

April 15, 1982

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

APPLICANTS' RESPONSE TO "CITIZENS AGAINST
NUCLEAR DANGERS PROPOSED FINDINGS OF FACT
AND CONCLUSIONS OF LAW, BASED ON
IMPORTANT NEW INFORMATION AND RECOMMENDATIONS
TO THE NRC COMMISSIONERS AND THE CONGRESS"



In a filing dated April 2, 1982 entitled "Citizens Against Nuclear Dangers Proposed Findings of Fact and Conclusions of Law, Based on Important New Information and Recommendations to the NRC Commissioners and the Congress" ("CAND Motion") intervenor Citizens Against Nuclear Dangers ("CAND") seeks essentially to have the record in this proceeding reopened to consider certain new matters.^{1/} These include statements allegedly made by the

^{1/} CAND does not describe its April 2, 1982 filing as constituting a motion to reopen the record, but as "present[ing] findings of fact and conclusions of law." CAND Motion at 1. The document, however, contains a repetition of previously-raised complaints about alleged procedural irregularities through the course of this proceeding (see CAND Motion at 2-6), the above mentioned new matters (*id.* at 6-8), some argumentative statements about the Applicants' testimony on Contention 17 (*id.* at 8-9), and a discussion of a matter disposed by summary disposition over a year ago (*id.* at 10). Clearly, none of this material constitutes proposed findings of fact and conclusions of law; even if such findings were included, they would be untimely and require no consideration by the Board. Therefore, CAND's filing needs to be addressed only insofar as it implicitly seeks to have the record reopened to consider the identified "new matters."

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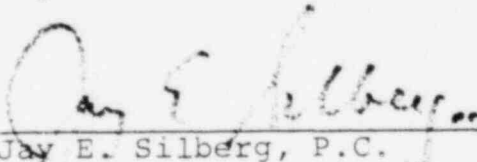
Chairman of the Commission regarding "the failure of the utilities' and their vendors quality assurance program" (CAND Motion at 1); the "current investigation of collusion related to the Diablo Canyon safety review" (id.); and the "major violations and breakdown of quality control at the Zimmer Nuclear Power Station..." (id.).

CAND has failed, however, to meet the requirements for reopening the record. It is well settled that, in order to reopen the record of a proceeding due to new information, the matter sought to be addressed must be timely presented and raise a significant safety issue. Vermont Yankee Nuclear Power Corp. (Vermont Yankee Nuclear Power Station), ALAB-138, 6 AEC 520, 523 (1973); Kansas Gas & Electric Co. et al. (Wolf Creek Generating Station, Unit 1), ALAB-462, 7 NRC 320, 337-38 (1978); Northern Indiana Public Service Co. (Bailly Generating Station, Nuclear-1), ALAB-227, 8 AEC 416, 418 (1974). Here, CAND has given no indication that the alleged matters would raise significant safety issues in this proceeding. More importantly, CAND has failed to even establish the relevance of the alleged new matters, all of which relate to other applicants and facilities, to the instant proceeding. Therefore, CAND's motion that the record be reopened to consider these new matters has no basis and should be denied.

Respectfully submitted,

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By


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Dated: April 15, 1982.

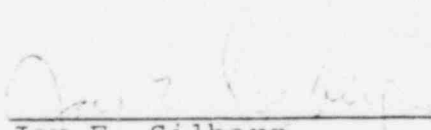
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CERTIFICATE OF SERVICE

This is to certify that a copy of the foregoing "Applicants' Response to 'Citizens Against Nuclear Dangers Proposed Findings of Fact and Conclusions of Law, Based on Important New Information and Recommendations to the NRC Commissioners and the Congress'" was served by deposit in the United States Mail, First Class, postage prepaid, this 15th day of April, 1982, to all those on the attached Service List.



Jay E. Silberg

Dated: April 15, 1982

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NUCLEAR REGULATORY COMMISSION
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