

January 18, 1980

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

the Matter of

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

DOCKET NOS. 50-387/388

(Berwick Atomic Power Plant)  
(Susquehanna Units 1 and 2)

CITIZENS AGAINST NUCLEAR DANGERS  
MOTIONS BEFORE THE ATOMIC SAFETY AND LICENSING BOARD  
TO CERTIFY ADMISSION OF A STANDING CONTENTION  
AND THE ISSUANCE OF DEFINITIVE ORDERS

It now appears that the Atomic Safety and Licensing Board (Licensing Board) did not render a decision, explicitly, on a certain proposed contention that was duly submitted by the Citizens Against Nuclear Dangers (Citizens) one year ago. In the cryptic Order of March 6, 1979, which dealt with the contentions filed by the public interest interveners, the Licensing Board explicitly denied the admission of some specific proposed contentions, which the petitioners, incidentally, were not permitted, de facto, to appeal. The contention in question was not denied for any reason, and, therefore, considered by the Citizens and other parties to be accepted, admitted and approved by the Licensing Board for open debate at public hearings.

Only recently did the Citizens realize that the decision was possibly omitted, inadvertently or otherwise, from the March 6th Order. This became evident from statements which appeared in motions filed recently by the U.S. Nuclear Regulatory Commission (NRC) and the Pennsylvania Power and Light Company (Applicant) in which they indicated, mistakenly, that the Citizens did not initiate this particular contention.

The Citizens, therefore, move the Licensing Board to rectify this subtle discrepancy by certifying what has been presumed by the Citizens and other parties all along, namely, the admission of the contention filed by the Citizens on or about January 10, 1979, relating to the health effects caused by low level radiation specifically affecting pregnant women and all other women of childbearing age within a fifty mile radius of Berwick, Pa.

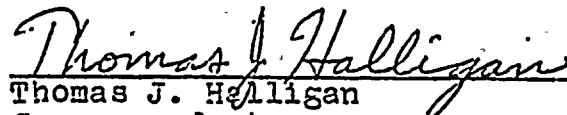
In the petition of January 10, 1979, it was pointed out that one of the constitutional rights retained by the people is the right to life, and this right extends to the life of the unborn baby. The contention states that long-term exposure to low level atomic radiation can cause genetic damage to unborn babies of pregnant women, ultimately resulting in some cases of miscarriage or physically defective, and /or brain damaged, offspring. It is alleged that the Pennsylvania Power and Light Company by the operation of the atomic power station at Berwick, Pa. will, in fact, be subjecting a generation of American women, living within the danger zone, to this particular risk of giving birth to an abnormal child. Therefore, the Pennsylvania Power and Light Company may, in time, be required by the courts to pay the lifelong special costs of caring for these abnormal children, including but not limited to institutional care.

The sustained discharge of low level radiation, whether accidental, or, the so-called "normal release" from the operation of the Berwick atomic power station will pose a long-term threat to the maternal health of all women of childbearing age and their progeny living within the danger zone. To prevent a possible future epidemic of radiation induced defective births, abortion may become a standard recommended surgical procedure, sponsored by the governments, to cope with this persistent radiation health problem.

