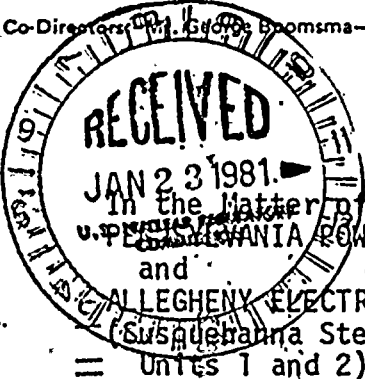


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ENVIRONMENTAL COALITION ON NUCLEAR POWER

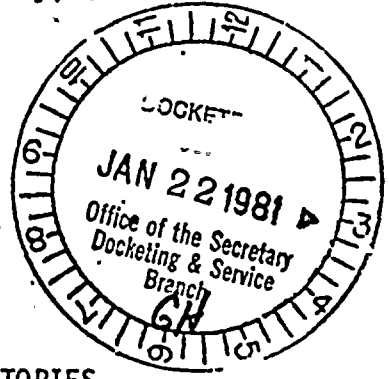
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UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

U.S. PENNSYLVANIA POWER AND LIGHT COMPANY  
and  
ALLEGHENY ELECTRIC COOPERATIVE, INC.  
(Susquehanna Steam Electric Station,  
Units 1 and 2)

Docket Nos. 50-387  
50-388



ECNP: INTERVENORS' RESPONSE ON HEALTH AND SAFETY INTERROGATORIES

The Environmental Coalition on Nuclear Power (ECNP), as a public-interest organization, lacks the resources of time, money, and personnel to respond to the extensive interrogatories posed by Staff and Applicant in this proceeding. The NRC Appeal Board's finding in ALAB-613 that the number of interrogatories does not constitute an undue burden on intervenors takes no account of the disparity in resources among the parties in an NRC proceeding and fails to account for the special role which citizen intervenors play when they participate in NRC licensing proceedings.<sup>1</sup> This citizen organization does not have the adequate funds or other resources; the background explanations have already been provided to this Board numerous times and we refer the Board to ECNP's filings on this topic.

As a result of assurances from this Atomic Safety and Licensing Board earlier in the proceeding that discovery on health and safety issues would be delayed until after completion of the environmental proceedings, ECNP's representatives' time this fall and winter has been scheduled accordingly. The memo of November 20, 1980, from Richard Stark, NRC Project Manager for Susquehanna, to the Applicant makes clear that there will be at least an additional nine months' delay in the fuel loading date, a slippage which takes fuel loading to March, 1982, and removes any need for disturbing the Board's discovery schedule.

In any event, we believe the interrogatories are burdensome and we cannot guarantee, given the constraint of ECNP's limited resources and other obligations, that sufficient time would be available to answer these interrogatories even following completion of the environmental hearings. The only possible way to answer the interrogatories at this time would be to abandon all efforts at

<sup>1</sup> We direct the Board's attention to the comments of NRC Counsel Leonard Bickwit in his July 26, 1979, memo to the Commissioners, at p. 7, on TMI-1 Restart: the staff... "is normally allied with the applicant."

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preparing to assist this Board in evaluating the environmental issues raised by the application for an operating license.<sup>2</sup> Given this alternative we simply cannot in good conscience or within the limits of our capabilities and resources answer the interrogatories at this time. Nor can we guarantee that we will be in a better position to answer them in the future if we are also to be of assistance to this Board by participation in the health and safety hearing.

For reasons repeatedly stated, we do not feel that it is appropriate for this Board to require these intervenors to answer these interrogatories. Despite what the Appeal Board has said, we maintain that the Applicant's interrogatories were designed primarily to harrass the Intervenors and to limit our ability to prepare for, and participate in, the hearings. We believe that the ECNP contentions which the Board has accepted raise important issues which must be thoroughly examined by an adversary party. We also believe that we will be of far greater aid to this Board in addressing these issues than we would be if our limited resources were exhausted in an attempt to answer the Applicant's interrogatories. The Appeal Board's decision has in no way increased the intervenors' resources.

We also remind this Board that the ECNP Intervenors have been further hampered in their preparations for this proceeding by failure of the Staff and Applicant to provide requested discovery documents or to update such materials over the nearly two years since ECNP originally requested the information. ECNP here renews its request in particular that it now be provided with a copy of the complete General Electric Company Report known as the Reed Report, which was previously requested in this proceeding and which has been made available to intervenors in other NRC proceedings.

