#2 is non-operating and still giving off radioactive iodine. Enough radioactive iodine can cause cancer and even death. (ICRP, Glasstone & Seleni. Radioactive iodine emissions are a big questionmark at TMI#1 for many reasons.

First, HEPA and other filters which were supposed to stop the venting and escape of radioactive iodine did not work. Now, this point can be semanticized to death. You can say that the iodine filters were not designed for a Class 9 accident. (yes, TMI#2 was a Class 9. See Bridgeton News 8-29-79 enclosed.)

You can also say that the filters would have worked if they remained dry. But they got wet!

TMI#1 is a similar design to TMI#2 within limits. To an extent then, the TMI sisters can be considered an attempt at standardization. Quoting from a speech given by Commissioner Kennedy on June 12, 1979, his statements on standardization include the following.

"Some have argued that encouragement of standardization by the regulators would be promotional and might even inhibit adoption of essential safety features. They asserted that errors once made would be perpetuated and proliferated."

I agree.

In fact, the accident at TMI#2 on March 28, 1979, shows that the safety has not improved from the earlier reactor, TMI#1. Further, the add-on filter at TMI#2 on the auxiliary building did not appear on the auxiliary building of TMI#1. The conclusion, by observation is that the filter system at TMI#1 has not been brought up to the standards used on the non-operational TMI#2.

I am not going into all the details and discrepancies in the filters in this petition . I only use the inadequacies of the iodine filters to illustrate this one point on filters. With or without filters , nuclear power plants give off radioactive iodine. (Docket RM 50-3, Table S-3 Radioactive iodine does get into milk. (PA DER, Gerusky's measurements of milk around TMI after 3/28/79.) Measurement of radioactive in milk after 3/28/79 in the Harrisburg area did show increases although it was too early for most dairy cows to be at pasture. Somehow radioactive iodine got into the milk despite the fact that most dairy cows are on stored feed in March. How badly pasturage on contaminated grass will increase the radioactivity in milk is a question for the future.

Due to the regulations of the Federal and State milk Boards, and the vagaries of the marketplace , milk is not always consumed in the local where it is produced . Milk bottles carry a logo denoting where it was bottled. The bottle does not state where the milk originated. I drink milk.

I also eat dairy products.

The radioactive Harrisburg milk will find its way into my body. I will receive no benefit from the fact that this iodine is radioactive. I will have many adverse impacts placed upon me by radioactive iodine. Two of these impacts include, but are not limited to the following:

- a. increased chance of cancer (Mancuso, Bross)
- b. life shortening effects (Bertell)

(Transcripts of Press Conference 4/7/79. Available from Bob Alvarez, Environmental Policy Center, Washington, D.C.)

Now, the ready and quick answer to that, so often used and abused by staff, is that they will allow nothing to harm the health and safety of the public.

My answer to the NRC Staff's glib , "allow nothing to harm the health and safety of the public" is, "What Public? -The Koreans or the Bolivians?" Yes, I am being sarcastic and ironic to the Staff.

Why? Because I am justified because I can no longer believe that the Staff is referring to protecting American lives.

Yet, I still believe the statements of public officials when they admit to their unconcern where the public interest is concerned.

I believed that Chairman Hendrie did make those statements reported in the Nucleonics Week Special Edition on the TMI tapes. (repeal 1st Amendment I believed that President Nixon said that the President could not commit a crime.

I believed President Eisenhower said to keep the people in the dark about the dangers of atomic testing.

I believed the HEW Report on the TMI releases as to the very few TLD's which worked.

I believed the Radiation Management Corporation when they say that the employee in charge of reading the TMI TLD's (thermo luminescent dosimeters) ran away due to personal problems.

But, most of all, I believe Dr Norman Rasmussen when he says that an accident which has a probability of 500,000,000 to one in Wash 1400 actually had a probability of unity, one to one.

"In other words, it happened." (Dr Norman Rasmussen in a press conference after TMI.)

That 500,000,000 to one which turned out to be a one to one actuality is a good working figure.

Let's look at the Staff's evaluation of the radioactive iodine emissions. (HEW Report on the TMI#2 Radioactive Emission 5/10/79.)

Determine what part of the Cancers in the population will be caused by said emissions. (Table S-3 and Regulatory Guide 1.109)

Now the cancer number from the HEW Report is one tenth of a cancer by the year 2000. (Dr Ralph Lapp on Evening Magazine, Channel 3 Phila.)