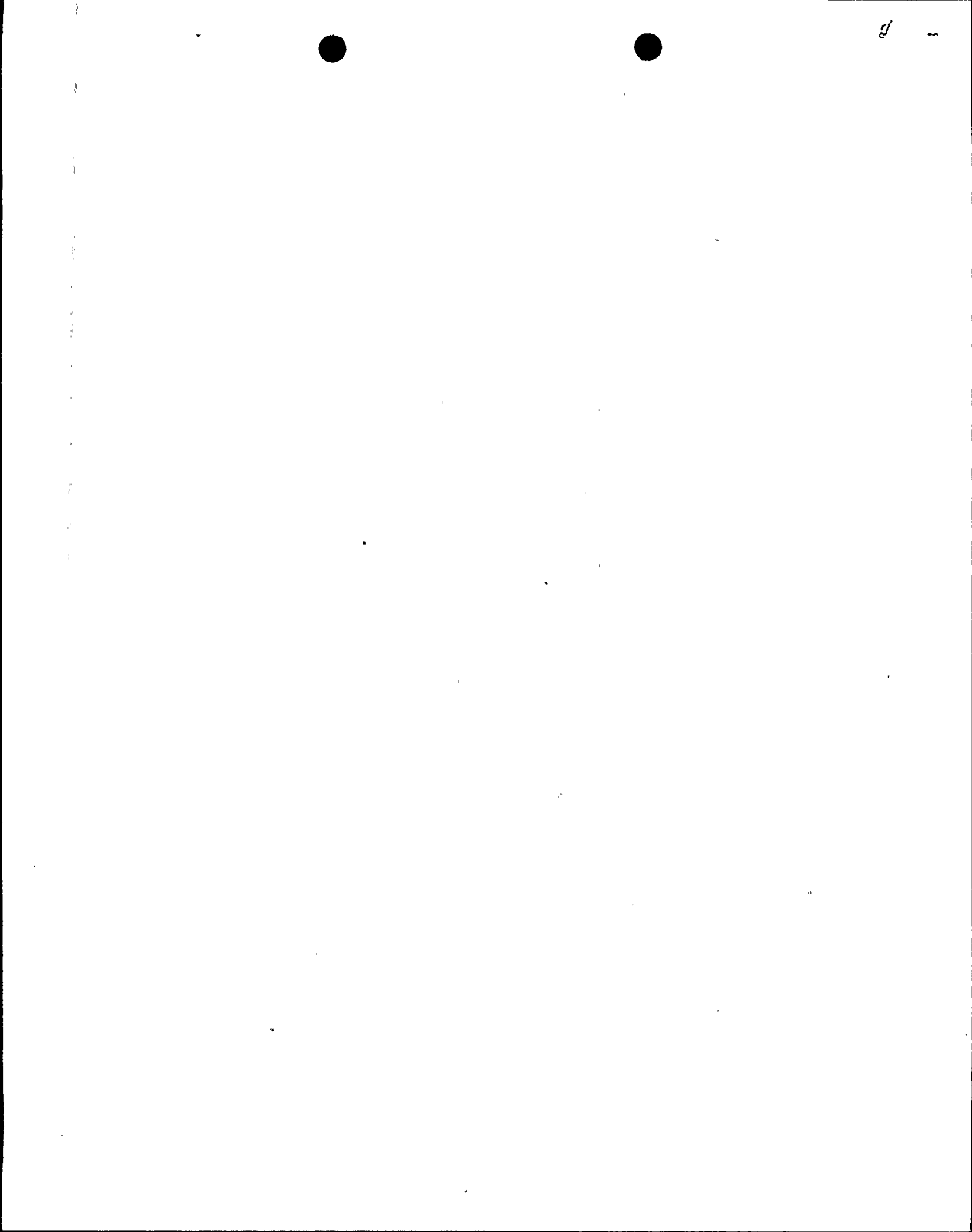
However, abortion violates the right to life of the unborn, as well as, the ethical, moral, religious and social principles and human instincts of most people, especially for such a reason cited above! Therefore, abortion used as the ultimate weapon for a solution to radiation induced birth defects is absolutely unacceptable as it violates the constitutional right to life retained by the people, and the higher laws of God!

The Citizens believe that this contention should receive the highest priority before the Licensing Board and be debated openly at public hearings. When the accident at Three Mile Island struck on March 28, 1979, it was the pregnant women and children under five years of age who were warned to evacuate from the vicinity of the damaged nuke because of the potential for real permanent physical harm from low level radiation! With this fact still fresh in mind, the Citizens now move the Licensing Board to issue a definitive order certifying the admission of the Citizen's contention cited above. The apparent error of omission, if that is what it was, rests, then and now, squarely with the Licensing Board. The Citizens also move the Licensing Board to issue a separate definitive order on the motion of the Citizens dated January 11, 1980.

Dated January 18, 1980

  
Thomas J. Halligan  
Correspondent

cc: U.S. Senator Richard S. Schweiker  
U.S. Senator John Heinz  
Comptroller General of U.S., et al.



CERTIFICATE OF SERVICE

I hereby certify that copies of Citizens Against Nuclear Dangers  
Motions Before The Atomic Safety And Licensing Board To Certify  
Admission Of A Standing Contention And The Issuance Of Definitive  
Orders have been served on the following by deposit in the United  
States mail, first class, this 18th day of January, 1980.

