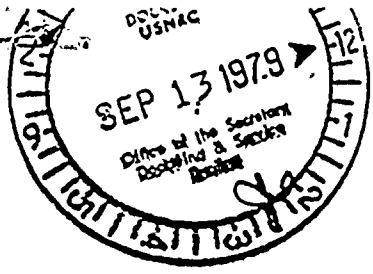


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September 10, 1979



UNITED STATES OF AMERICA  
 NUCLEAR REGULATORY COMMISSION

In the Matter of

PENNSYLVANIA POWER AND LIGHT CO.  
 ALLEGHENY ELECTRIC COOPERATIVE, INC.

Docket Nos. 50-387  
 50-388

(Berwick Atomic Power Plant)  
 (Susquehanna Units 1 and 2 )

CITIZENS AGAINST NUCLEAR DANGERS  
 RESPONSE TO THE LICENSING BOARD DIRECTIVE,  
 CONTAINED WITHIN ADDITIONAL BRIEFS TO THE APPEAL BOARD

In the Licensing Board Order of August 24, 1979, which the Citizens appealed on August 30, 1979, a response is required concerning certain discovery information which is herein presented. The Citizens at this juncture do not have an agreement with any individuals to serve as expert witnesses at public hearings before the Licensing Board in the Berwick case. The Citizens did not have any background statements or research materials prepared for release when the NRC staff and the Applicants published their outlandish interrogatory discovery requests in June, 1979. Likewise, at that time the Citizens certainly had no answers to reply to those same outlandish interrogatories. That is still the case today.

The policy of the Citizens has been in June, and continues to be, subject of course to any last minute change, as follows:

The Citizens will, in due course, prepare brief position papers to be entered in direct testimony, at the public hearings, concerning contentions initiated by the Citizens and admitted by the Board, which are of major concern to the petitioners living within the fifty-mile radius of Salem Township, Pa.

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The Citizens will obtain the services of a number of qualified consultants for the public hearings, such as an atomic physicist, a bio-chemist, a civil engineer, an accountant, a lawyer, a radiation health specialist, etc. Their names and resumés will be published in a notice of appearance at the time required. These specialists, who may also offer direct testimony, once they are selected, will be advised to promptly answer any of the aforementioned discovery questions in the field that they are expert, and to the best of their ability, no matter how outlandish the questions appear to be, providing the hearing timetable allows. This is all that is humanly possible, in our judgement.

The Citizens will also submit concise direct testimony on their contentions at the public hearings---extemporaneously. This will not be impromptu speech. Rather, the Citizens are knowledgeable on certain topics, enough to make factual statements under oath, that can be defended under cross-examination. The Citizens will, of course, also cross-examine other witnesses on testimony brought forth by the other parties during the hearings.

The Citizens submit to the Appeal Board, and the Licensing Board, that this statement of policy is proper and reasonable, conforms to standards of fairness and rules of evidence, complies with the directive in the Order of August 24, 1979, and should resolve the problem which has developed over replies to discovery. If it does not, then the Citizens will seek a protective order against any further harassment by the Applicants or the NRC.

There are also a few additional clarifying remarks in order.

Although it was inadvertently not explicitly stated previously (but it should have been self-evident to the Licensing Board), the Citizens are informing the Appeal Board that to attempt compliance with the outlandish discovery requests of the Applicant and the NRC would have been a financial burden beyond the means of the Citizens. Also, because the Citizens would need an extraordinary amount of time to obtain most of the technical data requested, there was no reasonable possibility of responding other than objecting to the interrogatories, which the Citizens explicitly did in a strongly worded and timely reply on June 16, 1979. The Citizens stand by that declaration.

The Citizens, from information and belief, allege that the Applicants, and possibly the NRC in unison, may have been anticipating using intervenor discovery replies as material evidence to impeach the credibility of intervenor witnesses at the public hearings, which, if true, should be evaluated by the Appeal Board for what it is worth.

In their motion to compel discovery replies, dated June 27, 1979, the Applicants revealed their true motives when they stated that: "Applicants discovery is intended to determine whether CAND is aware of any new information or any information which is inconsistent with that known to Applicants." The Citizens submit that such fishing expeditions are not sufficient grounds for compelling the intervenors to reply, and the Appeal Board should so rule. The Applicants, and the NRC both must reel in their lines, because the intervenors did not bite at their bait.

