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OFFICE OF SECRETARY  
RULEMAKINGS AND  
ADJUDICATIONS STAFF

Paul O. Swartz  
Executive Director  
Susquehanna River Basin Commission  
1721 North Front Street  
Harrisburg, PA 17102-2391

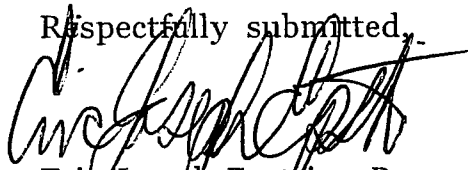
**Eric Joseph Epstein's Notice of Appearance,  
Data Requests, and  
Motion to Postpone Final Determination of PPL  
Susquehanna, LLC's Application for Surface Water  
Withdrawal Request to Modify Application  
19950301-EPU-0572 until the  
Susquehanna River Basin Commission Meeting  
Scheduled for December 5, 2007 in Lancaster, Pennsylvania**

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Dear Mr. Swartz:

Eric Joseph Epstein ("Epstein" or "Mr. Epstein") is formally filing his Notice of Appearance, Data Requests, and Motion to Postpone Final Determination PPL Susquehanna, LLC's Application for Surface Water Withdrawal Request to Modify Application 19950301-EPU-0572 until the Susquehanna River Basin Commission meeting Scheduled for December 5, 2007 in Lancaster, Pennsylvania.

Respectfully submitted,



Eric Joseph Epstein, *Pro se*  
4100 Hillsdale Road  
Harrisburg, PA 17112  
ericepstein@comcast.net  
(717)-541-1101

I hereby certify that on August 31, 2007, a copy of Eric Joseph Epstein's Notice of Appearance, Data Requests, and Motion to Postpone Final Determination PPL Susquehanna, LLC's Application for Surface Water Withdrawal Request to Modify Application 19950301-EPU-0572 until the Susquehanna River Basin Commission meeting Scheduled for December 5, 2007 in Lancaster, Pennsylvania was sent via electronic mail and by overnight delivery with tracking numbers to:

Michael Brownell  
Chief, Water Resource Management Division  
Susquehanna River Basin Commission  
1721 North Front Street  
Harrisburg, PA 17102-2391

Paul E. Russell, Esquire  
PPL Electric Utilities Corporation  
Two North Ninth Street  
Allentown, PA 18101-1179

DEP - RCSOB  
Cathleen Myers, DEP  
Deputy Secretary  
PO Box 2063  
Market Street  
Harrisburg, PA 17105-2063

Secretary James McNulty  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
400 North Street  
Harrisburg, PA 17120

Pennsylvania Public Utility Commission  
Attention: Law Bureau  
Bohdan R. Pankiw, Chief Counsel  
Robert F. Young Esquire  
Commonwealth Keystone Building  
400 North Street  
Harrisburg, PA 17120

cc:

I hereby certify that on August 31, 2007, a copy of Eric Joseph Epstein is formally filing his Notice of Appearance, Data Requests, and Motion to Postpone Final Determination PPL Susquehanna, LLC's Application for Surface Water Withdrawal Request to Modify Application 19950301-EPU-0572 until the Susquehanna River Basin Commission meeting Scheduled for December 5, 2007 in Lancaster, Pennsylvania was sent via electronic mail and/or via United States Postal Service:

Office of the Secretary  
U.S. Nuclear Regulatory Commission  
16th Floor  
One White Flint North  
11555 Rockville Pike,  
Rockville, Maryland 20852  
Attn: Rulemaking and Adjudications Staff

Office of the Commission  
Appellate Adjudication  
US NRC  
Washington, DC 20555-0001

Office of the Secretary of the Commission  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555-0001  
Attn: Rulemaking and Adjudications Staff

ALJ US NRC  
G. Paul Bollwerk, III, Chair  
Mail Stop T-3 F23  
Washington, DC 20555-0001

US NRC  
Office of the General Counsel  
Lawrence J. Chandler, Esquire  
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Washington, DC 2055-0001

ALJ US NRC  
Dr. Richard F. Cole  
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David Lewis, Esquire  
PPL c/o Pillsbury, Winthrop et al  
2300 N. Street, NW  
Washington, DC 20037

ALJ US NRC  
Dr. Lester S. Rubenstein  
Mail Stop T-23 F23  
Washington, D.C. 20555-0001

## I. Background

On July 27, 2007, Eric Joseph Epstein (“Epstein” or “Mr. Epstein”), officially announced his intent to file a Petition in Opposition to PPL Susquehanna’s, LLC Application for Surface Water Withdrawal Request to Modify Application 19950301-EPU-0572 with the Susquehanna River Basin Commission (“SRBC”).