SERVICE LIST

Mr. Charles Bechhoefer, Esq.

Dr. Judith H. Johnsrud

Mr Glenn O Bright

Mrs. Colleen Marsh

Dr. Oscar H. Paris

Mr. Gerald Schultz, Esq.

Atomic Safety & Licensing Board

Mr. James M. Cutchin, Esq.

Atomic Safety & Licensing Appeal Board

Mr. Jay Silberg, Esq.

Docketing & Service Section

Mr. Thomas M. Gerusky

NOTICE TO ALL CONCERNED

For an interim period to expedite matters, parties on the  
Service List are advised to forward all communications to the Citizens  
at this mailing address: Mr. Thomas J. Halligan.

Correspondent--CAND

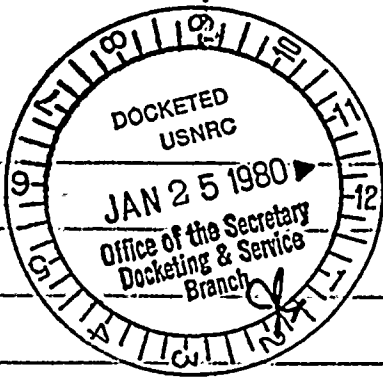
P.O. Box 5

Scranton, Pa. 18501

Please disregard the previous mailing address change.

Dated: January 18, 1980

*Thomas J. Halligan*  
Thomas J. Halligan  
Correspondent



1/18/80

516 Scott St.  
Stroudsburg, Pa. 18360  
January 18, 1980

Samuel Chalk, Secy.  
U.S. Nuclear "Regulatory" Commission  
Washington, D.C. 20555

Dear Mr. Chalk,

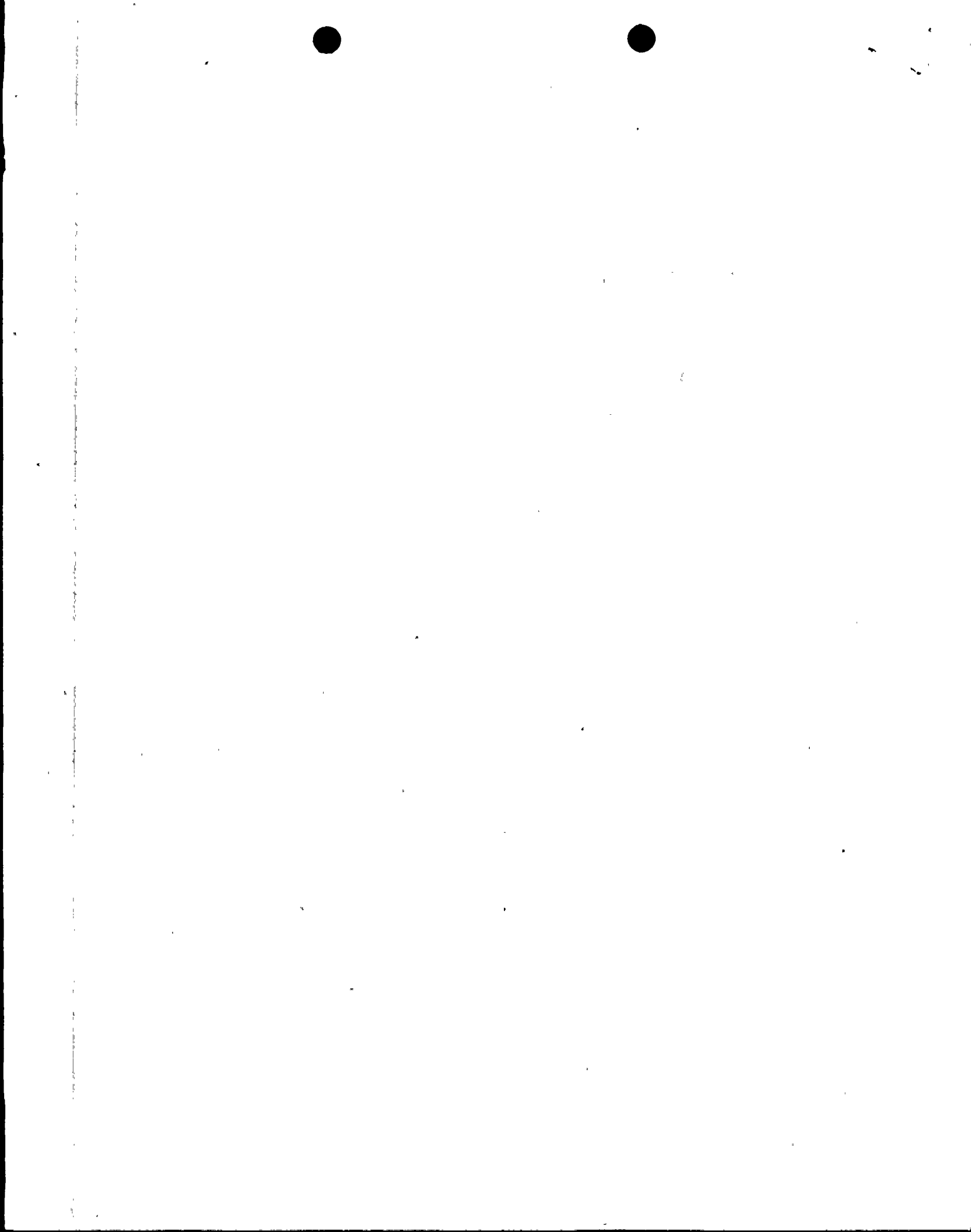
I am hereby requesting time to make  
a limited appearance statement at the  
licensing hearings for PP&L's Berwick plant.  
(Docket Nos. 50-387 & 50-388).

