

OCT 30 1979

Office of the Secretary
Docketing & Records
Section

October 24, 1979

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the Matter of

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

DOCKET Nos. 50-387/388
Susquehanna Units 1 & 2

CITIZENS AGAINST NUCLEAR DANGERS
REPLY TO NRC STAFF AND APPLICANTS,
AND MOTIONS BEFORE THE BOARD

The Applicants, in their October 10, 1979 communication to the Board are merely parroting the NRC staff's recent defective and reprehensible motion against the Citizens, that would have the effect of sabotaging the public hearings in the Berwick licensing case. The Applicants, apparently in cahoots with the NRC staff (who can never be accused of using good common sense), are systematically attempting to eliminate virtually every admitted contention from open debate and official review before the Board by employing the gross misuse of the discovery process. If the scenario holds true to form, further attempts will be made to force out the other interveners on repressive technicalities, so that the Applicants and the NRC staff (who appear to have formed a mutual admiration society) will not be encumbered by penetrating cross-examination on health and safety issues from intervening representatives of the general public. Such an attempt would be a deceitful and un-American act of desperation, in the view of most objective observers.

The time has come for the Board to decisively, and objectively, act in the public interest for a change. And so, the Citizens move the Board to:

- (A) Deny the NRC staff and the Applicants motions against the Citizens and the Coalition for dismissal. These motions defy all notion of fairness and logic.

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- (B) Repeal those portions of past Orders concerning discovery that were, and still are, a detriment to the constitutional rights of the interveners and an impediment to a fair and impartial public hearing.
- (C) Schedule a special pre-hearing conference, convened at Wilkes-Barre, Pa., within the next sixty days, to :
1. Clarify the misinterpretations of the Order of March 6, 1979.
 2. Establish a new, realistic, and mutually agreed upon timetable, including a revised schedule for discovery, that is equable to all parties.
 3. Take into consideration at this pre-hearing conference the recommendations of the NRC Task Force, the Committees of the Congress, and the various governmental commissions investigating Three Mile Island and the nuclear industry.
 4. Deal effectively at the conference with the implications of the serious delays at the Berwick construction site, which has necessitated a long delay in the publication of the Final Environmental Statement and the Safety Evaluation Report.
- (D) Due to the extraordinary nature of the above, plus, the burdensome and oppressive discovery requests perpetrated by the NRC staff and the Applicants, the Board should suspend the rules, if necessary, to accomplish the above objectives in motions A, B, and C; thus, guaranteeing the petitioners due process by allowing them to present their case without sanctioned intimidation or threat of expulsion.

As an aside, and, because the Applicants have refused to furnish many of the documents and records under discovery needed by the interveners to respond to the very interrogatories that precipitated the motions for dismissal, the Citizens are informing the Board, that the Applicants have worn thin the patience of the interveners regarding PP&L's public relations propaganda claiming complete accessibility of the public to all factual information about the Berwick atomic power station; propaganda which, of course, does not coincide with the truth of the matter, as all the interveners well know. It will, therefore, be necessary for the Citizens and other public interest groups to prepare for the filing of formal complaints with the Federal Communications Commission, the Federal Trade Commission, and other appropriate government agencies and trade associations, seeking among other actions, cease and desist orders, from the alleged publication, broadcasting and dissemination of misleading and false advertisements and press releases by the PP&L. Numerous NRC and Board documents will be requisitioned and entered as evidence, along with media ads and broadcast tapes, etc., proving that the PP&L has falsified claims of accountability to the public concerning the Berwick project.

This, in turn, could be the catalyst for setting in motion actions alluded to by the Citizens (correspondence of June 16, 1979, Page 5) that may be deemed necessary to reinstate the petitioners constitutional rights...and bring to justice the violators of those inalienable rights!

The Board members must consider all of this carefully when weighing their individual decisions about proposed dismissal of any intervener group in these proceedings on the trumped-up charges.

Additionally, it would be wise to take into account the implications of the current oversight of the Berwick proceedings by more than one governmental body that undoubtedly could be expanded into a wide-ranging inquiry of possible relationships which are in conflict with federal laws between the Applicants and anyone affiliated with the NRC, in the influencing of the licensing of the Berwick power plant, if the situation deteriorates and warrants investigation and prosecution in the public interest.

Respectfully submitted

Dated: October 24, 1979

Thomas A. Halligan
Correspondent

CERTIFICATE OF SERVICE

I hereby certify that copies of Citizens Against Nuclear Dangers Reply To NRC Staff And Applicants, And Motions Before The Board have been served on the following by deposit in the United States mail, first class, this 24th day of October, 1979.

SERVICE LIST

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

Bryan A. Snapp, Esq.
Pennsylvania Power & Light Company
Two North Ninth Street
Allentown, PA 18101

Mr. Robert M. Gaffney
Resident Inspector
P.O. Box 52
Shickshinny, PA 18655

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

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

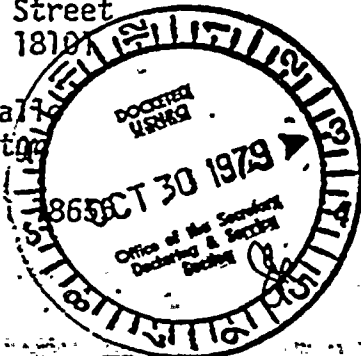
Dr. Judith H. Johnsrud
Co-Director
Environmental Coalition on
Nuclear Power
433 Orlando Avenue
State College, PA 16801

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



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