On August 1, 2007, Eric Joseph Epstein formally filed his Petition in Opposition to PPL Susquehanna’s, LLC Application for Surface Water Withdrawal Request to Modify Application 19950301-EPU-0572 at the Susquehanna River Basin Commission (“SRBC”), requested a Public Input Hearing under Subpart A - Conduct of Hearings § 808.1, and Proposed Remedies.

On August 15, 2007, Paul O. Swartz, Executive Director, of Susquehanna River Basin Commission filed a Response and Notice. However, the SRBC did not address numerous issues and contentions raised by Mr. Epstein and indicated that PPL’s “application will be reviewed and acted upon by the Commission at a public hearing to be convened” in Binghamton, New York, on September 12, 2007. (1) Mr. Epstein received the correspondence on August 16, 2007.

After repeated requests and attempts to resolve numerous water use, water safety, and interagency issues with PPL Susquehanna (“PPL” or “the Applicant”) and the Nuclear Regulatory Commission (“NRC”), it has become apparent to Mr. Epstein through filings, petitions, responses, and oral argument, that neither the NRC or PPL will address outstanding issues and noncompliance violations.

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<sup>1</sup> Susquehanna River Basin Commission, Response and Notice, Re: Petition in Opposition to PPL Susquehanna’s, LLC Application for Surface Water Withdrawal Request to Modify Application 19950301-EPU-0572 at the Susquehanna River Basin Commission (“SRBC”) and Formal Request for A Public Input Hearing Under Subpart A - Conduct of Hearings § 808.1, p. 1 August 15, 2007.

The NRC has either relegated water use, water safety, and interagency issues to the domain of the Susquehanna River Basin Commission or deemed these challenges “outside the scope” of the present Nuclear Regulatory Commission uprate proceeding. (2)

It is imperative that the Susquehanna River Basin Commission evaluate Mr. Epstein's contentions while a parallel NRC proceeding has deferred or failed to act on water use, water safety, and interagency challenges.

Since there is no “agreement” or “understanding” between the NRC and the SRBC relating to the conduct of “respective reviews in a cooperative, coordinated manner,” (3) it is incumbent upon the Susquehanna River Basin Commission to take the lead agency on PPL’s Susquehanna, LLC Application for Surface Water Withdrawal Request to Modify Application, 19950301-EPU-0572.

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<sup>2</sup> Beginning on June 5, 2007, PPL and NRC filed Responses in opposition to Mr. Epstein’s Contentions at the Nuclear Regulatory Commission. NRC staff alleged that Mr. Epstein’s contention (T-1) is “outside of the scope” and “not material” to this proceeding, and that there is not enough information to establish a “genuine dispute.” (NRC Staff, p. 8)

Essentially, the NRC’s ASLBP ignored most of the substantive issues raised by Mr. Epstein and discounted their merit as being “outside the scope” of an uprate proceeding. (U.S. NRC Atomic Safety & Licensing Board Panel, Memorandum & Order, In the Matter of the PPL Susquehanna LLC, (Susquehanna Steam Electric Station, Units 1 and 2), Docket Nos. 50-387 and 50-388-OLA, ASLBP No. 07854-01-BD01, July 27, 2007: Judge G. Paul Bollwerk, II, Memorandum and Order. III. Conclusion.

The NRC staff and PPL continue to view the issues raised before the NRC as outside the cope of the NRC’s uprate proceeding. Please refer to *the NRC Staff’s Brief in Opposition to Mr. Epstein’s Appeal of LBP--07-10* (August 16, 2007), and *PPL Susquehanna’s Brief in Opposition to Appeal of Eric Joseph Epstein* (August 16, 2007)

<sup>3</sup> “Timing of SRBC Project Approvals Vis-à-Vis Signatory Approvals,” Policy No. 9501, May 11, 1995, and **§ 806.7 Concurrent project review by member jurisdictions** (Federal Register, December 29, 2006, p. 78583.)

