

Cutchin

Woodhead

Reis

Shapar/Engelhardt/Christenbury

FF (2)

Reg Cen: LPDR

S. Miner

O. Parr

S. Bajwa

W. Regan

August 7, 1979

8/7/79

Mrs. Irene Lemanowicz, Chairperson
The Citizens Against Nuclear
Dangers
P.O. Box 377
RD#1
Berwick, PA 18503

In the Matter of
Pennsylvania Power and Light Co.
Allegheny Electric Cooperative, Inc.
(Susquehanna Steam Electric Station, Units 1 and 2)
Docket Nos. 50-387 and 50-388

Dear Mrs. Lemanowicz:

I received a copy of your "Supplemental Discovery Requests to the NRC" dated July 25, 1979. Since you were served a copy of my letter to Dr. Johnsrud dated June 27, 1979, you are no doubt aware of the procedures governing requests for documents from and interrogatories to the NRC Staff. They were cited and discussed in that letter. However, as noted in that letter, the Staff has seldom forced a party to resort to those procedures.

You made four requests of the Staff. They are quoted and responded to below:

Request No. 1. Furnish all documents such as detailed scientific reports, studies and consultants' analyses, that, although not explicitly published in the DES, were actually utilized as background reference data by the NRC in arriving at each and every conclusion, evaluation and recommendation published in the DES.

Request No. 2. Furnish the exact excerpts of data used by the NRC from the "References" published throughout the text and appendixes of the DES in arriving at each and every conclusion, evaluation and recommendation published in the DES.

Staff Response to Requests Nos. 1 and 2. Your request is overly broad. In this proceeding on an application for an operating license, discovery is permissible only on those matters in controversy which have been identified by the Board in its Special Prehearing Conference Order dated March 6, 1979. Since you have not identified the contentions to which you believe the information sought is relevant, it is not apparent that your overly broad request seeks information reasonably calculated to lead to the discovery of admissible evidence. Many of the documents referenced in the DES are available for in-

spection and copying in the NRC Public Document Room (PDR) at 1717 H Street, N.W., in Washington, D.C. Many more should be available for inspection and copying at

OFFICE
SURNAME >

DATE >

local and state agencies of the Commonwealth of Pennsylvania. A few, such as notes of telephone communications or personal letters, may be available only in the files of personnel at the Argonne National Laboratory. If you will specify with particularity those of the references listed in the DES which you are unable to inspect at the PDR or at offices of agencies of the Commonwealth of Pennsylvania, and identify how you believe the information sought may lead to the discovery of admissible evidence, the Staff will try to obtain those references and make them available for inspection and copying at the office of NRC Staff Counsel in Bethesda, Maryland.

Request No. 3. Furnish all audio and/or visual exhibits, available to date, that will be presented as evidence at the public hearings by the NRC, in the form of photographs, small scale drawings or charts, and tape transcripts, etc.

Request No. 4. Furnish a detailed and lengthy explanation as to just how the NRC will defend its position on each and every conclusion, evaluation and recommendation published in the DES, especially as NRC defense arguments relate to the relevant contentions before the Board.

Staff Response to Requests Nos. 3 and 4. This does not appear to be a "supplementary discovery request"--based on information appearing in newly issued documents or in responses to first-round discovery requests--as required by the Board's Special Prehearing Conference Order (at 81). However, to date the Staff has not prepared any "audio and/or visual exhibits . . . that will be presented as evidence at the public hearings by the NRC." The Staff's evidence in chief will consist of the Safety Evaluation Report (SER) and the Final Environmental Statement (FES) and supplements, if any, to those documents. As it always does, the Staff will serve those documents, when they are issued, on the Board and the parties. Whether additional direct evidence in the form of written testimony by expert witnesses is considered necessary will not be decided until after the Prehearing Conference required by 10 CFR 2.752 of the Commission's Rules of Practice.