Finally, while on the topic of testimony and witnesses, the Citizens found within the Order of August 24 1979, another unrelated subject which we object to. The Citizens hereby appeal the vague

directive of the Licensing Board to the NRC to pursue their , thus far, phony probe of the Berwick construction projects. The fact that a private citizen made a limited appearance statement before the Licensing Board during the Pre-Hearing Conference, alleging incompetency and/or misconduct at the Berwick work-site, was not, and is not, justification for an inquisition of one individual. How absurd!

In order to terminate this pathetic attempt to intimidate witnesses at limited appearance hearings, the Citizens hereby call upon the Appeal Board to order the NRC staff to call off their witch-hunt!

Rather, the Licensing Board should order the PP&L to conduct a mandatory questionnaire re-canvas of their employees and the employees of their contractors and vendors at Berwick. The fact that less than one-percent of the work force responded to the recent PP&L white-wash questionnaire is indicative of the token interest on the part of the PP&L in getting truthful information on the negligence and the incompetency, at the Berwick construction site over a period of years. The burden of proof is on the Applicants to prove that the construction work at Berwick is in full compliance with all safety related standards...which they have not proven to date. This is what the NRC investigation should be dealing with. And, the Board should so order.



In its consideration of the appeals filed, the Appeal Board should consider the merits of protecting the Constitutional Rights of American citizens to petition their government under the Bill of Rights; which is fundamentally why the interveners have called for public hearings in the first place. Public interest dictates protection of the basic right of due process.

The Citizens and other interveners could be irreparably injured unless the Appeal Board rules in their favor, because the Citizens, the SEA, and the Coalition have, since 1973, been involved in the Berwick atomic power plant controversy. The Licensing Board by its Order of August 24, 1979, is jeopardizing that right to maintain legal standing and participate in the forthcoming public hearings. The granting of a stay and review of this petition, and rulings favoring the Citizens would not, however, harm the other parties.

Respectfully submitted

*Thomas J. Halligan*  
Correspondent

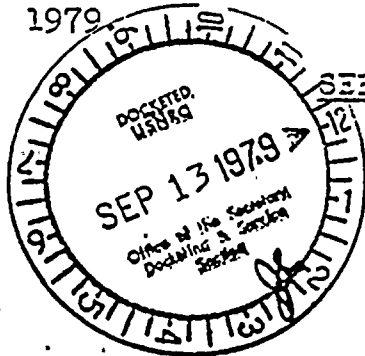
Dated: September 10, 1979





CERTIFICATE OF SERVICE

I hereby certify that copies of Citizens Against Nuclear Dangers Response To The Licensing Board Directive, Contained Within Additional Briefs To The Appeal Board have been served on the following by deposit in the United States mail, first class, this 10th day of September, 1979



Charles Bechhoefer, Esq., Chairman  
Atomic Safety and Licensing  
Board Panel  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

Mr. Glenn O. Bright  
Atomic Safety and Licensing  
Board Panel  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

Dr. Oscar H. Paris  
Atomic Safety and Licensing  
Board Panel  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

Atomic Safety and Licensing  
Board Panel  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

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

Atomic Safety and Licensing  
Appeal Board Panel  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

James M. Cutchin, IV, Esquire  
Office of the Executive Legal  
Director  
U. S. Nuclear Regulatory Commission  
Washington, D. C. 20555

Jay Silberg, Esq.  
Shaw, Pittman, Potts and  
Trowbridge  
1800 M Street, N.W.  
Washington, D.C. 20036

Dr. Judith H. Johnsrud  
Co-Director  
Environmental Coalition on  
Nuclear Power  
433 Orlando Avenue  
State College, PA 16801

Mr. Thomas M. Gerusky, Director  
Bureau of Radiation Protection  
Department of Environmental  
Resources  
Commonwealth of Pennsylvania  
P.O. Box 2063  
Harrisburg, PA 17120

Ms. Colleen Marsh  
Box 538A, RD#4  
Mountain Top, PA 18707

Susquehanna Environmental  
Advocates  
c/o Gerald Schultz, Esq.  
500 South River Street  
Wilkes-Barre, PA 18702

*Thomas M. Halligan*  
Correspondent