

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)	
)	
PENNSYLVANIA POWER & LIGHT CO.)	Docket Nos. 50-387
ALLEGHENY ELECTRIC COOPERATIVE, INC.)	50-388
)	
(Susquehanna Steam Electric Station,)	
Units 1 and 2))	

APPLICANTS' ANSWER TO CITIZENS
AGAINST NUCLEAR DANGERS "REPLIES TO
DISCOVERY ORDER; MOTIONS ON INTERROGATORIES
BEFORE THE ATOMIC SAFETY AND LICENSING BOARD"

In a filing dated December 11, 1979 (and received on December 21, 1979), Citizens Against Nuclear Dangers ("CAND") claims to respond to the Licensing Board's Memorandum and Order on Discovery Motions, LBP-79-31, 10 NRC ____ (October 30, 1979).* Although CAND's filing is not clear as to the relief requested or the nature of its response, it appears to be asserting several points:

1. CAND's October 9, 1979 motion for protective order has not yet been the subject of a "definitive ruling" and that motion "holds precedence" over the October 30 Order.
2. CAND does not fully understand the October 30 Order.
3. CAND seeks to provide answers to the outstanding discovery requests by having the Licensing Board "subpena the responsible government officials to respond

*CAND's filing also includes a request to U. S. Senators Schweiker and Heinz for an investigation by the General Accounting Office. Since that request is not a matter for the Licensing Board, we need not address it here.

to the applicable interrogatories" (p. 7). CAND would then "accept these expert factual responses in lieu of their own replies"

These arguments are without merit. It appears that CAND is continuing its refusal to comply with its discovery obligations.

As to CAND's first argument, its October 9, 1979 motion for protective order was one of the outstanding motions explicitly considered by the Licensing Board's October 30 Memorandum and Order. See LBP-79-31, at p. 4. By revising the discovery schedule both as to timing and scope, the Licensing Board unambiguously issued a "definitive ruling" on CAND's motion for protective order.

As to CAND's second argument, that it can not "decipher the citations in past orders, of restrictive administrative NRC rulings at past unrelated hearings in far flung corners of the continent", p. 4, we can only observe that those portions of the October 30 Memorandum and Order which set forth the obligations of the parties (pp. 18-21) are quite clear and contain no citations to "past orders" or "restrictive administrative NRC rulings." In any event, if CAND was unclear as to its obligations, a more prompt request for clarification would have been in order.

CAND's third argument is that it can meet its discovery obligations by requesting that the Licensing Board subpoena governmental officials "who have direct responsibility for the environmental or health and safety policies and programs of

their agency of government." CAND's argument is, of course, at odds with the purpose of discovery. As the Licensing Board has stated,

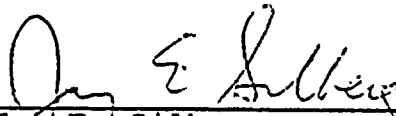
In short, the purpose of discovery is to enable each party prior to hearing to become aware of the positions of each adversary party on the various issues in controversy, and the information available to adversary parties to support those positions.

Memorandum and Order on Scheduling and Discovery Motions (August 24, 1979), pp. 5-6. CAND appears to be doing no more than attempting to side-step its clear obligations to answer Applicants' (and Staff's) interrogatories. The Licensing Board should not permit this tactic, particularly where CAND has had more than seven months to prepare its answers.

Respectfully submitted,

SHAW, PITTMAN, POTTS & TROWBRIDGE

By


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Dated: December 26, 1979

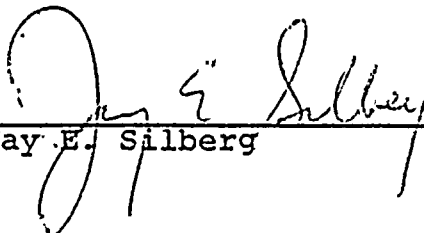
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CERTIFICATE OF SERVICE

This is to certify that copies of the foregoing "Applicants' Answer to Citizens Against Nuclear Dangers 'Replies to Discovery Order; Motions on Interrogatories Before the Atomic Safety and Licensing Board'" were served by deposit in the U. S. Mail, First Class, postage prepaid, this 26th day of December, 1979, to all those on the attached Service List.



Jay E. Silberg

Dated: December 26, 1979

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