Sincerely,

James M. Cutchin, IV
Counsel for NRC Staff

cc: Charles Bechhoefer, Esq.
Mr. Glenn O. Bright
Dr. Oscar H. Paris
Jay Silberg, Esq.
Dr. Judith H. Johnsrud
Mr. Thomas M. Gerusky
Ms. Colleen Marsh

Susquehanna Environmental Advocates
Atomic Safety and Licensing Appeal
Board Panel
Bryan A. Snapp, Esq.
Mr. Robert M. Gallo
Atomic Safety and Licensing Board
Panel

| | | | | |
|---------|---------------|-------------------------------|--|--|
| OFFICE | OELD | Docketing and Service Section | | |
| CURNAME | JMCutchin/dkw | | | |
| DATE | EJReis | | | |
| | 08/7/79 | | | |

DISTRIBUTION

Cutchin
Woodhead
Reis
Shapar/Engelhardt/
Christenbury
FF (2)
Reg Cen: LPDR
S. Miner
O. Parr
S. Bajwa
W. Regan

August 7, 1979

Robert E. Marsh, Jr., Esq.
Krohn and Hoegen, Attorneys-at-Law
930 United Penn Bank Building
Wilkes-Barre, Pennsylvania 18701

In the Matter of
Pennsylvania Power and Light Co.
Allegheny Electric Cooperative, Inc.
(Susquehanna Steam Electric Station, Units 1 and 2)
Docket Nos. 50-387 and 50-388

Dear Mr. Marsh:

Our letters dated July 16, 1979 must have passed in the mail. In your letter dated July 16 you indicate that your client, Ms. Mary Kelchner Creasy, denies having made the statements attributed to her in the article, which appeared in the Berwick Enterprise-Bloomsburg Press of June 2-3, 1979 and a copy of which was attached to my letter of July 16. Moreover, you indicate that your client has advised you that the article as it relates to her is entirely false.

In my letter dated July 16 I had indicated that in view of the inconsistencies in the statements of Ms. Creasy as presented in your letter to me of July 3 and as attributed to her in the newspaper article, I believed the taking of her deposition to be imperative.

However, in light of your statement that Ms. Creasy completely repudiates the article as it relates to her, I am again willing to attempt to dispose of this matter via Ms. Creasy's affidavit.

If Ms. Creasy is able to execute an affidavit setting forth her unequivocal statement (1) that her inability to provide more information to support allegations made by her at the January Prehearing Conference results from her lack of knowledge of additional facts rather than from any Secrecy Agreements that she executed while employed by Bechtel Corporation and (2) that the article which appeared in the Berwick Enterprise-Bloomsburg Press of June 2-3 is completely false as it relates to her, the Staff believes that it can complete the report requested of it by the Licensing Board and dispose of this matter. The form of the oath taken by Ms. Creasy should make clear that she makes the statement freely and without mental reservation or purpose of evasion and that she swears that the statement is true.

7909070 069

I suggest that you call me to discuss the affidavit, after it is drafted but before it is executed, so that we can be sure that it will accomplish the

| | | | | | |
|-----------|--|--|--|--|--|
| OFFICE > | | | | | |
| SURNAME > | | | | | |
| DATE > | | | | | |

1938-39

3008010

- 2. -

purpose intended--avoidance of the inconvenience and expense of an unnecessary deposition.

Sincerely,

James M. Cutchin, IV
Counsel for NRC Staff

cc: Charles Bechhoefer, Esq.
Mr. Glenn O. Bright
Dr. Oscar H. Paris
Jay Silberg, Esq.
Dr. Judith H. Johnsrud
Mr. Thomas M. Gerusky
Ms. Colleen Marsh
Mrs. Irene Lemanowicz
Susquehanna Environmental
Advocates
Atomic Safety and Licensing
Appeal Board Panel
Bryan A. Snapp, Esq.
Mr. Robert M. Gallo
Atomic Safety and Licensing
Board Panel
Docketing and Service Section

| | | | | | |
|---------|---------------|--|--|--|--|
| OFFICE | OELD | | | | |
| CURNAME | JMCutchin/dkw | | | | |
| DATE | 08/7/79 | | | | |

