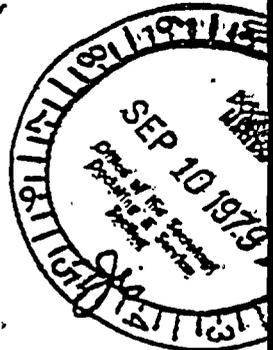


CF
September 1, 1979UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

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
SUPPLEMENTAL APPEAL WITH PARTICULAR OBJECTIONS,
BEFORE THE ATOMIC SAFETY AND LICENSING APPEAL BOARD PANEL

In the original appeals (mailgram and letter) dated Sept. 30, 1979, the Citizens pointed out that the Licensing Board's Order of August 24, 1979, encompassed too many divergent rulings. These decisions, which relate to several different parties, are confusing and difficult to appeal properly. The Citizens consider this unfair and unjust because the individual motions filed with the Licensing Board deserve individual replies that have clarity, and not the smorgasbord that was served up. When a party to the intervention seeks to make an appeal to the Appeal Board they find difficulty in segregating the several issues in the Order which have little relationship to one another. Therefore, the Citizens strongly reiterate their appeal seeking an order from the Appeal Board directing that separate orders be issued for each individual motion and question before the Licensing Board.

The Citizens also appeal the ruling pertaining to the Applicants and NRC discovery requests. The findings were based on half-truths and biased interpretation of facts. An additional supplemental appeal

will be forthcoming on this issue. In the interim, the Citizens will, also under separate cover (and under protest), submit a tentative statement that may satisfactorily comply with the directive to the Citizens in the Order seeking interrogatory information under discovery procedures. There are remedies available under the NRC rules which will be taken. Nevertheless, the Citizens object to, and hereby appeal, the fourteen day time limit to comply. This short time frame is arbitrary and unreasonable. The Citizens seek from the Appeal Board a reasonable extension of time on this point.

It should be noted for the record that the interveners, representing the general public, have been denied government records and relevant documents in the possession of the Applicants in the Berwick case. At the same time, the Licensing Board has not seen fit to order the NRC or the Applicants to comply with the interveners' discovery requests and the public's right to know. The Licensing Board, thus far, has discriminated against the interveners: by its one-sided orders and its inaction to uphold the intent of the Freedom of Information laws, and has thereby obstructed their own proceedings.

The Citizens submit to the President's Commission on the Accident at Three Mile Island that the Berwick case, if the current game plan prevails, will become a carbon copy of the past TMI license hearings, and virtually all the other NRC reactor safety hearings, past and present. There cannot be any meaningful public input before the government, on the issues of environment and public safety, until the NRC is replaced by an entirely new government organization. The existing NRC operates under a set of rules that are unconstitutional and un-American. If the

Commission makes any recommendations to the President to change the rules whereby the present NRC operates, those recommendations will probably be disallowed by the NRC legal staff because the changes would be a challenge to the NRC rules; and there is a NRC rule that states that a challenge to a NRC rule is inadmissible and illegal. That's "Catch 22", and that's how the NRC Fudge Factory functions! The NRC rules are right out of the Soviet Union's Commissar of Atomic Energy's rule book!

Returning to the issue of discovery, the Citizens, on May 22, 1979, requested the following information from the PP&L:

"Furnish a complete record of the manufacture of the atomic reactor pressure vessels purchased by PP&L for Units 1 and 2 at Berwick. Documentation should trace the pressure vessels from their present location all the way back to the foundries where they were forged several years ago. Include a description of all welding modifications performed on the pressure vessels at all stages of the production process. Document exactly the plant sites where the pressure vessels were welded and fabricated. Include concise pressure vessel weld inspection reports. We also need to know the manufacturing role of pressure vessel work that may have been performed at the Babcock & Wilcox, Mount Vernon, Indiana plant; the Chicago Bridge & Iron, Memphis, Tenn. plant; and the Combustion Engineering, Chattanooga, Tenn. plant; among other facilities."

The Citizens believe that the President's Commission should ask for the same type documentation from Met-Ed., the operators of TMI. The reason being (according to Fortune magazine, November, 1969), Babcock and Wilcox, when it first began building pressure vessels at the Mount Vernon, Indiana plant encountered production delays, caused in part by the faulty workmanship of inexperienced welders. Babcock & Wilcox made welders out of farm-hands with a few weeks training. Orders for about ten of these pressure vessels that had to be "mined-out" and re-welded, were cancelled, but later on sold to other vendors, probably at bargain basement prices because they



were of inferior quality. Where were these re-cycled pressure vessels eventually installed? The published account identified only one of the sites, Rancho Seco, near Sacramento, California. Two more of them may well be at Three Mile Island. The Citizens want to know if any of the ill-fated pressure vessels were installed at Berwick?

