

December 11, 1979

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

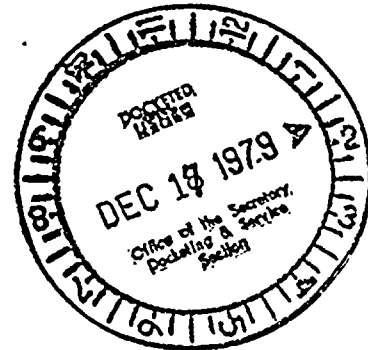
In the Matter of

PENNSYLVANIA POWER AND LIGHT CO.  
ALLEGHENY ELECTRIC COOPERATIVE, INC.

Docket Nos. 50-387  
50-388

(Berwick Atomic Power Plant)  
(Susquehanna Units 1 and 2 )

CITIZENS AGAINST NUCLEAR DANGERS  
PETITION FOR A GOVERNMENT INQUIRY;  
REPLIES TO DISCOVERY ORDER;  
MOTIONS ON INTERROGATORIES  
BEFORE THE ATOMIC SAFETY AND LICENSING BOARD



FORWARD

The Citizens Against Nuclear Dangers (Citizens) state for the record that the order to reply to the discovery interrogatories in Part II below are submitted under protest. The Citizens will not enumerate the lengthy reasons at this time, but will point out that the motion pending before the Board pertaining to discovery filed by the Citizens has not been addressed properly by the Board, nor has the issue been resolved, in apparent disregard for due process of law.

From the outset of the proceedings on Berwick, the NRC has shown an obsession with trying to place the burden of proof for every contention on the citizen interveners. The burden of proof rests primarily with the Applicants, to show conclusively that the problems identified in the valid contentions concerning the Berwick atomic power plant can be rectified prior to issuance of an operating license. The Applicants are not cooperating with this objective, in our judgment.

Likewise, the NRC has thus far failed in its safety oversight mandate to probe the Berwick operation in a diligent manner. For example, the NRC staff has not submitted so much as one discovery question before the Board for the Applicants to answer prior to evidential hearings. But the NRC has asked several hundred unreasonable questions of the interveners. Incredible as this is, the Board has tolerated this by its acquiescence, and also attempts to arbitrarily restrict or eliminate the First Amendment rights of the interveners in their forthright and civic-minded intervention.

#### PART I

The Citizens now urgently petition the United States Senators from the Commonwealth of Pennsylvania to oversee this federal proceeding in the public interest by directing the General Accounting Office (GAO) to send a team of investigators to the premises of the Berwick plant site for an in-depth inspection, and the requisition the relevant documents, and to take depositions from selected employees of contractors, vendors, and PP&L personnel assigned to Berwick. There has occurred some very serious construction deficiencies at Berwick which have been covered-up. The ultimate impact of which could possibly make the accident at Three Mile Island look like a church picnic.

Protocol would dictate that the congressman from the 11th District of Pennsylvania should request any GAO inquiry. However, that congressman will be resigning from the Congress in a few weeks. A vacancy and a vacuum will be created. Therefore, as the at-large elected representatives of the people of Pennsylvania, including the 11th District, it is clearly your responsibility Senator Schweiker and Senator Heinz to presently look into the NRC

mishandling of the Berwick licensing case, including the intense mistreatment of the interveners...your constituents! This is a formal petition Senator Schweiker and Senator Heinz to use your good offices to initiate a GAO investigation of the Berwick atomic power plant construction site, and the unorthodox and intimidating preliminaries to public hearings on Berwick conducted by the NRC.

To be convinced of the legitimacy of your constituents' grievances, the Citizens suggest that your administrative aides arrange to meet with the four separate intervenor groups sometime in January, 1980, at Berwick, Pa. to take statements and obtain relevant data. Each intervenor has their own story to tell. Secondly, Senator Schweiker and Senator Heinz, you could each urge the NRC Commissioners to direct the withholding of any further restrictive orders pertaining to the intervention on Berwick until your offices receive and evaluate these constituent-intervenor complaints.

## PART II

On October 9, 1979, the Citizens submitted a motion to the Board that stated in part "Citizens Against Nuclear Dangers move for a protective order by the Board against the massive amounts of discovery documentation demanded by the NRC staff, which is 'oppressive and inappropriately burdensome' under the Commission's rules of procedure." This motion was preceded, over a period of time by various valid objections to the Board from the Citizens and the other intervening groups, taken together to form a litany of legitimate objections. The Board as of this date has not yet issued a definitive ruling concerning a protective order, and we request the Board to do so presently. The Citizens believe that this motion holds precedence.

The Citizens inadvertently omitted the inclusion of the Applicants in the October 9th motion. Therefore, the Citizens hereby amend that motion to read: "The Citizens Against Nuclear Dangers move for a protective order by the Board against the massive amounts of discovery documentation demanded by the NRC staff, and the Applicants, which is 'oppressive and inappropriately burdensome' under the commission's rules of procedure.

