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February 18, 1980

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

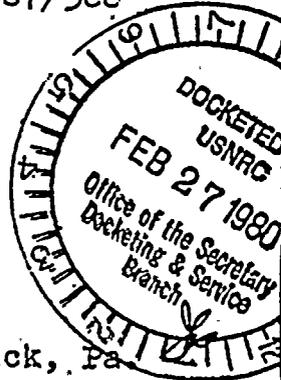
In the Matter of

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

Docket Nos. 50-387/388

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

CITIZENS AGAINST NUCLEAR DANGERS
MOTION BEFORE THE LICENSING BOARD
TO DENY APPLICANTS' MOTION DATED FEBRUARY 4, 1980



The Citizens Against Nuclear Dangers (Citizens) of Berwick, Pa protest the motions submitted by the Applicants, dated February 4, 1980 directed at the Susquehanna Environmental Advocates, the Environmental Coalition on Nuclear Power, and the Citizens. These cynical statements were predictable in that they are consistent with virtually all past attempts by the Applicants to eliminate any meaningful citizen input in the licensing process. These cynical attempts to stifle debate will ultimately fail! These motions will only serve to solidify the resolve on the part of the interveners to vigorously pursue the objective of demanding that the United States government, publicly and responsibly, fully examine all the contentions raised before the Atomic Safety and Licensing Board.

Logic would dictate that the Applicants be ordered to cease and desist from filing such motions that have as their ulterior motive the sabotaging of the public hearings. But alas, logic has not been the guiding principle, thus far, in these proceedings. Incidentally, when are the public hearings actually going to be held on environmental issues...or are they going to be held? It is now late-February and no date has been set for submission of testimony (sixty days prior to the hearings). This rules out any hearings for March

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or April, the months previously designated for the hearings...so who's stalling?

The Citizens wonder if the Applicants and the NRC are not backing out of their legal obligations to participate in public hearings altogether, under the guise of finding technical procedural fault with the public interest interveners over discovery questions? They are obviously trying to use "environmentalists" as scapegoats for their own managerial shortcomings and the technical imponderables of nuclear power. It is not the fault of the interveners that the PP&L management finds itself standing on the bridge of a listing ship that may have to be scuttled along the banks of the Susquehanna.

The main thrust of the Applicants motion directed at the Citizens concerns the perceived failure to comply with discovery orders. Thus, it is incumbent upon the Licensing Board to advise the Citizens how in the world discovery can proceed when the Applicants have withheld submission of the very documents necessary to prepare answers to their questions. Explain how this can possibly be done and the Citizens will surely know how to respond. The Licensing Board, in the interim, must deny the Applicants motion because of their original, and continuing, non-compliance in discovery matters, which is a very real and decisive impediment to compliance by the Citizens.

At no point in the Applicants motion is there any mention of the fact that the Applicants refuse to release the outstanding information requested by the Citizens (which destroys their argument) that will be the basis for most of the discovery responses. The Licensing Board has, up until now, not fairly evaluated this, nor compelled the Applicants and the NRC to furnish all the required documentation. The alternative then is to dismiss the motion and ignore their pseudo complaints.

One example may clarify somewhat this muddled situation. The Citizens previously requested copies of authentic records of all welding and fabrication performed on the reactor pressure vessels installed at Berwick, including inspection reports. These records are absolutely necessary to the Citizens in order to respond to certain interrogatories and to present their case. The Applicants know this full well, yet, refuse to release these documents to be used as evidence. The Licensing Board has allowed this travesty to be perpetrated for some unexplained reason. The Applicants alibis for this violation of discovery should have been disallowed long ago by the Licensing Board and the Applicants ordered to produce the pressure vessel records. It is still imperative that such an order be issued.

