

UNITED STATES OF AMERICA

NUCLEAR REGULATORY COMMISSION

9/29/78

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

APPLICANTS' ANSWER TO REQUEST FOR AN
OPERATING LICENSE HEARING AND PETITION
FOR LEAVE TO INTERVENE SUBMITTED BY THE
ENVIRONMENTAL COALITION ON NUCLEAR POWER

On August 9, 1978, the Nuclear Regulatory Commission ("NRC") published in the Federal Register a "Notice of Receipt of Application for Facility Operating Licenses; Availability of Applicant's Environmental Report; and Consideration of Issuance of Facility Operating Licenses Opportunity for Hearing". 43 Fed. Reg. 35406. This Notice stated that the NRC, following completion of specified actions, will consider the issuance of operating licenses to Pennsylvania Power & Light Company and Allegheny Electric Cooperative, Inc. (collectively "Applicants") for the Susquehanna Steam Electric Station, Units 1 and 2 ("SSES"). The Notice provided that any person whose interest may be affected by the proceeding may file, by September 8, 1978, a petition to intervene.

In a filing dated September 5, 1978, the Environmental Coalition on Nuclear Power ("ECNP") requested a hearing and petitioned for leave to intervene. For the reasons set forth below, Applicants submit that the ECNP's pleading does not comply with the requirements of NRC regulations and should be denied. However,

Applicants would not object to a reasonable period of time for ECNP to cure the deficiencies in its pleading.

The tests for petitions for leave to intervene are set forth in 10 CFR §2.714 and were described in the NRC's August 9, 1978 Federal Register notice. The petition must set forth with particularity the petitioner's interest in the proceeding, how that interest may be affected by the results of the proceeding, and the specific aspect or aspects of the subject matter of the proceeding as to which the petitioner wishes to intervene. The petition should also address the nature of the petitioner's right under the Atomic Energy Act to be made a party, the nature and extent of the petitioner's interest in the proceeding, and the possible effect of any order which may be entered in the proceeding on petitioner's interest. Under the recent revisions to 10 CFR §2.714, 43 Fed. Reg. 17801 (April 26, 1978), a petitioner has until 15 days prior to the first prehearing conference to submit the contentions which he seeks to litigate.

ECNP's petition fails to comply with these requirements in at least one respect in that it does not identify a member who lives or conducts substantial activities in reasonable proximity to SSES.^{1/} Each of the three ECNP offices identified on their


^{1/} See Duquesne Light Co. (Beaver Valley Power Station, Unit No. 1), ALAB-109, 6 AEC 243 (1973) where ECNP was denied intervention status for failing to identify a member who lived or conducted substantial activities in reasonable proximity to the facility at issue in that proceeding.

letterhead (Jenkintown, State College, and Peach Bottom) are more than 80 miles from the SSES site. ECNP's petition, p. 3, recognizes this deficiency by indicating that an affidavit "setting forth a legitimate interest on the basis of residence near the Susquehanna plant is being filed separately by some of the affected members of the Environmental Coalition on Nuclear Power". Applicants have yet to receive such an affidavit and in its absence believe that the ECNP petition should be denied. Should such an affidavit be submitted within a reasonable period of time, Applicants would agree that ECNP has adequately demonstrated its interest in this proceeding.

Respectfully submitted,

SHAW, PITTMAN, POTTS & TROWBRIDGE

By


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Dated: September 20, 1978

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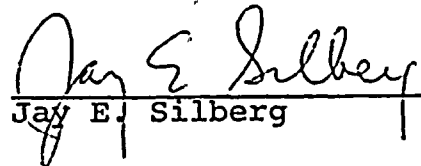
CERTIFICATE OF SERVICE

This is to certify that copies of the foregoing "Applicants' Answer to Request for an Operating License Hearing and Petition for Leave to Intervene Submitted by the Environmental Coalition on Nuclear Power" were served by deposit in the U. S. mail, first class, postage prepaid, this 20th day of September, 1978, to:

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

James M. Cutchin, IV, Esquire
Office of the Executive Legal Director
U. S. Nuclear Regulatory Commission
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Jay E. Silberg

Dated: September 20, 1978