Now using the correction factor from Wash 1400 and TMI#2,

One tenth of a cancer death times 500,000,000 equals 50,000,000 deaths.

Now, we are getting into the ball park of reality. In fact, the 50,000,000 deaths compares favorably with the admitted fatalities due to radon emissions. (Dr Reginald L. Gotchy, USNRC, in the Operating License Hearings on TMI#2.)

Lest that the Board assumes that this underestimation of deaths is not a commonplace occurrence for the Staff, the Board can query Dr Walter Jordan, who is on the distribution list, whether he sent a letter stating that the Staff was in error by 100,000 on the magnitude of radon emissions. This demonstrates that errors of several orders of magnitude are commonplace and perpetuated in the NRC.

Now, these figures are real. Multiplying the Staff's figures by 500,000,000 is merely using historical data to calculate a correction factor. Empirical correction factors are accepted procedure in many scientific disciplines and engineering practices. These numbers also show the horrendous number of lives which are endangered by the operation of TMI#1.

Again, I repeat that these numbers do not come out of the air. They compare favorably with the numbers admitted to in NRC Hearings on the Radon issue at TMI#2 and the Perkins Docket. Also, updates of the HEW Report increase the number of deaths by 50 times- excuse me- new update by 200 times to 20 deaths. Eventually, 50,000,000 deaths may be admitted to at TMI#2 by the Staff. They just admitted that TMI#2 was a Class 9 accident five months after it happened.

These numbers put operation of TMI#1 in the category of a genocidal action. Genocide is the systematic killing of a whole people or nation. Our own Nation will be the victim.

The genocidal action of which I speak is the granting of an order to allow the operation to TMI#1.

Since the United States participated in the trial of Nazi War criminals at Nuremberg, genocide has been banned by international law. It is true that the Nuremberg Principles denouncing and prohibiting genocide are not a part of our internal domestic law and NRC regulations.

The omission of a genocidal ban from NRC regulation cannot be used to allow any further jeopardy of human life.

I wish to raise another point in my contentions . The point is related to the operation of TMI#1 , but is unrelated to my earlier point on pages 1 through 5 of this submittal.

I am at a loss for words to express my consternation that the Staff feels that the Pennsylvania Consumer Advocate in is not a qualified participant and intervenor.

The Consumer Advocates Office was especially and expressly set up to deal with issues which would affect vast numbers of Pennsylvanian consumers. Without the Consumer Advocate, consumers would not have an effective avenue to participate. The Consumer Advocate is mandated to represent the consumer.

Obviously, the Staff feels that it is more qualified than the Pennsylvania Legislature and the Governor of Pennsylvania as to how the consumers of Pennsylvania shall be represented if at all. I am not commenting on the Staff's arguments . I am merely stating that this is the type of arrogance, which demonstrated for me so forcibly that the Staff is much more concerned about the profitability of a utility than about the health or safety considerations for the public.

Another completely separate issue is the pipe cracking at TMI#1. I received a letter today from Lee V. Gossick , NRC, on this. He sent me a copy of the reference which I used to demonstrate my worries on the pipe cracking. This was supposed to allay my concerns. This was the very document which crystallized my concerns. There is no reason that this document , NUREG 0531, should allay my concerns since that is the document which crystallized my concerns. This NRC attitude of "Well we are looking at it and that is the same thing as solving it" is why I am bringing up the matter of pipe cracking in these proceedings.

Victor Stello of the I&E Division of the NRC states in a letter to me on August 21, 1979, that , "cracks can be identified by fluid leaks in sufficient time."

I presume that this means that the control room staff is competent and experienced in noting and assessing fluid loss correctly. I submit that the operators for TMI# 2 demonstrated that they were not capable or competent to assess leaks correctly. (See Victor Stello's TMI Investigation , Summary of Operational Aspects , Page 1 of the investigation into the RCS Leakage Procedure 3/28/79 TMI Accident by the office of I&E. "A review by the investigators of the RCS leakage procedure showed the procedure to be in error,

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and the facility was actually operating with an unidentified leakage in excess of Technical Specification limits." This quote from an NRC document shows that the operators at TMI were not competent to assess leakage correctly. The operators for TMI #1 and TMI#2 work for the same management. They receive the same management philosophy. "There is no reason to believe that the operators of TMI#1 will be any better at assessing leakage than the operators of TMI#2 on 3/28/79.

