

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

2/12/80

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)

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

(Susquehanna Steam Electric Station,)
Units 1 and 2))

Docket Nos. 50-387
50-388

NRC STAFF'S ANSWER IN OPPOSITION TO
SEA MOTION FOR PROTECTIVE ORDER

On January 29, 1980, the Staff received a filing entitled "Answers to NRC Staff's First Round Discovery Requests and Motion for Protective Order of Intervenor Susquehanna Environmental Advocates (SEA)."^{1/} The filing consisted of partial answers to the Staff's interrogatories on Board Contentions 3 and 4 and a motion for a protective order denying the Staff the discovery sought by its interrogatories on Board Contention 1. As grounds for its request, SEA cites general reasons similar to those cited in its previous motions for extensions of time and protective orders.^{2/}

^{1/}The filing was not dated but was accompanied by a certificate of service that was dated merely January 1980. However, the envelope in which the filing was received was postmarked January 24, 1980. Thus by the terms of the Licensing Board's Memorandum and Order on Discovery Motions (II) dated October 30, 1979, as modified by its Order Denying Requests of ECNP dated December 6, 1979, the Intervenor's responses are untimely filed. Also, the Staff's interrogatories were not answered under oath or affirmation or even signed by the person making them, as required by 10 C.F.R. 2.740b(b).

^{2/}See generally: SEA Motions dated July 5 and September 12, 1979.

The Board in ruling on those motions found such generalized reasons to be insufficient.^{3/} For that reason alone the instant motion should be denied.

Moreover, SEA does not need a protective order. SEA indicates that it does not have the resources to collect the information necessary for it to respond to these interrogatories. This reason makes it apparent that SEA presently does not have the information sought by the Staff's interrogatories. As the Board has pointed out:

In responding to discovery requests, a party is not required to engage in extensive research. It need only reveal information in its possession or control. . . . Assuming truthfulness of the statement, lack of knowledge is always an adequate response. ^{4/}

However, if SEA should obtain information relevant to this issue, it is obliged seasonably to amend its responses to these interrogatories.^{5/}

Thus, for all of the reasons above the SEA motion for a protective order should be denied.

Respectfully submitted,



James M. Cutchin, IV
Counsel for NRC Staff

Dated at Bethesda, Maryland,
this 12th day of February, 1980.

^{3/} Memorandum and Order on Scheduling and Discovery Motions (I) and (II) dated August 24 and October 30, 1979 at 14 and 6, respectively.

^{4/} Memorandum and Order on Scheduling and Discovery Motions (I) dated August 24, 1979 at 8.

^{5/} 10 C.F.R. 2.740(e)(2)(ii).

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(Susquehanna Steam Electric Station,
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} Docket Nos. 50-387
} 50-388
}

CERTIFICATE OF SERVICE

I hereby certify that copies of "NRC STAFF'S ANSWER IN OPPOSITION TO SEA MOTION FOR PROTECTIVE ORDER" in the above-captioned proceeding have been served on the following by deposit in the United States mail, first class, or, as indicated by an asterisk by deposit in the Nuclear Regulatory Commission internal mail system, this 12th day of February, 1980:

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

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

Mrs. Irene Lemanowicz, Chairperson
The Citizens Against Nuclear
Dangers
P.O. Box 377
RD#1
Berwick, PA 18503

Susquehanna Environmental
Advocates
c/o Gerald Schultz, Esq.
500 South River Street
Wilkes-Barre, PA 18702

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. Gallo
Resident Inspector
P.O. Box 52
Shickshinny, PA 18655

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

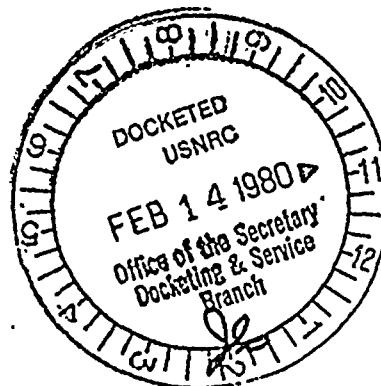


James M. Cutchin, IV
Counsel for NRC Staff

P. O. Box 145
Stockertown PA 18083

February 8, 1980

Samuel Chilk, Secretary
U.S. Nuclear Regulatory Commission
Washington DC 20555



Dear Mr. Chilk:


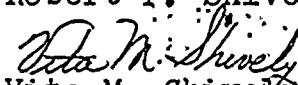
We would like to make a joint limited appearance statement at the licensing hearings concerning PP&L's Sesquehanna Steam Electric Station.

