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	)	Docket Nos. 50-387
	)	50-388
ALLEGHENY ELECTRIC COOPERATIVE, INC.	)	
	)	
(Susquehanna Steam Electric Station, Units 1 and 2)	)	

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

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 reschedule 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

Jay E. Silberg
Counsel for Applicants
1800 M Street, N.W.
Washington, D.C. 20036
(202) 331-4100

UNITED STATES OF AMERICA

NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of	)	
	)	
PENNSYLVANIA POWER & LIGHT COMPANY	)	
	)	
and	)	Docket Nos. 50-387
	)	50-388
ALLEGHENY ELECTRIC COOPERATIVE, INC.	)	
	)	
(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.

Jay E. Silberg

Jay E. Silberg

Shaw, Pittman, Potts & Trowbridge
1800 M Street, Northwest
Washington, D.C. 20036
(202) 331-4100

Counsel for Applicants

UNITED STATES OF AMERICA

NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

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

SERVICE LIST

Secretary of the Commission
U. S. Nuclear Regulatory Commission
Washington, D.C. 20555

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

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

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

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

Mrs. Irene Lemanowicz, Chairperson
The Citizens Against Nuclear Danger
Post Office Box 377
R. D. 1
Berwick, Pennsylvania 18603

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

James M. Cutchin, IV, Esq.
Office of the
Executive Legal Director
U. S. Nuclear Regulatory Commission
Washington, D.C. 20555

Karin W. Carter, Esq.
Department of Environmental Resources
Commonwealth of Pennsylvania
505 Executive House
Post Office Box 2357
Harrisburg, Pennsylvania 17120

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

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

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

9/15/80

DOCKETED
USNRC
SEP 12 1980
Office of the Secretary
Docketing & Service
Branch

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 Gorgone
350 S. Franklin St.
Wilkes Barre, Pa. 18702

Acknowledged by card 9/12/80 GH

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the Matter of	)	
	)	
PENNSYLVANIA POWER AND LIGHT COMPANY	)	Docket No.(s) 50-387
	)	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
15th day of SEPT 1980.

Peggy T. Dawning
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.	)	Docket No.(s) 50-387 50-388
	)	
(Susquehanna Steam Electric Station, Units 1 and 2)	)	

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
Sacranton, 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

Albert E. Vogel, Jr., Esq.
Assistant Attorney General
Dept. of Environmental Resources
P.O. Box 2357
Harrisburg, Pennsylvania 17120