Therefore, the chance of detecting pipe cracks from measuring leakage is not dependable.

Now, the Board can rightfully ask, "So what is so important about pipe cracks?"

TMI #2 has an ongoing Class 9 accident because the core became uncovered. The core became uncovered because not enough water was delivered to the core.

Pipe cracks can also cause not enough water to be delivered to the core. (USNRC Memo Sept. 22, 1978, SemiScale Experiment SA 7-6.)

Then, TMI#1 can also have a Class 9 accident just like its sister.

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100th Year

NRC Ruling Jeopardizes Atomic Plant

By MITCH MENDELSON

Efforts by Salem I Nuclear Generating Station to quadruple the capacity of its nuclear waste storage area may be further hampered by an Aug. 24 government report which calls the Three Mile Island disaster a "class nine" — or worst possible case — accident.

Responding to a July request by the federal Atomic Safety and Licensing Board, which will eventually decide the fate of Salem I's spent fuel storage area, the technical staff of the U.S. Nuclear Regulatory Commission reported that the March 28 TMI occurrence was, indeed, a class nine event. The federal agency, however, carefully qualified its conclusion, noting that it was based on one particular legal definition of class nine accidents rather than on what is commonly considered such an occurrence.

At a July 10 hearing in Salem, the Board asked all parties involved in a complex legal dispute over the waste storage expansion to submit written responses to the class nine question. If the Board rules that TMI was, indeed, a worst-

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possible-case occurrence, it may conduct further hearings or request still more information about the proposed expansion.

At issue is a request by the plant operator, Public Service Electric and Gas Co. of Newark, to expand the Salem I spent fuel pool to contain 1,170 exhausted nuclear fuel assemblies instead of the current capacity of 264. Both Lower Alloways Creek Township — in which the plant is located — and Mr. and Mrs. Alfred C. Coleman Jr. of Pennsville are legally opposing the expansion. As a result, the Board has conducted several hearings and taken pounds of written testimony. Its ultimate ruling may be challenged by the NRC itself or in the courts.

The township has also filed a civil suit in federal court to halt the proposed enlargement.

The definition used by the Board in its July 10 question states that a class nine accident is "a sequence of failures which are more severe than those which the safety features of the plant are designed to prevent. The sequence of failures at Three Mile Island produced a breach of the containment and a release of radiation which could not be prevented by safety features. Was the occurrence at Three Mile Island therefore a class nine accident?"

NRC legal intern Janice E. Moore today called the definition "mechanistic" and said the consequences of TMI "were not those typically associated with a class nine accident."

All parties in the PSE&G dispute had until Aug. 24 to respond to the Board question. It is not known at this time if the Board will require further hearings or when it will rule on the case.

In other nuclear developments, an NRC directive requiring PSE&G to make a "seismic analysis" of Salem I will delay its anticipated start-up by at least a month, a plant spokesman said today. This is only the latest in a series of delaying problems which has plagued Salem I since it shut down for routine refueling and maintenance last April.

As the spring and summer progressed, the restart date was pushed further into the fall. As a result of this new analysis, which will see if the plant can withstand an earthquake, the expected start-up date is late October "at the earliest."

Plant spokesman Wes Denton said, "We've got our people working overtime on it (the seismic tests)." Salem I was one of 29 reactors required by the NRC to check for earthquake resistance.

Another recent development affecting local nuclear activity was the NRC's formal acknowledgement of a petition by the Colemans to prevent the federal government from giving Salem I an operating license. The new plant was ready to start up for the first time when the TMI accident occurred, throwing the costly reactor into limbo. The Colemans filed a legal challenge to the licensing in early August, charging that the new plant is not necessary, will cost too much to operate and does not incorporate changes in nuclear technology resulting from TMI.

An Aug. 21 letter to the Colemans from Harold Denton, director of the NRC's Office of Nuclear Reactor Regulation, acknowledges receipt of the petition and states that it will be published in the Federal Register. Once notice of the action appears in the Register, Denton's office can rule on it. An NRC legal spokesman said today the NRC is not required to seek public comment on the issue.

It is not known when the notice will appear in the Federal Register. The spokesman said the Commission can overrule Denton's decision and that the Colemans can take the action to court. NRC legal staff member Karen Cyr said reviews of such petitions "usually take a

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