However, the water use, water safety, and interagency issues Mr. Epstein raised in the NRC proceeding are **not addressed** in PPL's Application For Surface Water Withdrawal Request to Modify Application 19950301-EPU-0572. PPL failed to consider the impact of the proposed uprate on state and federal water use issues, and the potential impact these regulations will have on water flow, water volume, and surface water withdrawal for the Susquehanna Steam Electric Station's ("SSES") cooling systems as well as water safety and numerous state and federal interagency issues.

In short, "PPL Susquehanna, LLC Application for Surface Water Withdrawal Request to Modify Application 19950301-EPU-0572" is fatally flawed, based on material **omitted** from its Application and unresolved violations of SRBC statutes. The Susquehanna River Basin Commission should not allow an Applicant to play a regulatory shell game. The Commission needs to enforce the letter and spirit of its mandated charge (4), and publicly investigate the issues and contentions raised in "Eric Joseph Epstein's Petition in Opposition to PPL Susquehanna, LLC Application for Surface Water Withdrawal Request to Modify Application 19950301-EPU-0572" submitted on August 1, 2007.

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4 Federal Register/Vol.71, No. 250/Friday, December 29, 2006/Rules and Regulations, "Susquehanna River Basin Commission: 18 CFR Parts 803, 804, 805 et al. Review and Approval of Projects; Special Regulations and Standards; Hearings and Enforcement Actions; Final Rule."

## II. Notice of Appearance

### Re: Formal Request for A Public Input Hearing Under Subpart A - Conduct of Hearings § 808.1

Mr. Epstein will appear in Binghamton, New York and require 90 minutes to brief the Commission.

PPL's Application For Surface Water Withdrawal Request to Modify Application 19950301-EPU-0572. was PPL filed on December 20, 2006. According to the SRBC, "The project sponsor shall also publish at least once in a newspaper of general circulation serving the area in which the project is located, a notice of the submission no later than 10 days after the date of the submission." Mr. Epstein challenges the SRBC or PPL to anticipate or identify a more **inopportune** time for public notice other than December 21, 2006 through January 1, 2007.

If notice within "the area in which the project is located" is required, why would the public input hearing be held in another state at a site 109 miles north of the "affected area?" Most state (5) and federal (6) regulatory agencies conduct public hearings in affected areas well in advance of a formal decision and make accommodations for work schedules. In addition, it is common practice for public hearings to be publicly posted well ahead of a formal decision; and in many instance, included in bill inserts. (7)

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5 For example, the Pennsylvania Public Utility Commission.

6 The NRC advertised and convened two public input hearings in Berwick, Pennsylvania on November 15, 2006, at 1:30 and 7:00 pm at the Eagles Building. PPL Susquehanna file is license renewal application on September 15, 2006. Please note that representatives from the Susquehanna River Basin Commission attended the evening session when Mr. Epstein raised many of the same issues presented in "Eric Joseph Epstein's Petition in Opposition to PPL Susquehanna, LLC Application for Surface Water Withdrawal Request to Modify Application 19950301-EPU-0572" (August 1, 2007).

7 PPL normally includes notice of Public Utility Commission hearings in their bill inserts. PPL filed no such insert in this case.

The Present Case will inform future nuclear uprate and relicensing requests that will come before the Commission from the Peach Bottom Atomic Power Station, Three Mile Island, and the Susquehanna Steam Electric Station, as well as Early Site Permits and Letters of Interest for the construction of new nuclear power generation stations on the Susquehanna River.

Even the NRC acknowledges the localized impact of the uprate request:

To be sure, the EPU request will have implications in terms of increased water consumption, entrainment and impingement, and thermal and liquid effluent discharges, all of which are evaluated in the ER accompanying the PPL application that has not been the subject of Epstein's contentions. (8)

Among the remedies Mr. Epstein requested was for the Susquehanna River Basin Commission to convene a Public Input Hearing Under Subpart A - Conduct of Hearings § 808.1 (4) However, it's difficult to imagine that a letter addressed to Mr. Epstein and copied to regulatory agencies would serve as adequate notice for citizens living in and around the Berwick area. If the SRBC and PPL (re)advertised and publicized the meeting, neither entity could meet the 20 day notice of a public hearing mandated by the SRBC's regulations. (9) Nor should a limited announcement to a distribution list serve as a public notice for a meeting located 109 miles away for an "affected area." Even if the SRBC had announced a "public" meeting in a local newspaper, they can not reasonably expect local residents would take a day off work to make a presentation. (10)

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8 "U.S. NRC Atomic Safety & Licensing Board Panel, Memorandum & Order, In the Matter of the PPL Susquehanna LLC," (Susquehanna Steam Electric Station, Units 1 and 2), Docket Nos. 50-387 and 50-388-OLA, ASLBP No. 07854-01-BD01, July 27, 2007: Judge G. Paul Bollwerk, III, Chairman, p. 22.