The Licensing Board should be studying these welding records right now, in light of the revelation that a pipe hanger support(s) were recently welded to the Berwick Unit 1 reactor pressure vessel, compromising the pressure vessel steel heat treatment properties. The powers-that-be at PP&L are apparently now about to concoct some sort of Rube Goldberg solution to this problem. There are good reasons to believe that this serious construction deficiency was not an isolated case, but rather the latest in a long list of serious welding deficiencies dating back several years. The Licensing Board must address this whole issue of Applicant non-compliance in order to establish credibility, and to recognize that the blame rests squarely with the Applicants and the NRC concerning the discovery impasse.

It would be unconscionable for the Licensing Board to pretend that the Applicants (who are large corporations with virtual unlimited funds and having at their disposal the services of hundreds of full-time specialists working on all aspects of the Berwick licensing project)

are at any real or imagined disadvantage as adversaries against four groups of individual petitioners who have intervened in this case, irregardless of any dispute over discovery questions. Such a pretention would be an insult to anyone's intelligence! The Licensing Board is hereby moved to act in the public interest and to throw out the above cited defective and ulterior motion and hear the case based on the merits of the admitted contentions and the interveners testimony, evidence and cross-examination, however imperfect it may seem in the pontifical minds of the Applicants and the NRC.

The Citizens also take exception to the false assumptions and insinuations on pages 8 and 9 of the Applicants motion. The Citizens have at all times responded in good faith and in a responsible manner. The FP&L, on the other hand, conducts its case in the news media, relying heavily on propagandizing rhetoric that is erroneous and misleading. Public relations oratory, which is the FP&L's stock in trade, is hardly a proper substitute for the factual information that has been concealed thus far from the record in this licensing proceedings.

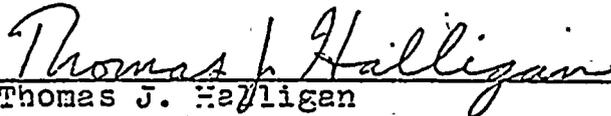
The Citizens will, for their part, commence issuing position papers on the various contentions to all parties that will be technical and comprehensive, based on documented research in most instances. This relevant factual information which will be widely circulated may be a much greater substantive contribution to the public hearing process than the Applicants or the NRC ever anticipated!

The Citizens, from the outset, as petitioners in the public interest, informed the Licensing Board that their primary concerns were, and are, the public health and safety factors surrounding the proposed operation of the Berwick atomic power plant. The Applicants motion would try to

deprive legal standing to the Citizens over alleged discovery deficiencies on environmental questions, and it is believed that this type of motion would ultimately be extended to include all of the intervening parties. The public health and safety contentions, however, will not be dealt with until 1981. Therefore, the Applicants motion is premature and out of order.

Reacting to one of the latest regulatory scandals at Three Mile Island, occurring on Monday, February 11, 1980, concerning the "unscheduled" releases of radioactivity, U.S. Senator John Heinz (who was actually touring TMI on that day) said, the following day: "At a time when the public is openly skeptical of the NRC and the nuclear power industry to safely regulate and operate nuclear power plants, it is essential that the NRC maintain a completely open and honest relationship with the public." The interveners only wish that this essential ingredient of credibility could be instilled in the minds of the members of the Atomic "Safety" and Licensing Board Panel reviewing the Berwick case.

Dated February 18, 1980


Thomas J. Halligan
Correspondent

cc: U.S. Senator Richard S. Schweiker
U.S. Senator John Heinz
Comptroller General of the U.S.

CERTIFICATE OF SERVICE

I hereby certify that copies of Citizens Against Nuclear Dangers Motion Before The Licensing Board To Deny Applicants Motion Dated February 4, 1980, have been served on the following by deposit in the United States mail, first class, this 18th day of February, 1980.

SERVICE LIST

Mr. Charles Bechhoefer, Esq.	Dr. Judith H. Johnsrud
Mr. Glenn O. Bright	Mrs. Collen 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
Secretary of the Commission	

Dated February 18, 1980


Thomas J. Halligan
Correspondent

