

9/10/79

RELATED CORRESPONDENCE

ENVIRONMENTAL COALITION ON NUCLEAR POWER

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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



ECNP INTERVENORS' SECOND ROUND DISCOVERY REQUESTS OF THE NRC STAFF

Pursuant to the Memorandum and Order of the Board dated August 24, 1979, the Environmental Coalition on Nuclear Power (ECNP) below lists its requests for production of documents under discovery from the NRC Staff.

1. All documents previously requested of the NRC Staff in ECNP's First Round Discovery Requests but not supplied to the ECNP Intervenors
2. Transcript of the January, 1979, Prehearing Conference and all subsequent transcripts in this proceeding
3. "Uranium Mill Tailings: Environmental Implications," February, 1978, Los Alamos Scientific Laboratory. Requested as background and trial preparation material for Contention 1.

The reasons for resubmitting this request in Second Round Discovery for the production of all documents previously requested in First Round Discovery are several in number.

1. The NRC Staff response to the initial ECNP Discovery request was apparently mailed from the NRC at a time following Dr. Kepford's departure from the United States due to personal obligations and shortly before Dr. Johnsrud's departure from Pennsylvania on other business for three weeks in July. Knowing that the NRC adheres rigidly to its short dead-

lines which are designed for parties having paid legal counsel available for immediate response, these Intervenor, who were unable to respond within the five-day period allowed, did not attempt subsequently to file their objections to the NRC Staff's refusal to supply any of the documents requested.

2. These Intervenor, have entered this proceeding as a public service, raising issues which this Board has seen fit to accept as litigable contentions. ECNP does not have the funds to purchase these documents that we have identified as important to the development of our case. ECNP has requested, and has been denied, financial assistance from the NRC in order to make a meaningful contribution to the evidentiary record. Because of these Intervenor's isolation from the NRC's public documents room -- and at a time of shortage and high cost of gasoline -- the NRC Staff has, by its willful withholding of the documents requested, frustrated and seriously compromised the Intervenor's efforts to contribute constructively to the outcome of the proceeding.
3. If it is the intent of this Board to ensure a meaningful and fair evidentiary hearing in this proceeding, following closely in the wake of the Three Mile Island, Unit 2, accident and the demonstrated inadequacies of those license proceedings in which these same Intervenor participated, then it is incumbent on the Board to take cognizance of the Intervenor's scarce resources and to offer every possible benefit of the doubt to aid these public-interest intervenors in preparation of their case. In all previous ASLB proceedings in which ECNP members have participated, the NRC Staff has been willing to provide such reasonable discovery requests.
4. We parenthetically point out to the Board that ECNP has not burdened the Staff with interrogatories and that we are desirous of being able to obtain sufficient information to get on with the preparation of our case. We find it unseemly, in the post-TMI-2 climate, that the Staff attorney pursues so obstructionist a course by failing to provide a single one of ECNP's First Round Discovery requests.
5. With respect to the transcripts here requested, ECNP respectfully reminds the Board that at pages 82 and 83 of its March 6, 1979, Special Prehearing Conference Order, the Board stated that the intervenors should be permitted to use the transcript copy placed in the local public documents room away from that location and requested "the Staff to make the necessary arrangements."  
ECNP Intervenor, have been expressly denied by the reference librarian permission to remove the transcript from the local documents room in Wilkes-Barre, even for a short period of time.

The authorized representatives of the ECNP Intervenor  
live more than 125 miles from either public documents room.  
We submit that lack of access to the record constitutes a  
denial of due process and prohibits a full and fair proceed-  
ing. The NRC Staff counsel who has failed to provide ECNP's  
reasonable discovery requests has also failed to comply with  
the Board's request to make the transcripts available.

Submitted by

Chauncey Kepford

Chauncey Kepford  
Representative of the  
Intervenors

and

Dated this 10<sup>th</sup> day  
of September, 1979

Judith F. Johnsrud

Judith F. Johnsrud  
Co-Director  
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on Nuclear Power  
433 Orlando Avenue  
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CERTIFICATE OF SERVICE

I hereby certify that copies of ECNP INTERVENORS" SECOND ROUND DISCOVERY REQUESTS OF THE NRC STAFF have been served on the following by deposit in the United States mail, first class, postage paid, this 10<sup>th</sup> day of September, 1979:

*Judith H. Johnsrud*

Judith H. Johnsrud  
Representative of  
ECNP Intervenors

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