

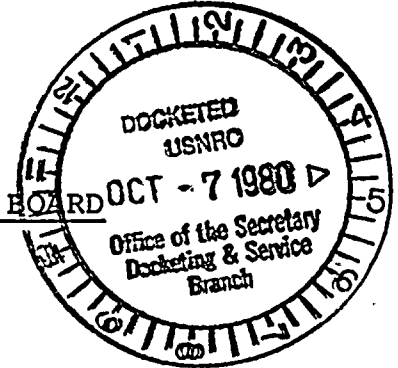
October 7, 1980

RELATED CORRESPONDENCE

UNITED STATES OF AMERICA

NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD



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

APPLICANTS' MOTION TO ESTABLISH
DISCOVERY SCHEDULE FOR
HEALTH AND SAFETY ISSUES

Applicants respectfully request that the Atomic Safety and Licensing Board promptly establish a schedule for the completion of discovery obligations on health and safety issues. An appropriate schedule would call for responses to outstanding discovery requests within one month of the Licensing Board's order. The reasons supporting this motion are as follows.

In its Memorandum and Order on Discovery Motions (II), LBP-79-31, 10 NRC 597 (October 30, 1979), the Licensing Board suspended all discovery obligations with respect to those contentions to be heard at the hearings on health and safety issues. At that time, only Colleen Marsh, et al., had submitted responses to discovery requests on these issues. The basis for the Licensing Board's action was the delay in the health and

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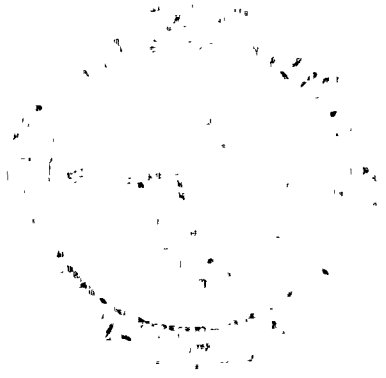
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safety hearings caused by the projected delay in the Safety Evaluation Report (SER) and the SER Supplement. Because it appeared to the Licensing Board that health and safety hearings could be more than a year away, the Licensing Board concluded that

there appears to us to be no good reason for insisting on the completion of discovery on health and safety issues in the near future.

10 NRC at 603. The Licensing Board stated that it would re-schedule discovery on health and safety issues following the environmental hearings. Id. at 605. The Licensing Board urged parties to respond to health and safety discovery requests "as soon as possible" and warned that when the obligation was later imposed "an extended time frame for responses may not be provided." Id. at 605-606.

Since the issuance of LBP-79-31, schedules for the issuance of the SER, the SER Supplement and the Final Environmental Statement (FES) have been further delayed. The most recent Staff estimates appear in the July 10, 1980 letter from Staff Counsel:

FES	December 1980
SER	February 1981
SER Supplement	May 1981

As this estimate indicates, the time period between the issuance of the FES and the safety documents has been dramatically reduced. The necessary effect of this schedule is to reduce the

period between the environmental hearings and the safety hearings from the one year estimated in LBP-79-31, id. at 603, to less than six months. As a result, it no longer appears feasible to await completion of environmental hearings before restarting discovery on health and safety issues.

Applicants therefore request that the Licensing Board now reinstate the discovery process. Calling for the completion of discovery now will minimize the burdens on intervenors. If discovery is not restarted until after environmental hearings, it will conflict with the preparation of proposed findings and conclusions on environmental issues as well as preparation for the safety hearings. By calling for discovery to be completed now, the Licensing Board will avoid imposing multiple obligations on intervenors, while at the same time providing Applicants the information necessary to prepare testimony and summary disposition motions, if appropriate.

At this point, there can be no dispute as to the reasonableness, and indeed the necessity, of Applicants' outstanding discovery requests. The Atomic Safety and Licensing Board has made this quite clear in ALAB-613 (September 23, 1980). As the Appeal Board observed,

parties are entitled to discover all matters not privileged that tend to support or negate the allegations in the pleadings or are reasonably calculated to reveal such matters.

ALAB-613, slip op. at 24. Indeed the Appeal Board noted that "it would have been imprudent" for Applicants not to probe the

basis of intervenors' contentions through the discovery process. Id. at 31. Based upon its review, the Appeal Board satisfied itself

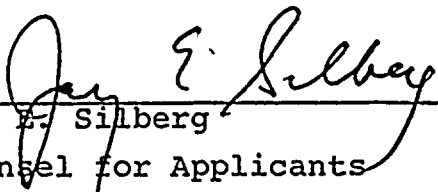
that the basic interrogatories relate to the matters in controversy and are not unreasonable in number.

Id. at 26.

For the reasons set forth above, we respectfully request that the Licensing Board promptly reinstate the discovery process on health and safety issues, establishing an appropriate schedule (such as one month) for submission of responses to Applicants' outstanding discovery requests.

Dated: October 7, 1980

Respectfully submitted,
SHAW, PITTMAN, POTTS & TROWBRIDGE



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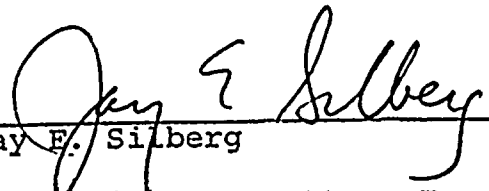
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NUCLEAR REGULATORY COMMISSION

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

CERTIFICATE OF SERVICE

This is to certify that a copy of the foregoing Applicants' Motion To Establish Discovery Schedule For Health and Safety Issues was served by deposit in the United States Mail, First Class, postage prepaid, this 7th day of October, 1980, to all those on the attached Service List.


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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

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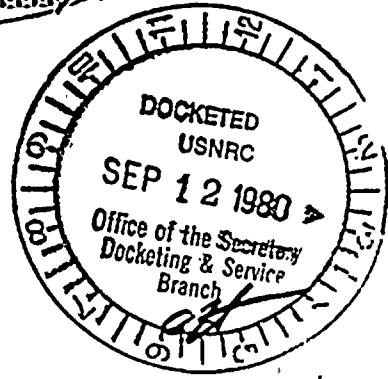
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Atomic Safety and Licensing
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U. S. Nuclear Regulatory Commission
Washington, D.C. 20555

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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,

Ann Loggione
350 S. Franklin St.
Wilkes Barre, Pa. 18702

Acknowledged by card

9/12/80 6H

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

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COMPANY)

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

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

15th day of SEPT 1980.

Peggy T. Downing
Office of the Secretary of the Commission

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NUCLEAR REGULATORY COMMISSION

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PENNSYLVANIA POWER AND LIGHT)
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