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March 16, 1981

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the Matter of:

PENNSYLVANIA POWER & LIGHT CO.
and
ALLEGHENY ELECTRIC COOPERATIVE

Berwick Atomic Power Plant
Susquehanna Units 1 and 2
Docket Nos. 50-387, 50-388

CITIZENS AGAINST NUCLEAR DANGERS
STATEMENTS AND MOTION CONCERNING
DISCOVERY, SUMMARY DISPOSITION AND EX PARTE ACTIONS

The Citizens Against Nuclear Dangers (Citizens) oppose the NRC staff's motion of January 30, 1981, seeking to arbitrarily compel additional discovery information, and also object to the Licensing Board's Memorandum served March 2, 1981, concerning that motion. The Citizens, in addition to the following statement, will respond under protest to the directive of the Board prior to the stated deadline, in order to further answer and comply with the discovery process.

To begin with, the NRC staff is simply rehashing old arguments, and also mixing apples with oranges by claiming that the Citizens' recent replies to discovery are comparable to an earlier recommendation that various officials be subpoena to testify. There is clearly no such connection and there was no need to even respond to such a mistaken comparison.

The Citizens' replies of January 15, 1981, are implicit in indicating that the Citizens have no information to reveal at this time, because of a lack of knowledge. This is due to a valid change of policy whereby the Citizens, by necessity, because of financial and staffing restraints, rely almost exclusively on the data contained in yet to be published NRC documents, namely the FES, the SER, and the FSAR; etc., which are vital to intervenor discovery and direct testimony, and now overdue through no fault of the interveners.

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The NRC staff motion should, therefore, have been judged by the Licensing Board as a moot issue. The Board has overreacted by not analyzing the implications of the Citizens' January 15, 1981 replies. A reconsideration of the Memorandum dated February 27, 1981 is in order.

Concurrently, the Citizens move the Licensing Board to issue an order compelling the NRC staff to publish the above mentioned overdue documents forthwith, even if they need to be supplemented at a later date. NOTE: The detailed replies to Contention 6 interrogatories have been prepared. They were inadvertently delayed in printing, but will be forwarded to all parties within the next five days.

The Citizens move the Licensing Board to investigate the several affidavits, filed by the Applicants and the NRC staff supporting summary disposition of the various contentions, for instances of misinformation, which, if and when verified, should be stricken from the record, and appropriate action taken by the Licensing Board to insure against any repetition.

Case in point--The responses in the affidavits alleging that there will be no low-power television stations that would receive damaging electrical interference from the Applicants transmission lines bringing power from the Berwick Nuke. Such inferences are patently false! The fact is that the Federal Communications Commission (FCC) on or about September 9, 1980, established a policy creating a new class of low-power television stations along the UHF band, and also on the VHF band between Channels 2 and 13. Some of these stations will be going on the air as early as the Summer of 1981. This FCC policy could result in thousands of new neighborhood stations nationwide.

Already, the first of what could prove to be scores of applications have been filed with the FCC to set up low-power television stations (costing as little as \$25,000 each) in communities where the Applicants

UHV (or EHV) transmission lines are located, which in turn could create, in the future, interference with TV reception, and thereby cause irreparable harm to the TV operators, some of whom will be non-profit organizations serving minority audiences. Such Applicant interference will probably be grounds for a series of class-action law suits against the Applicants.

The Citizens are of the opinion that parts of the affidavits indicating, in effect, that there are no plans for low-power television near the Applicants right-of-ways are deceptions, which impeach the credulity of the entire content of the affidavits. Expert witnesses for the NRC or the Applicants can hardly claim ignorance of publicly known information about the FCC licensing of low-power TV stations, which was nationally published since last September; this being a subject they claim having expertise in. As a result, the Licensing Board has the duty to vigorously investigate the veracity of these affidavits connected with the summary disposition motions, because the misinformation and/or omission of salient facts cited above may not be the exception!

The Citizens Against Nuclear Dangers, taking notice of a letter sent to the acting Chairman of the NRC from the president of PP&L, dated February 12, 1981, are concerned over the apparent pressure being applied unduly by the PP&L in this instance to influence decisions in the Berwick operating license case. At the very least, the PP&L, by going over the heads of the panel designated to adjudicate the Berwick Nuke case, is, in effect, undermining the public hearing proceedings. This violate the interveners' rights of due process! If allowed to go unchecked, this type of lobbying of the Commission could place in question the integrity of the NRC panel. This type of ex parte communication should be disallowed by the Licensing Board.



15

The Citizens hereby move the Licensing Board to order the corporate officers involved to cease and desist from further attempts to pressure the Commission. The corporate leadership is crying crocodile tears in an attempt to sway the Commissioners to waive safety inspections, which is characteristic of the Applicants' apparent policy of profits before safety. The interveners, by the way, would welcome an investigation by the GAO into the documented mismanagement that has characterized the Berwick Nuke construction, which is the principle cause of the delays... not the alleged inactions by any of the interveners or the NRC. The record will show that there are thousands of pages in the Construction Deficiencies Reports and Inspection Reports on file in NRC Docket Nos. 50-387 and 50-388, which indict the Applicants for the delays!

Dated: March 16, 1981.

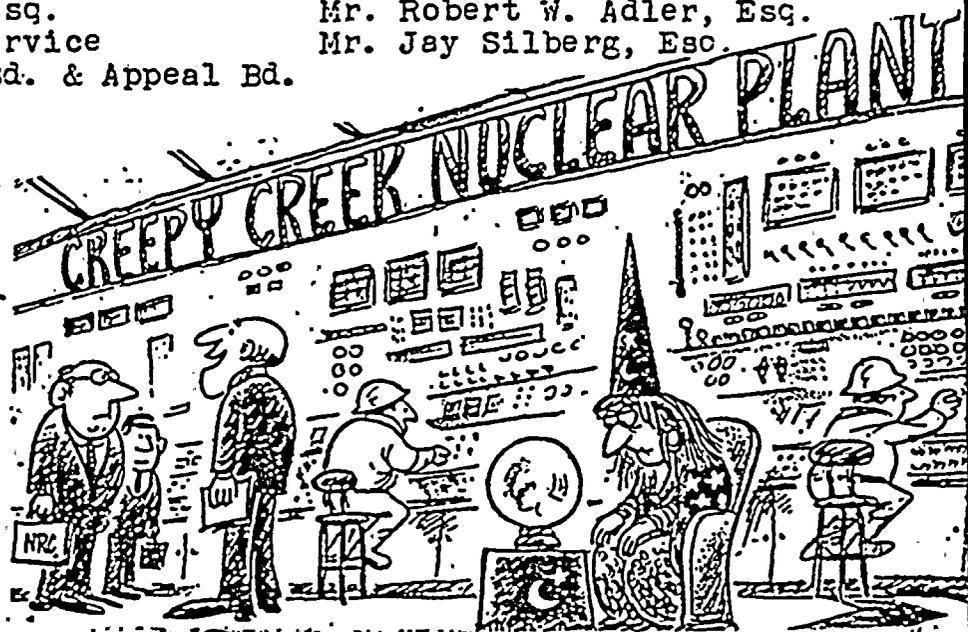
Thomas Halligan
Correspondent

CERTIFICATE OF SERVICE

I hereby certify that copies of Citizens Against Nuclear Dangers Statements and Motions Concerning Discovery, Summary Disposition and Ex Parte Actions have been served on the following by deposit in the United States mail, first class, this 16th day of March, 1981.

SERVICE LIST

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