9 SRBC, § 808.1 Public hearings (c) Notice of public hearing

10 Mr. Epstein is willing to **stipulate for the record that if 109 miles north** of Berwick is an "**affected area,**" **than 109 miles downstream** of the Susquehanna Electric Steam Station is also an "**affected area.**"



The current scenario asks a resident from Berwick to travel 1 hour and 40 minutes during peak traffic periods (each way from the Eagles Building to the Grand Royale Hotel) to participate in a public meeting starting at 8:30 am on a work day. A three hour and 40 minute round trip on a work day, hardly appears to qualify as an accessible public meeting. Business meetings conducted 109 miles from an "affected area" should not supplant widely posted and accessible public input hearings convened in an "affected area."

The SRBC should take this opportunity to err on the side of inclusiveness.

Please note the Administrative Appeal that Mr. Swartz refers to on p. 2 of his "Response and Notice" to Mr. Epstein is after the fact and discretionary (§ 808.2). In fact, an Administrative Appeal is potentially punitive in so much that the full costs of the litigation may be foisted on the aggrieved party.  
[§ 808.2 9 (e) (1), (2), (3)]

Moreover, Mr. Swartz encouraged Mr. Epstein to contact the SRBC office (p. 2, final paragraph). Mr. Epstein attempted via electronic mail to inform four employees of SRBC of the NRC and PPL's Opposition to Epstein's Appeal at the NRC on August 17, 2007. Epstein also called and left two messages at the SRBC on August 18, 2007. Mr. Epstein has yet to receive a response or message from the SRBC staff. (11)

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1 1 In fact, in a pointed second communication to the same four employees Mr. Epstein stated: "The SRBC is the last best forum to air these issues." Both communications included copies of PPL and NRC briefs in Opposition to Eric Joseph Epstein's Appeal in PDF format. (Copies available upon request)

### **III. Data Requests**

#### **A. INSTRUCTIONS**

1) These Data Requests shall be deemed to be continuing. The Susquehanna River Basin Commission ("SRBC") is obliged to change, supplement, and correct all answers to Interrogatories to conform to available information, including such information as first becomes available to the SRBC after the answers hereto are filed.

2) The answers provided should first restate the question asked and identify the person(s) supplying the information. Mr. Epstein respectfully requests that all responses be prepared and communicated with ten (10) calendar days of receipt.

3) All information is to be divulged that is within the knowledge, possession, control, or custody of the SRBC, or may be reasonably ascertained thereby. The term "Susquehanna River Basin Commission" or "the SRBC" ; as used herein, includes: the Susquehanna River Basin Commission, its attorneys, agents, employees, other representatives, predecessor or successor attorneys, agents, employees, or other representatives.

4) As used herein the terms "document(s)" or "work paper(s)" include, but are not limited to, the original and all copies (regardless of origin and whether or not they include additional writing therein or attached thereto) of memoranda, reports, books, manuals, instructions, directives, records, forms, notes, letters, notices, confirmations, telegrams, pamphlets, notations of any sort concerning conversations, telephone calls, meetings or other communications, bulletins, transcripts, diaries, analyses, summaries, correspondence and enclosures, circulars, opinions, studies, investigations, questionnaires and surveys, worksheets, and all drafts, preliminary versions, alterations, modifications, revisions, changes, amendments and written comments concerning the foregoing, in whatever form, stored or contained in or on whatever medium; including computerized memory and magnetic media.

Mr. Epstein has not found any public document that indicates PPL Susquehanna filed an application for review, and received approval from the Susquehanna River Basin Commission for the 2001 Uprate Increase at the SSES which allowed PPL to increase the licensed core power level from 3441 MWt to 3489 MWt, which represents a 1.4 percent increase in the allowable thermal power. (12)

The ASLBP, like PPL and the NRC staff, **completely ignored the issue of PPL's failure to seek and recover permission from the SRBC for the 2001 uprate.** (13) The Panel's only comment was consigned to Page 2, Footnote 1, paragraph 2: "Previously the SSES units each were approved for a SPU (1994) and a MUPU (2001), which raised their rated power by 4.5% and 1.4 % respectively."