Please notify me when the hearings  
will be held, & when I will be able to make  
my presentation.

Sincerely yours,

Anne C. Tiracchia, Esq.

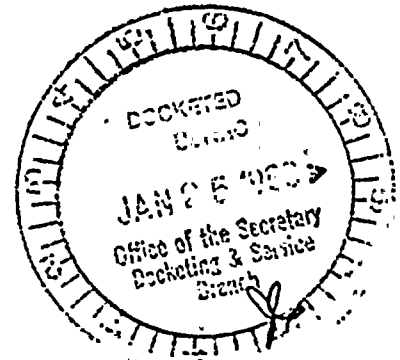
Acknowledged by card: 1/25/80



UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

ATOMIC SAFETY AND LICENSING BOARD

Charles Bechhoefer, Chairman  
Dr. Oscar H. Paris, Member  
Glenn O. Bright, Member



In the Matter of

PENNSYLVANIA POWER & LIGHT COMPANY  
and  
ALLEGHENY ELECTRIC COOPERATIVE, INC.

(Susquehanna Steam Electric Station,  
Units 1 and 2)

Docket Nos. 50-387  
50-388

ORDER  
(January 24, 1980)

By motion dated January 18, 1980 (received by us on January 24, 1980), CAND asks us to admit one of its contentions which, it asserts, we have not previously dealt with. It claims that our "cryptic" Order of March 6, 1979 (LBP-79-6, 9 NRC 291) (an order which occupied some 85 typewritten and 39 printed pages) neglected to deal with the contention CAND submitted on January 10, 1979, dealing with the health effects of low-level radiation.

CAND must have failed either to read or to comprehend our March 6 Order. In that Order, we assigned the January 10 contention in question the number 15 (see 9 NRC at 296; slip op. p. 5). We had earlier discussed that contention at the prehearing conference (Tr. 355-56) and we discussed it again in our Order (9 NRC at 299-301; slip op. pp. 11-16), along with several related





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NUCLEAR REGULATORY COMMISSION

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COMPANY ) 50-388  
 )  
(Susquehanna Steam Electric )  
Station, Units 1 and 2) )  
 )  
 )

CERTIFICATE OF SERVICE

I hereby certify that I have this day served the foregoing document(s) & upon each person designated on the official service list compiled by the Office of the Secretary of the Commission in this proceeding in accordance with the requirements of Section 2.712 of 10 CFR Part 2 - Rules of Practice, of the Nuclear Regulatory Commission's Rules and Regulations.

Dated at Washington, D.C. this  
25<sup>th</sup> day of Jan 1970.

Peggy T. Downing  
Office of the Secretary of the Commission

& 2 documents

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

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COMPANY, ET AL. ) 50-388  
)  
(Susquehanna Steam Electric )  
Station, Units 1 and 2) )

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