The Board's Memorandum and Order on Discovery Motions, dated October 30, 1979, purports to instruct the parties to the intervention what to do next in the botched-up pre-hearing proceedings. This Order is also replete with code words. Unfortunately, the Citizens are not trained in the art of cryptography and have not been able to break the NRC code; anymore than they could decipher the citations in past orders, of restrictive administrative NRC rulings at past unrelated hearings in far flung corners of the continent, as well as, dealing with such matters as floating nukes off the Jersey shore and presumably all the ships at sea.

The Citizens will nevertheless attempt to respond to the most recent Order. It may appear that the Board considers the voluminous discovery interrogatories relevant and meaningful. The Citizens are inclined to agree, but they should be answered by the most qualified persons.

It is also obvious from the correspondence over the past year authored by the distinguished and learned attorneys for the Applicants and the NRC legal office that the Board can expect almost non-stop objections at public hearings from them challenging the credibility of whatever interrogatory responses that are filed by interveners based mostly on their limited second-hand research.

Therefore, in order to assist the Board in conducting public hearings fairly and expeditiously, the Citizens are proposing that the Board utilize its extraordinary power of subpoena and pose every applicable specific discovery question formulated by the NRC staff and the Applicants to be answered by the appropriate qualified government officials at the state and federal level who have first-hand expert knowledge of these matters in the course of their government service. These sworn depositions accompanied by technical supporting documents, when applicable, should be obtained in time to be duplicated and distributed by the Board to all parties sixty days prior to the start of public hearings. The Citizens will accept these expert factual responses in lieu of their own replies and as the basis for their testimony and accompanying background information. The Board should also call as witnesses at the hearings some of the persons whose affidavits they have obtained. This alternative should satisfy the NRC staff and the Applicants, because they will obtain the alleged needed information concerning their interrogatories and be assured of what to expect from the interveners prior to the hearings.

The persons the Citizens wish the Board to interview, at government expense of course, are those persons, such as an executive director, who have direct responsibility for the environmental or health and safety policies and programs of their agency of government. In addition, those persons in these agencies, who, in the course of their duties, performed the actual tests, surveys, and computer modeling, etc., or prepared on-line reports relevant to the interrogatories, should definitely also be identified and interviewed under oath.

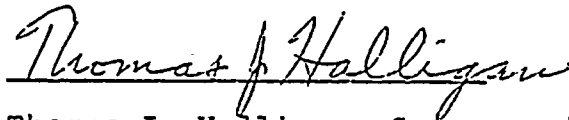
The agencies to be contacted for this information include, but not necessarily limited to, are the following:

Commonwealth of Pennsylvania

1. Governor's Energy Council
2. Governor's Office of State Planning & Development
3. Pa. Department of Health  
Bureau of Laboratories and Epidemiology
4. Pa. Department of Agriculture  
Bureau of Animal Industry  
Bureau of Foods and Chemistry
5. Pennsylvania Emergency Management Agency
6. Pa. Department of Environmental Resources  
Division of Hazardous Waste Management  
Division of Water Quality  
Bureau of Radiation Protection & Occupational Health  
Divisions of Environmental Radiation, Radiation Control  
and Occupational Health.
7. Pennsylvania Fish Commission  
Bureau of Waterways
8. Pa. Public Utility Commission  
Bureau of Conservation, Economic and Energy Planning
9. Susquehanna River Basin Commission.  
Federal Commissioner--U.S. Secretary of Interior  
Governors of New York, Pennsylvania, Maryland (State Commissioners)
10. U.S. Army Corps of Engineers  
Baltimore Regional District Office
11. U.S. Securities and Exchange Commission
12. Federal Energy Regulatory Commission
13. U.S. Department of Energy  
Oak Ridge National Laboratories  
Argonne National Laboratory
14. U.S. Nuclear Regulatory Commission  
Resident Inspector, Berwick Atomic Power Plant  
Division of Site Safety and Environmental Analysis  
Division of Project Management  
Light Water Reactors  
Division of Systems Safety  
Containment Systems Branch  
Division of Reactor Operations Inspection  
Reactor Safeguards Licensing Branch

The Citizens hereby move the Board to adopt the above recommendation to subpoena the responsible government officials to respond to the applicable interrogatories, rephrased if necessary so as not to slant the questions, in order to obtain objective and authoritative expert answers that will be admissible before the Board. The Citizens further move the Board to convene a special pre-hearing conference on this subject at Wilkes-Barre, Pa. or Berwick, Pa. in January or February, 1980, to arrange the details for the taking of depositions, and setting the guidelines, etc. The Board may wish to include additional questions of its own to specific contentions at that time. The conference could also clarify any other issues outstanding concerning the forthcoming public hearings.

Respectfully submitted



Dated: December 11, 1979.

Thomas J. Halligan Correspondent

CERTIFICATE OF SERVICE

I hereby certify that copies of Citizens Against Nuclear Dangers  
Petition For A Government Inquiry; Replies To Discovery Order;  
Motions On Interrogatories Before The Atomic Safety And  
Licensing Board have been served on the following by deposit in the  
United States mail, first class, this 11 day of December, 1979.

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