Despite direct requests from Mr. Epstein on August 1, (Contentions 1 and 2) to address this issue, the Susquehanna River Basin Commission remains publicly silent.

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12 "PPL Susquehanna, LLC; Susquehanna Steam Electric Station Environmental Assessment and Finding of No Significant Impact" [Federal Register: June 25, 2001 (Volume 66, Number 122)] [Notices] [Page 33716-33717] From the Federal Register Online via GPO Access [wais.access.gpo.gov] [DOCID:fr25jn01-100], NUCLEAR REGULATORY COMMISSION, [Docket Nos. 50-387 and 50-388], PPL Susquehanna, LLC; Susquehanna Steam Electric Station, Environmental Assessment and Finding of No Significant Impact.

13 "U.S. NRC Atomic Safety & Licensing Board Panel, Memorandum & Order, In the Matter of the PPL Susquehanna LLC," (Susquehanna Steam Electric Station, Units 1 and 2), Docket Nos. 50-387 and 50-388-OLA, ASLBP No. 07854-01-BD01, July 27, 2007: Judge G. Paul Bollwerk, III, Chairman.

The Panel's only comment was consigned to Page 2, Footnote 1, paragraph 2: "Previously the SSES units each were approved for a SPU (1994) and an MUPU (2001), which raised their rated power by 4.5% and 1.4% respectively.

Furthermore, during the NRC Prehearing Conference convened on July 10, 2007, Mr. Epstein raised the issue of PPL's failure to apply for approval of the 2001 uprate application with the Susquehanna River Basin Commission on five separate occasions. (14) **The NRC failed to investigate the allegation that PPL never attempted to deny.**

**Data Request 1:** Mr. Epstein respectfully requests all documents, work papers, and correspondence relating to the SRBC's decision to waive § 803.42, § 803.44, § 806.13, § 806.22-23, § 806.34, § 806.4, § 806.5, § 806.6 relating to the 1.4% Measurement Uncertainty Recapture (MUR) uprate in 2001 that increased PPL's licensed core power level from 3441 MWt to 3489 MWt in 2001.

**Data Request 2:** Mr. Epstein respectfully requests all documents, work papers, and correspondence relating to the SRBC's decision to waive applicable penalties associated with PPL's failure to apply and receive necessary approvals for the SRBC relating to the 1.4% Measurement Uncertainty Recapture uprate in 2001 that was approved by the NRC. (15)

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14 "U.S. NRC Atomic Safety & Licensing Board Panel, Initial Prehearing Conference In the Matter of the PPL Susquehanna LLC," (Susquehanna Steam Electric Station, Units 1 and 2), Docket Nos. 50-387 and 50-388-OLA, ASLBP No. 07854-01-BD01, July 10 2007: Judge G. Paul Bollwerk, III, Chairman. The transcript of the July 10, 2007 telephone prehearing conference can be found in the NRC's ADAMS document access system under Accession No. ML071970391.

- Transcript, p. 12, Lines: 15-18, p. 13. Lines 19-25, and p. 14 Lines 1-2.
- Transcript, p. 33, Lines: 4-14.
- Transcript, p. 41, Lines: 1-5.
- Transcript, p. 51, Lines: 8-15.
- Transcript, p. 66, Lines: 12-14.

15 Policy No. 92-01, Clarification of Current Consumptive Water Use Regulation, November 19, 1992, and § 808.16 Civil penalty criteria and § 808.11 Civil penalty criteria Federal Register, (December 29, 2006.)

- **Data request 3:** Mr. Epstein respectfully requests all documents, work papers, and correspondence from and by the SRBC relating to the 1.4% MUR uprate in 2001 approved by the NRC. (16)
- **Data request 4:** Mr. Epstein respectfully requests all documents, work papers, and correspondence from and by the SRBC relating to the Stretch Power Uprate (SPU) in 1994, which raised the SSES rated power by 4.5%.
- **Data Request 5:** The NRC Staff opined, “PPL’s excessive use of water is also an issue outside of the NRC’s jurisdiction.” (NRC Staff, Reply, p. 10) Mr. Epstein respectfully requests that the SRBC provide a legal opinion as to which agency has authority over the “excessive use of water” on the Susquehanna River.
- **Data Request 6: a)** Mr. Epstein respectfully requests the SRBC provide a legal opinion as to the role of the Pennsylvania Public Utility Commission in relation to “excessive use of water” on the Susquehanna River, and **b)** an opinion defining which agency assesses and receives compensation for surface water withdrawals. (17)