The Docket numbers are 50-387 and 50-388.

Due to the fact that we both work, we request that a time be allocated either in the evenings or on weekends for us and anyone else who shares our concerns.

Please notify us of the time and place of the hearings.

Thank you,


Robert P. Shively

Vita M. Shively

vms

Acknowledged by card.. 2/14

No Nukes for people!
Power to the people!
Bike Power
De-Centralize Energy
Nuclear Power, the Core!

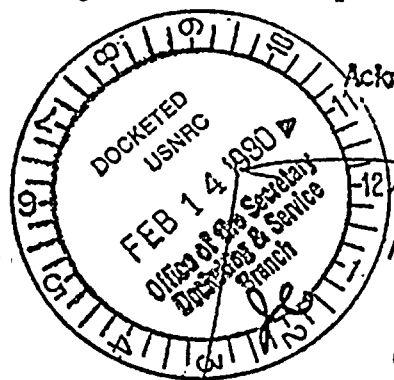
Samual Chilk, Secretary
U.S. Nuclear Regulatory Commission
Washington, D.C., 20555

SAVE the children!
Agriculture! Organic!
will build a strong Nation!

Mr. Chilk,

I am writing to request time to make a Limited Appearance Statement at the licensing hearing's for Pennsylvania Power and Light's Nuclear Plant in Berwick, Pennsylvania. Please inform me when and where these hearings will take place, and when I will be able to speak.

Wood!
the
renewable resource



Acknowledged by card. 2/14
Thank You,

Mrs. Susan Reisinger
66 Main St.
Dallas, PA 18612

low-level Radiation kills
Cancer, the Black Plague of
Modern Man! 1 in 4 did

John Wayne die? Because he
was exposed to low level Radiation
(lover)

fall out !!
oo

POWER

The People

I love my
children. I love
the Native Americans!
Give America back
to the People.

Coke is bad for
your health.

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the Matter of)

PENNSYLVANIA POWER AND LIGHT)
COMPANY)

(Susquehanna Steam Electric)
Station, Units 1 and 2))
)
)

Docket No.(s) 50-387
50-388

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

14th day of Feb 1980.

Peggy T. Downing
Office of the Secretary of the Commission

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the Matter of)

PENNSYLVANIA POWER AND LIGHT)
COMPANY, ET AL.)

(Susquehanna Steam Electric)
Station, Units 1 and 2)

) Docket No.(s) 50-387
) 50-388

SERVICE LIST

Charles Bechhoefer, Esq., Chairman
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Mr. Glenn O. Bright
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Dr. Oscar H. Paris
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Counsel for NRC Staff
Office of the Executive Legal Director
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

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

Pennsylvania Power and Light Company
ATTN: Mr. Norman W. Curtis
Vice President - Engineering
and Construction
2 North Ninth Street.
Allentown, Pennsylvania 18101

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

Ms. Colleen Marsh
558A
R.D. #4
Mount Top, Pennsylvania 18707

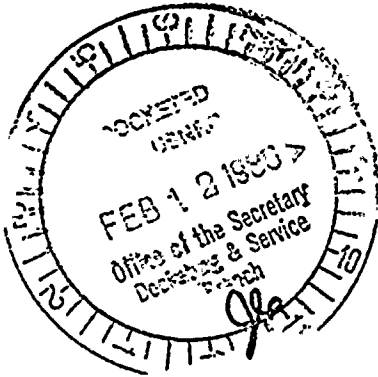
Mr. Thomas J. Halligan
Correspondent - CAND
P.O. Box 5
Sacranon, Pennsylvania 18501

Gerald Schultz, Esq.
Susquehanna Environmental Advocates
174 Machell Avenue
Dallas, Pennsylvania 18612

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



DOCKET NUMBER
PROD. & UTIL. FAC 50-387,388



Samual Chilk, Secretary
U.S. Nuclear Regulatory Commission
Washington, D.C., 20555

Mr. Chilk,

I am writing to request time to make a Limited Appearance Statement at the licensing hearing's for Pennsylvania Power and Light's Nuclear Plant in Berwick, Pennsylvania. Please inform me when and where these hearings will take place, and when I will be able to speak.

