

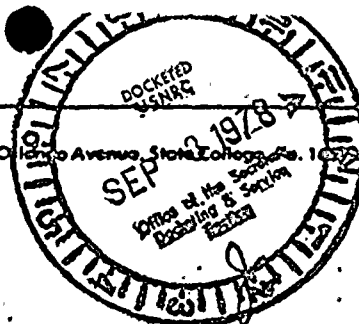
ENVIRONMENTAL COALITION ON NUCLEAR POWER

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UNITED STATES OF AMERICA NUCLEAR REGULATORY COMMISSION

In the Matter of
PENNSYLVANIA POWER AND LIGHT CO.
ALLEGHENY ELECTRIC COOPERATIVE, INC.
(Susquehanna Steam Electric Station,
Units 1 and 2)

Docket Nos. 50-387
50-388

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

The following request and petition are filed in accordance with 10 CFR 2.714 revised, in response to the Federal Register notice of August 9, 1978 (FR: 43:154:35406-8). The Environmental Coalition on Nuclear Power (ECNP), a public-interest, non-profit citizens organization with membership in Pennsylvania and adjoining states, requests that the Nuclear Regulatory Commission (NRC) hold an adjudicative hearing on the application by the Pennsylvania Power and Light Company and Allegheny Electric Cooperative, Inc. (Applicant) for a facility operating license to possess, use, and operate the Susquehanna Steam Electric Station, Units 1 and 2 (Susquehanna), in Salem Township, Luzerne County, Pennsylvania.

The Environmental Coalition on Nuclear Power also petitions for leave to intervene as a full party to this proceeding. As of the date of preparation of this petition (September 4, 1978), these petitioners have received neither the pertinent documents, which were requested by letter of August 21, 1978, from the NRC Director of the Division of Project Management nor written response to an August 21 request addressed to the Secretary of the Commission for an extension of filing time in which to receive and peruse those documents in order to specify properly in this petition the interests of and issues to be raised by the petitioners. Therefore this petition will conform with the requirements of the revised 10 CFR 2.714 (FR: 43: 81: 17798-803, April 26, 1978) in so far as it is possible to do so within these limitations.

With this petition ECNP renews its earlier request for the documents submitted by the Applicant to the NRC. Distances to the nearest public documents room are prohibitively great and lack of the documents would deny petitioners due process to participate in the proceeding.

In accordance with the requirements of 10 CFR 2.714 (d) (1-3), ECNP states its rights and interests as follows:

- (1) The nature of the petitioners' right under the Atomic Energy Act of 1954, as amended, to be made a party to the proceeding

Acknowledged by card. *9/13 S. H.*

lies fundamentally in the fact that members of ECNP reside, own property, and/or own and operate businesses within at least five to forty miles radius of the Susquehanna plant, and will therefore be directly and personally affected by any future operations or malfunctions of these atomic reactors. In addition, ECNP members reside or own property near transportation routes which may be used by the Applicant for the transport of hazardous radioactive materials associated with the operation of the Susquehanna plant; reside or own property near transmission lines associated with the Susquehanna plant; reside or own property near other nuclear facilities associated with the nuclear fuel cycle required to support Susquehanna; have or expect to have children whose future health, safety, and economic well-being may be adversely affected by the operation of Susquehanna or its associated nuclear fuel cycle facilities and activities; are ratepayers of the Applicants; and are federal, state, and local taxpayers who are required to assume the externalized costs attendant upon construction, operation, fuel cycle, and waste management activities required for the Susquehanna plant.

The Atomic Energy Act of 1954, as amended, and the National Environmental Policy Act of 1969 mandate protection both of the public's health and safety and of the quality of the environment.

- (2) Petitioners submit that issuance of an operating license which permits the Susquehanna plant to become radioactive, to operate, and thereby to create man-made, or expose naturally occurring, radioactive materials at any spatial or temporal point in the full nuclear fuel cycle creates a detrimental and undue burden on the health, safety, and financial interests of the persons specified above.
- (3) An order granting an operating license or otherwise allowing the Susquehanna plant to become radioactive, to operate, and to create such radioactive hazards and other health, safety, and economic effects as are cited above will adversely affect the petitioners' interests set forth above.

Having been misled half a decade ago to believe that their concerns and issues raised in Limited Appearance statements at the mandatory Susquehanna construction permit hearings would receive serious adjudicative consideration and response from the Atomic Safety and Licensing Board, the ECNP members now wish to have their interests protected by active full participation as an intervening party at the operating license stage with respect to matters they believe have not been properly examined or which have arisen since the time of the construction permit hearings (e.g., the presently existing radon vacancy in Table S-3, 10 CFR 51.20 (e) and evacuation and emergency response planning beyond the Low Population Zone). These and other matters must be adequately considered before the Susquehanna plant may operate in order to comply with the Atomic Energy Act and the National Environmental Policy Act.

In the continuing absence of the requested documents pertaining to Susquehanna, "the specific aspects of the subject matter as to which petitioner wishes to intervene" (FR 34: 154: 35406-8) can here be identified only as issues of reactor design and construction; environmental and health and safety effects consequent upon operations and decommissioning/decontamination in the vicinity (forty miles radius) of the plant; environmental and health and safety aspects of other portions of the nuclear fuel cycle (e.g., radon from mining, mill tailings, and other sources); economic costs associated with the plant; and the issue of the need for power. These items will be elaborated with greater specificity in amendments to this petition and in the contentions to be submitted prior to prehearing conferences.

The Environmental Coalition on Nuclear Power, as a result of its prior participations and positive contributions to the licensing process for other reactors (See description in our August 21 letter to the Secretary of the Commission and Intervenor filings before the Atomic Safety and Licensing Boards, Appeal Boards, Commission, and the U.S. Court of Appeals, DC Circuit, in Three Mile Island, Units 1 and 2; Peach Bottom, Units 2 and 3; and Fulton, Units 1 and 2) has incurred substantial debts. Petitioners request financial assistance from the NRC in order to make the maximum possible public-interest contribution in this proceeding, under whatever authority presently exists or under authority which may in future be given to the NRC during the course of these proceedings.

An affidavit authorizing representation and 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. This petition is signed by the Co-Director of the organization and in the absence of Dr. Chauncey Kepford, who has received earlier authorization to represent ECNP before the Commission and its Boards.

Petitioners incorporate by reference their letter of August 21, 1978, to the Secretary of the Commission requesting an extension of time to file this petition to intervene; this is done in order that other points concerning our interest and right to participate in this proceeding which may have been inadvertently omitted here will be given consideration as part of this petition for leave to intervene. It was suggested to us by the NRC Staff counsel in a telephone conversation on or about August 31 or September 1 that the information contained in our August 21 letter would be adequate to gain Staff support for this intervention petition.

Respectfully submitted,

Judith H. Johnsrud

Dr. Judith H. Johnsrud
Co-Director
Environmental Coalition on
Nuclear Power
433 Orlando Avenue
State College, Pa., 16801

Dated 5th September 1978

CERTIFICATE OF SERVICE

I, Judith H. Johnsrud, certify that copies of REQUEST FOR AN OPERATING LICENSE HEARING AND PETITION FOR LEAVE TO INTERVENE SUBMITTED BY THE ENVIRONMENTAL COALITION ON NUCLEAR POWER have been served upon the requisite parties listed below by deposit in the U.S. Mails, first class, postage paid, this 5th day of September, 1978.

Secretary of the Commission
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555
attn.: Docketing and Service Section

Executive Legal Director
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Jay Silberg, Esq.
Shaw, Pittman, Potts, et al.
1800 M Street NW
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cc - Director,
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