16 In PPL’s current application before the NRC, the Company recognizes the need to file for such a request. PPL’s counsel stated that Section 3.1.2.1 of PPL’s environmental report “reflects the fact that with uprated conditions we will have to change the approval that we need with respect to the maximum amount of water that we will be consuming.” (NRC Staff, June 5, 2007, p. 12) This is a striking admission, primarily because PPL never made a similar effort during the 1.4% Measurement Uncertainty Recapture (MUR) uprate in 2001 that was approved by the NRC, yet opted to seek approval for a Stretch Power Uprate (SPU) in 1994, which raised the SSES’s rated power by 4.5%.

17 The Pennsylvania Public Utility Commission’s (“PUC”) regulates public utilities under Title 66 of the Pennsylvania Consolidated Statutes and regulations found in Title 52 of the Pennsylvania Code. The traditional implications of the Pennsylvania Public Utility Commission Policy and Regulations relating to “withdraw and treatment” of water, i.e., referred to as “cost of water” under the Public Utility Code, Title 66. “Reasonableness of cost” and permission to charge a rate to any customer class (based on the provision of “reasonable service”) has been absented from the SRBC and NRC applications. PPL Susquehanna requires permission to withdraw water, but it also uses public water as a key component in a profit making enterprise.

**IV. Motion to Postpone Final Determination of PPL  
Susquehanna, LLC's Application for Surface Water  
Withdrawal Request to Modify Application  
9950301-EPU-0572 until the  
Susquehanna River Basin Commission Meeting  
Scheduled for December 5, 2007, in Lancaster, Pennsylvania**

Mr. Epstein respectfully requests that the Susquehanna River Basin Commission hold PPL's application in abeyance until all of Mr. Epstein's contentions and issues are publicly reviewed by the SRBC. Eric Joseph Epstein is formally filing a Motion to Postpone Final Determination of PPL Susquehanna, LLC's Application for Surface Water Withdrawal Request to Modify Application, 19950301-EPU-0572 until the SRBC meeting scheduled for December 5, 2007, in Lancaster, Pennsylvania.

The NRC's Atomic Safety and Licensing Board Panel ignored most of the substantive issues raised by Mr. Epstein and discounted their merit as being "outside the scope" of an uprate proceeding. The SRBC has an immediate opportunity to postpone (18) a final determination on this issue until the Commission convenes its December 5, 2007, meeting in Lancaster, Pennsylvania (65 miles south of Berwick and downstream from the SSES).

PPL Susquehanna's requests before the NRC and the SRBC would extend the license of Susquehanna Unit 1 and 2 for an additional 20 years beyond the current expiration dates on July 17, 2022 and March 23, 2024. The Susquehanna nuclear power plant produces approximately **60 metric tons** of high-level radioactive waste **per year**.

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18 On August 20, 2007, the state of Connecticut's Department of Environmental Protection announced it would take an additional three more weeks to review a landmark court case that could lead the agency to revise its proposed renewal of a water discharge permit for the Millstone nuclear complex in Waterford, Connecticut.

Susquehanna is one of 21 nuclear power plants where used reactor fuel pools have reached capacity, and is currently requesting permission to store an additional 1,200 tons of high-level nuclear waste along side of the Susquehanna River. (19)

PPL Susquehanna has demonstrated a recent history of requesting and receiving postponements and allowing those requests to atrophy. PPL was recently cited by the NRC after a lapsed safety-related incident occurred at the SSES. This avoidable violation demonstrates PPL's voluntary commitments are hollow:

PPL identified a jacket water flange leak during a diesel generator surveillance test on December 2, **2005**, and entered this condition into the corrective action system. Although the leak was small and **did not originally impact system operability and reliability**, PPL **rescheduled, delayed, and deferred** repair work for this gasket connection until the degraded joint caused a leak of 12 gallons per hour during a March 28, **2007**, surveillance test. Due to the increased rate of jacket water coolant inventory loss, and the difficulty quantifying the leak rate, PPL shut down the engine and declared the "E" EDG inoperable. This caused a Technical Specification EDG to be unavailable and the station calculated risk to increase. (20)

**(Boldface type added)**

19 Under current South Carolina law, PPL (as well as Exelon and FirstEnergy) will begin storing low-level radioactive waste onsite as of July 1, 2008 when Barnwell closes its facility to states outside of the Atlantic Compact. Pennsylvania has no back-up site, and is member of the Appalachian Compact.

