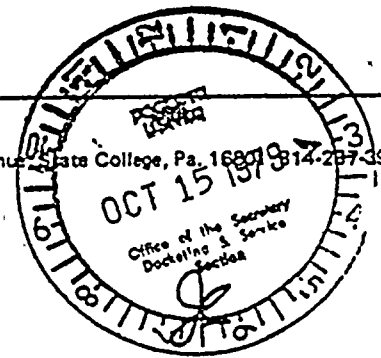


10/12/79

ENVIRONMENTAL COALITION ON NUCLEAR POWER

Co-Directors: Mr. George Boomsma—R.D. #1, Peach Bottom, Pa. 17563 717-548-2836

Dr. Judith Johnsrud—433 Orlando Avenue, State College, Pa. 16801 814-287-3900



UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the Matter of :
Pennsylvania Power and Light Company :
and :
Allegheny Electric Cooperative, Inc. :
(Susquehanna Steam Electric Station, :
Units 1 and 2) :

Docket No. 50-387
50-388

ECNP Intervenors' Response to NRC Staff Motion to
Expel CAND Intervenors from These Proceedings

It has come to the attention of the Environmental Coalition on Nuclear Power (ECNP) Intervenors that the NRC Staff counsel wishes to eject the Citizens Against Nuclear Danger (CAND) Intervenors from these Operating License proceedings on the alleged grounds that CAND has failed to satisfy the Staff's and Applicant's First Round Discovery Requests. ECNP objects to the Staff's motion and counter-moves the Board not only to retain CAND's active participation and contentions in this proceeding, but also to restrain the NRC Staff and Staff Counsel throughout the remainder of this proceeding from repeated and continuing procedural harrassment of the CAND Intervenors, ECNP Intervenor, and the other two groups of citizen intervenors in this license proceeding. We observe that these are the first such proceedings to take place in the Commonwealth of Pennsylvania in the aftermath of the Three Mile Island, Unit 2, Class 9 accident. The quality

7911160 / 50

of the NRC's licensing capability is under close surveillance.


The oppressive treatment to which these Citizens--who are attempting, against clearly overwhelming odds, to protect their own lives and property by participating as is their right in these proceedings--are being subjected is yet another indicator that the NRC and its Staff do not intend to conduct a full and fair license hearing. If the niceties of NRC's arcane regulations are brought to bear against the Citizens and other intervenors who are not represented by legal counsel, the Board will make a total mockery of the Administrative hearing process and further erode the public confidence in this agency's ability or desire to protect the public interest.

Under Part 2.714 of the Commission's Rules of Practice, the CAED Intervenors were admitted as full parties who had raised in contention issues found valid by this Board. In a series of filings throughout the spring and summer of 1979, the Citizens have shown their good faith intent to litigate the significant deficiencies found worthy of admission by this Board. Because they may not have met the precise letter of each and every rule of the NRC as interpreted by Staff counsel, the NRC Staff again attempts to arrogate to itself the Board's prerogatives with respect to participation by these persons whose health, safety, and lives are at stake as the Staff's are not.

The timely filings of the CAED Intervenors--when they have been able to figure when and what responses and other filings were appropriate to submit--have been, in the opinion of these ECNP Intervenors, directed toward a full and fair airing of the issues.

On the contrary, the Staff counsel's motives from the outset have been harrassment of the Citizens and other intervenors. By submitting Discovery requests of unreasonable length and complexity, the Staff has purposively set up a situation in which the intervenors can endlessly be accused of not answering to the "satisfaction" of the Staff. We note again that the burdens of proof lie with the proponents of the granting of the license (10 CFR 2.732), not with those who have raised valid contentions in opposition.

Respectfully submitted,



Chauncey Keppord

and



Judith Johnsrud

Legal Representatives of the
Environmental Coalition on
Nuclear Power

Dated this 12th day of
October 1979.

CERTIFICATE OF SERVICE

I hereby certify that copies of ECNP INTERVENORS' RESPONSE TO NRC STAFF MOTION TO EXPEL CAND INTERVENORS FROM THESE PROCEEDINGS have been served on the following by deposit in the U.S. Mail, First Class, postage paid, on this 12 day of October, 1979:

Charles Bechhoefer, Esquire
Chairman, ASLB Panel
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Mr. Glenn O. Bright
ASLB Panel
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Dr. Oscar H. Paris
ASLB Panel
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

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

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

James M. Cutchin, IV, Esquire
Office, Executive Legal Director
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

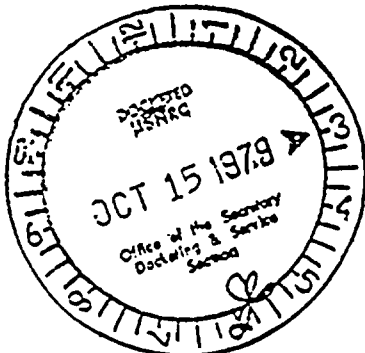
Jay Silberg, Esquire
Shaw, Potts, Pittman, and Trowbridge
1800 M Street NW
Washington, D.C. 20036

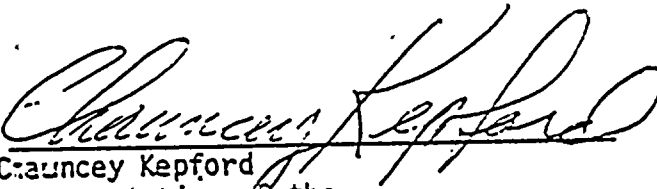
Mrs. Irene Lemanowitz Butz, Chairperson
Citizens Against Nuclear Danger
P.O. Box 377, R.D. 1
Berwick, Pa. 18603

Mrs. Colleen Marsh
558 A, R.D. 4
Mountain Top, Pa. 18707

Gerald Schultz, Esquire
Susquehanna Environmental Advocates
500 South River Street
Wilkes-Barre, Pa. 18702

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




Crauncey Kepford
Representative of the
ECNP Intervenors