In answer to the discovery request quoted above, the PP&L would not tell the public where the Berwick pressure vessels were built. The PP&L objected "on the grounds of burdensomeness in that it seeks an open-ended quantity of documents." This is a good example of corporate irresponsibility! The Applicants (PP&L) are stonewalling, and the NRC, by not releasing this reactor data to the public, is an accessory. The President's Commission has the duty to probe and identify the location of these re-cycled pressure vessels, that may be sitting like timebombs all over this country---including Three Mile Island.

The Citizens now turn to the third issue of this appeal. On June 22, 1979, the Citizens filed a motion before the Licensing Board requesting the promulgation of an order revising the preliminary timetable in the Berwick case to coincide with TMI developments, such as the President's Commission final report, and the forthcoming NRC Task Force recommendations. That motion was denied by the Licensing Board on August 24, 1979. The Citizens hereby appeal that decision before the Appeal Board. The rationale given by the Licensing Board in its denial was that there is no compelling reason for a change in the hearing schedule, adopted on March 6, 1979. In other words, the accident at TMI will not compel the NRC to do anything differently at public hearings. The Licensing Board stated that the Berwick hearing (scheduled for December 1979) is "generally flexible enough" to accommodate the circumstances of TMI. Hogwash! The Citizens seek

from the Appeal Board an order overruling the denial, because substantive NRC regulations are forthcoming, and new information on reactor safety will be made public soon that will affect the Berwick hearings.

The final point to be made, relates to the President's Commission highly publicized meeting in Washington on August 23, 1979, just one day before the issuance of the multi-faceted NRC Order pushing ahead on the Berwick hearing schedule with a ~~damn-the-torpedoes~~ attitude. Harold R. Denton, director of the Office of Nuclear Reactor Regulation at first lifted and then later that day reinstated a NRC moratorium on licensing--of two reactors--after a commissioner reportedly accused the NRC of "thumbing its nose at the commission." The fact is, the NRC has been thumbing its nose at the commission since at least June 13, 1979, when Denton and his staff met with utility officials at Bethesda, Maryland, to figure out how to get around delays in project reviews caused by the TMI accident. It is now evident that his 90 day moratorium was merely an expedient measure necessitated by a manpower drain caused by TMI. There were no lessons learned, it would be business as usual, except for a few changes in public relations tactics employed by the NRC.

This was all brought out in a NRC letter of July 12, 1979, from the Division of Project Management on the subject of "Summary of Meeting To Discuss Casework Schedules" (referring to the Bethesda meeting of June 13, 1979). Enclosure 3 indicates that there would be no delay of NRC project review in the Berwick case, even though the construction is falling far behind schedule in some critical areas according to recent NRC documents. The day after Denton double-spoke

in Washington, the long prepared order went out on Berwick for the NRC to proceed as if nothing unusual occurred seventy miles downstream from Berwick, along the Susquehanna River, on March 28, 1979. If that isn't thumbing its nose at the people of Northeastern Pennsylvania by the NRC, then what is?

There was probably an avalanche of orders mailed out on/or about August 23rd by the numerous NRC licensing boards in proceedings all over the country, with the apparent approval of the commissioners, to go full speed ahead, and in effect thumbing their noses at all the American people. Neither Denton, or the commissioners have yet cancelled those orders. Denton and the five NRC commissioners should be called before the President's Commission, once more, and advised to extend the moratorium to all the pending NRC license cases, not just the one or two now in effect. To do otherwise would be hypocritical. And, the NRC Appeal Board should overrule the dastardly Berwick Order of August 24, 1979, forthwith; which now calls for hearings prior to publication of the TMI and NRC Task Force findings of fact and recommendations.

Respectfully submitted

Thomas J. Halligan
Correspondent

Dated: September 1, 1979

cc: President's Commission--TMI
Comptroller General--GAO
Jerry Brown--Gov., Calif.

CERTIFICATE OF SERVICE

I hereby certify that copies of Citizens Against Nuclear Dangers Supplemental Appeal With Particular Objections, Before The Atomic Safety And Licensing Appeal Board Panel have been served on the following by deposit in the United States mail, first class on this 1st day of September, 1979.

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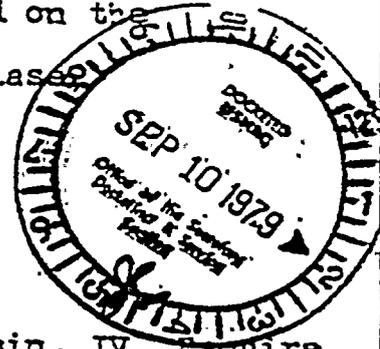
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