20 NRC Inspection report 05000-387/2007003 and 05000388/2007003, "Post-Maintenance Testing," NRC Paul G. Krohn, Chief, Projects Branch 4, Division of Reactor Projects, July 24, 2007, pp. iii, 6-8)

"This finding is greater than minor because it is associated with the equipment performance attribute of the Mitigating Systems cornerstone and **negatively affected** the cornerstone's objective to ensure the **availability, reliability and capability** of systems that respond to initiating events to prevent undesirable consequences. This finding is related to the Problem Identification and Resolution cross cutting area (Corrective Action) because **PPL did not take actions to correct the jacket water leak in a timely manner, commensurate with the issues safety significance.** (P.1(d) (Section 1R19)

**(Boldface type added)**

The same Company which is requesting a surface water withdrawal “modification” (including a voluntary commitment to check the River Intake Structure) is the same Company that has been cavalier in addressing water-leakage and safety-related challenges at the SSES. (21).

Absent artificial financial deadlines established by the applicant, there is no need to rush approval of PPL’s SRBC’s application dated December 20, 2006, until all outstanding issues are publicly vetted and examined. PPL’s financial calculation to factor the “increased generation output into its projected long-term compound annual growth rate of 11% and its 2010 earnings target of \$3.50 per share” should not come at the expense of a thorough and exhaustive due diligence review by the SRBC that is open and accessible for public comment prior to the SRBC’s business meetings in Binghamton, New York and Lancaster, Pennsylvania.

The Susquehanna River Basin Commission has not publicly addressed any of the issues or contentions raised in Mr. Epstein’s Petition in Opposition to PPL Susquehanna, LLC Application for Surface Water Withdrawal Request to Modify Application 19950301-EPU-0572.

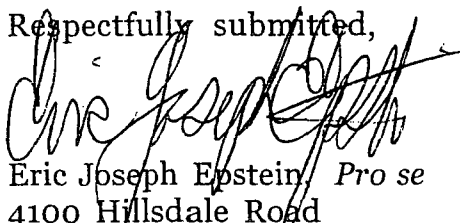
21 “The River Intake Structure flow meters to measure withdrawal. However, metering of the withdrawal has been inaccurate due mainly to corrosion and fouling of the intake pipes. The intake pipes are made of carbon steel, and PPL is evaluating replacement of sections of this pipe with stainless steel pipe to minimize flow measurement meter error... If the pipe replacement project proceeds and withdrawal quantities determined by the two methods are comparable, then PPL will use the metered withdrawal to periodically verify the calculated withdrawal based on the sum of cooling tower water loss, cooling tower blow down, and emergency spray makeup. If the metered withdrawal is significantly different from the calculated withdrawal, PPL will discuss with the Commission the appropriate next steps for measuring withdrawal. PPL will keep the Commission apprised of these activities.” (PPL Susquehanna, LLC Application for Surface Water Withdrawal Request to Modify Application 19950301-EPU-0572)



In addition, the SRBC has not publicly investigated PPL's 2001 uprate under its authority in § 806.32 Reopening/Modification (a)(b)(c) & (d) or evaluated the need for an action plan or water amendment in the event the proposed uprate creates competing water demands in "water budgeted" areas. Mr. Epstein is also asking the SRBC to evaluate the potential of the uprate to harm the fragile, unique, and endangered aquatic system that is the Susquehanna River.

Clearly, a SRBC postponement of a final decision for less than 90 days will not materially (22) or adversely impact the operations of the Susquehanna Electric Steam Station which has valid licenses until July 17, 2022 (Unit 1) and March 23, 2024 (Unit 2). It is important to harvest and insure more public participation from the "affected areas" for a decision that may be in place for decades and impact future generations.

Respectfully submitted,



Eric Joseph Epstein *Pro se*  
4100 Hillside Road  
Harrisburg, PA 17112

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<sup>22</sup> In fact, a delay may increase PPL's stock value as evinced by the market's reaction to PPL's announcement on June 13, 2007 of the Company's plans to take "preliminary steps to preserve the option to build" an additional nuclear plant in an undetermined year.

The day before the announcement, PPL's stock closed at \$43.21. The day of the announcement, PPL's stock closed at \$43.21; up \$1.19 per share.