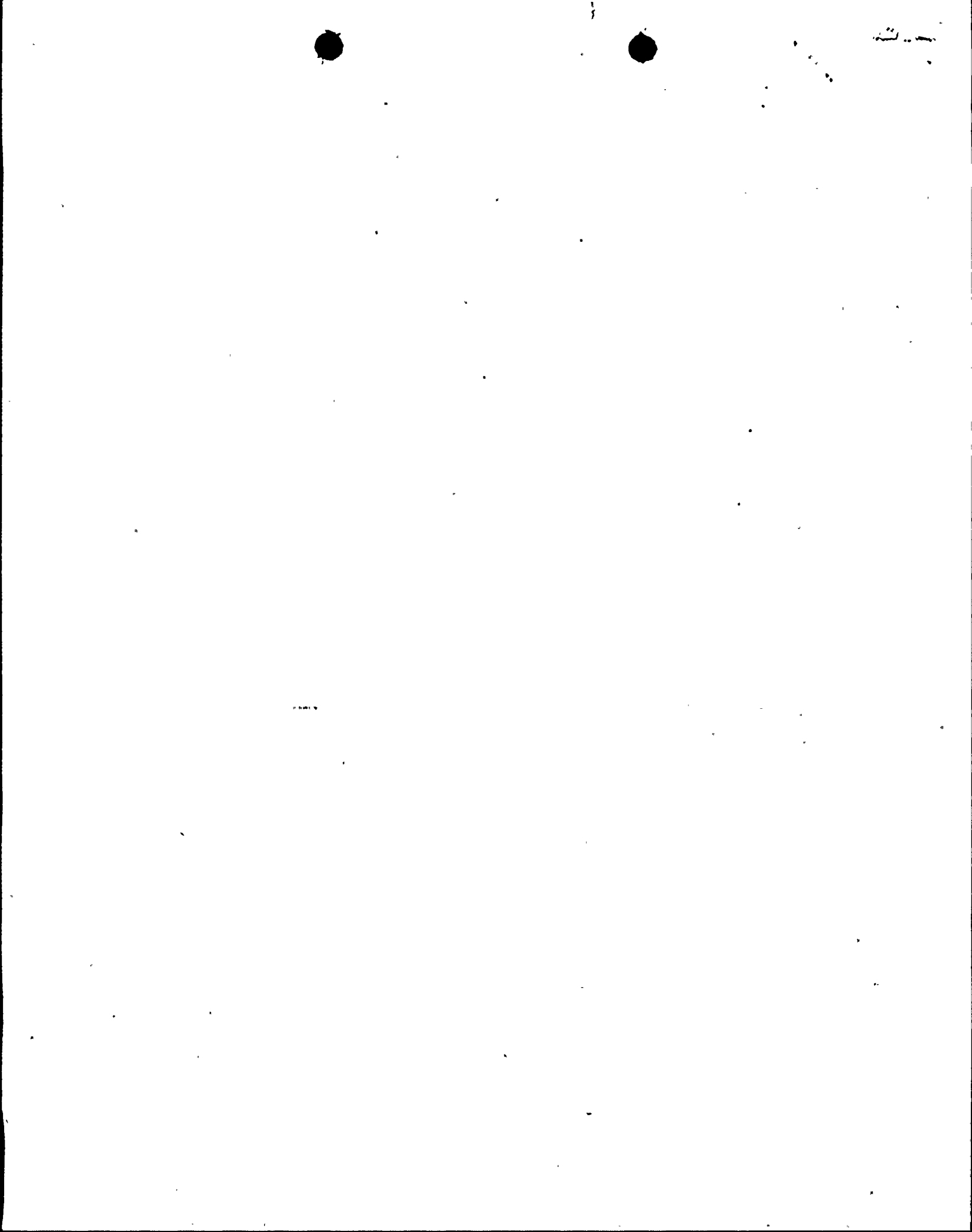
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<sup>2</sup> Such a course would involve abandoning even more than preparation for environmental hearings in this case, since ECNP's obligations to its members throughout Pennsylvania require our participation in proceedings related to other reactors in addition to Susquehanna.

Respectfully submitted,

*Judith H. Johnsrud*  
Dr. Judith H. Johnsrud  
Co-Director, ECNP

Dated this 15<sup>th</sup> day  
of January, 1981



CERTIFICATE OF SERVICE

I certify that copies of ECNP INTERVENORS' RESPONSE ON HEALTH AND SAFETY INTERROGATORIES have been served on the parties in this proceeding, by deposit in the US Mail, first class, postage paid, this 15<sup>th</sup> day of January, 1981.

*Judith H. Johnsrud*  
Judith H. Johnsrud, Co-Director

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