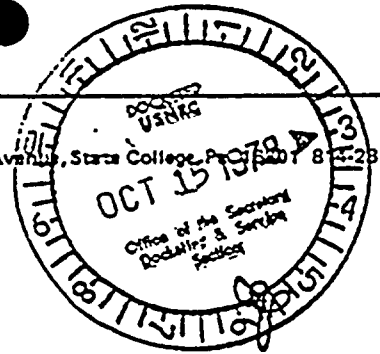


ENVIRONMENTAL COALITION ON NUCLEAR POWER

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 814-237-3900



UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

10/13/79

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 Response to Staff Motions dated October 9, 1979

By a motion dated October 9, 1979, the NRC Staff would have this Board expel the ECNP (and by a previous motion, CAND) Intervenors from the proceedings. We strenuously object to this attempted shabby abuse at the hands of the NRC Staff and move the Board to deny the Staff's motion. ECNP represents many citizens in Pennsylvania who were thoroughly terrorized and traumatized by the Class 9 accident at TMI-2 as well as individuals and organizations who live near Susquehanna 1 and 2. The review and analysis of TMI-2 by the Staff failed, utterly and completely, to prevent that accident, failed to assess honestly and accurately the in-plant instrumentation, offsite monitoring capabilities, and emergency preparedness.

1  
We note here there has yet been no investigation by any body that we know of to determine the extent of the perjury involved in the licensing proceedings for TMI-2 on the part of the Applicant, Commonwealth, and, the NRC Staff.

7911160 196

G



1942



The transparent efforts of the Staff to now create insurmountable hurdles for those same parties (ECNP and its member groups in TMI-2) who pointed out these TMI-2 deficiencies which were found by unfortunate experience to be true and real, for the now obvious purpose of requesting the dismissal of ECNP from this proceeding, are reprehensible, scandalous, insulting, and, we believe, illegal.

The Staff has an obligation, above all others, to protect the health and safety of the public. In the light of the failure of the Staff at TMI-2, these actions by the NRC Staff have all the earmarks of a vicious vendetta against these Intervenors. We, in turn, do not have the seeming infinite resources for harrassment and repression which are so clearly available to the NRC Staff. Our resources are severely limited and are in need of conservation in order to maximize our positive contribution to these proceedings. Knowing this, the Staff demands in a most shrill tone that ECNP prostrate itself by responding repeatedly to the Staff's totally unwarranted interrogatories.

Since all efforts of the NRC Staff in this proceeding have been to harrass and hound relentlessly all intervenors, we can only turn to the Board for protection from these ill-intended attacks. We ask that this Board exercise its power and restrain the NRC Staff from its attacks upon the Intervenors in this proceeding.

We have twice answered the Staff's interrogatories, only to find that our answers are unsatisfactory. We can only conclude that our answers will approach acceptability only when our meager resources have been thoroughly squandered and we are unable to continue. Again, we are powerless to resist this onslaught if the Board chooses to condone it. These proceedings offer the only

chance we have available to us as citizens (however slim that chance is) to protect our lives and properties from another TMI-2 accident or worse. Yet, out of sheer vindictiveness, the KRC Staff would deprive us of even that opportunity.

Now the NRC Staff demands yet a third answer to its interrogatories, and still refuses to comply with the ECNP requests for documents, save one document forwarded, which contains illegible tables.

Beyond supplying only one document to ECNP, the extent of information offered the Staff is to give addresses where materials can be purchased by ECNP. Again, exhaustion of our meager resources unnecessarily is the obvious Staff goal.<sup>2</sup> The Staff has made no other documents "available" to ECNP and will not, we believe, unless this Board forces such equity. Those other documents, and information requested, and questions asked, remain safely cloistered in Washington, D.C. If there is any party that has demanded answers and provided none, it is none other than the NRC Staff, and if any party is to be expelled from this proceeding, it should be the Staff.

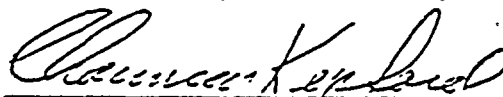
These Intervenors have complied with the Board's Orders and twice answered the Staff's Interrogatories in good faith. The response of the Staff, while withholding from ECNP the information and all but one document ECNP requested, is yet another siege of questions to be answered. We submit that the burden we have borne already in this proceeding in responding to the Staff is wholly out of proportion to that burden so far successfully avoided by the Staff. To further magnify this imbalance, the Staff has enormous

<sup>2</sup> See ECNP's letter to Samuel Chilk, Secretary of the Commission, dated September 27, 1979.

financial and legal resources behind it, ECNP does not.

We therefore request that this Board order the NRC Staff to call off its transparent campaign of exhausting the Intervenor in this proceeding so that we may reserve enough strength to prepare our case in this proceeding without constant harrassment by the NRC Staff. We have complied with the Staff's repeated requests in good faith; the Staff has replied with misrepresentation, misstatement of fact, evasion and delay. The public interest would not be served by the expulsion from this proceeding of Intervenor, who, with meager resources, have repeatedly demonstrated flaws in the analyses of the Staff in other NRC proceedings. Nor is the public interest served by the continuing harrassment and prostration of these Intervenor by the NRC Staff. We urge the Board to recognize the reality of this situation. The Staff and the counsel for Applicant are attempting to force these Intervenor out of this proceeding to prevent a repetition of the humiliation both suffered at the TMI-2 proceeding. We urge the Board carefully to read our past filings, to read the Staff's questions (and the Applicant's), to read our responses to come to grips with the magnitude of these demands, and to judge for itself (rather than just agreeing with the Staff) the quality of answers, and compare those efforts with those of the Staff in response to the requests of ECNP.<sup>3</sup> Under Part 2.740(c), we repeat our request for a protective order from the relentless burdensome harrassment by the NRC Staff.

Respectfully submitted,

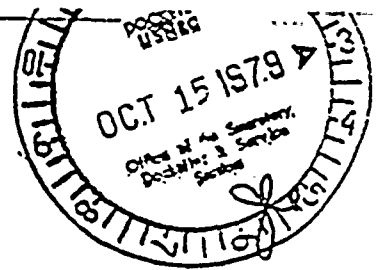


Chauncey Kepford  
Legal Representative of the Intervenor

Oct 13, 1979

<sup>3</sup>

ECNP incorporates by reference in this Response its previous filings on this subject in this proceeding.



CERTIFICATE OF SERVICE

I hereby certify that copies of ECNP RESPONSE TO STAFF MOTIONS DATED OCTOBER 9, 1979 have been served on the following by deposit in the U. S. Mail, First Class, postage paid, on this 13 day of October, 1979:

Charles Bechhoefer, Esquire  
Chairman, ASLB 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

Mr. Glenn O. Bright  
ASLB Panel  
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

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

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

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

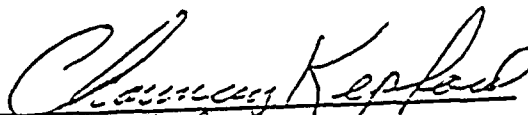
Mrs. Colleen Marsh  
558 A, R.D. 4  
Mountain Top, Pa. 18707

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

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

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

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

  
Chauncey Kepford  
Representative of ECNP  
433 Orlando Ave.  
State College, Pa. 16801