Thank You,

MARK MASLEY
1 947 W. MARKET
ST. KINGSTON, PA.
18704

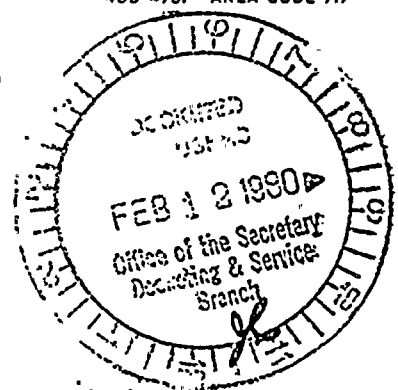
Mark Masley

LAW OFFICES OF
LAPUTKA, BAYLESS, ECKER & COHN
A PROFESSIONAL CORPORATION

THEODORE R. LAPUTKA
KENNETH R. BAYLESS
BARTEL E. ECKER
MARTIN D. COHN
BRUCE S. MILLER
BART E. ECKER
THEODORE R. LAPUTKA, JR.
LAWRENCE B. COHN
CHARLES R. PEDRI

SIXTH FLOOR
CITIZENS BANK BUILDING
HAZLETON, PENNSYLVANIA 18201
455-4731 AREA CODE 717

February 8, 1980



Samuel Chilk, Secretary
U. S. Nuclear Regulatory Commission
Washington, D. C. 20555

Dear Mr. Chilk:

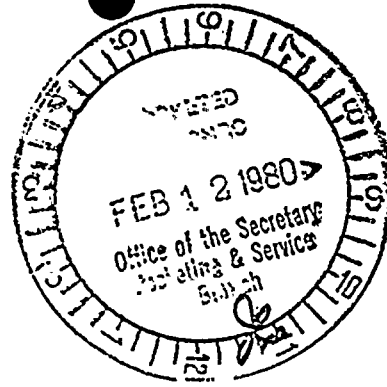
I am writing to request time to make a limited appearance statement at the Licensing Hearings for Pennsylvania Power & Light's nuclear plant near Berwick, Pennsylvania. Please inform me when and where these hearings will take place and when I will be able to speak.

Very truly yours,
LAPUTKA, BAYLESS, ECKER & COHN, P.C.

Bruce S. Miller
Bruce S. Miller

BSM:mlo

2/12



Samual Chilk, Secretary
U.S. Nuclear Regulatory Commission
Washington, D.C., 20555

Mr. Chilk,

I am writing to request time to make a Limited Appearance Statement at the licensing hearing's for Pennsylvania Power and Light's Nuclear Plant in Berwick, Pennsylvania. Please inform me when and where these hearings will take place, and when I will be able to speak.

Thank You,

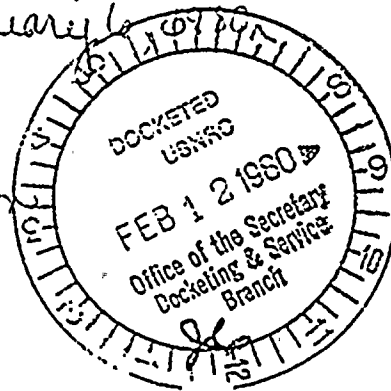
Acknowledged by card... 2/12

Margaret (S...)
375 South River St.
Wilkes-Barre Pa. 18702



February 6

Mr. Samuel Chick
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555



Dear Mr. Chick:

I wish to request time to make a limited appearance statement at the licensing hearings for the Pennsylvania Power and Light Company's nuclear power plant under construction near Berwick, Pennsylvania.

I would appreciate your cooperation in informing me when and where these licensing hearings will take place, and when I will be able to speak.

Sincerely,

Jill H. Evans
13 Pike Lane
Conyngham, Pa. 18219

Acknowledged by card... 2/12.....

