

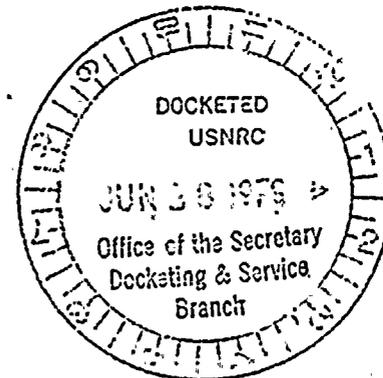


UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
WASHINGTON, D. C. 20555

June 27, 1979

6/27/79

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



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

Dear Dr. Johnsrud:

I received a copy of the ECNP request to the Executive Director for Operations for production of certain documents by the NRC. ECNP cited 10 CFR 2.744 of the Commission's regulations as authority for its request. As you may be aware, that procedure is appropriate only when an NRC document or record is not available pursuant to 10 CFR 2.790. Also, it requires that the requesting party state why the record or document is relevant to the proceeding. If the Executive Director for Operations objects to producing the NRC record or document, additional procedural steps are required to be taken before the production of the requested documents and records may be ordered by the presiding officer. Seldom has it been necessary for a party to resort to that procedure to obtain NRC documents and records. We are certainly not at the point where resort to that procedure is either necessary or appropriate in this proceeding.

ECNP has not identified any of the NRC documents or records that it seeks to have produced by the Staff as being unavailable in the NRC Public Document Room (PDR) at 1717 H Street, N.W., in Washington, D.C. Final NRC documents and records including, among others, NUREG reports, transcripts of Commission meetings, transcripts of hearings on license applications and translations of foreign language reports are available in the PDR. However, if ECNP is unable to obtain for inspection and copying at the PDR any of the NRC documents and records that it has listed and will identify them, the Staff will make those documents available for inspection and copying at the office of NRC Staff counsel in Bethesda, Maryland.

Moreover, a number of the documents on the ECNP list - those bearing a "NUREG", "PTR", "WASH", "SAND", "TID", "CONF" or "ORNL" designation - may be purchased from the National Technical Information Service (NTIS). Availability and prices

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may be determined by calling the NTIS sales desk at 703-557-4650. Places and addresses where most of the documents on the ECNP list may be located are set forth in Enclosure 1. Clearly many of the documents listed by ECNP are readily available to all members of the public, are not under the exclusive control of the NRC and need not be produced by the Staff. However, to the extent that the Staff has copies of "other-than-NRC" documents listed by ECNP, the Staff will make them available for inspection and copying--along with the NRC documents identified by ECNP as not available in the PDR--at the office of NRC Staff counsel.

In addition to its requests for production of documents, ECNP included in its discovery requests several interrogatories directed to the NRC Staff. As you also may be aware, 10 CFR 2.720 governs interrogatories to the Staff. Interrogatories directed to the NRC Staff must be filed with the presiding officer. Only after a finding by the presiding officer that answers to those interrogatories are necessary to a proper decision in the proceeding and are not reasonably obtainable from any other source may the Staff be required to answer the interrogatories. Again, it has seldom been necessary for a party to resort to that procedure to obtain answers to interrogatories directed to the Staff. Nor is that yet necessary in this proceeding.

On the second page (Item 1) of its discovery request ECNP asks for assumptions, references and calculations related to analysis of doses to critical lung tissue. The Staff believes that the information requested is provided at pages G-44 and G-45 of Volume II of NUREG-0511.

On the second page (Item 2) of its discovery request ECNP asks for calculations, assumptions and references used in the cost-benefit analysis for the Susquehanna facility, with emphasis on compliance with 10 CFR 51.20(c). That section of the Commission's regulations relates to the "Applicants' Environmental Report - Construction Permit Stage." As the Chairman noted at the prehearing conference, the Licensing Board has no jurisdiction to consider anything with respect to construction of the facility (Transcript at 25). Since, in accordance with 10 CFR 2.740(b) of the Commission's regulations, discovery in this proceeding is limited to that related to matters in controversy which were identified in the prehearing conference order dated March 6, 1979, this discovery request appears to be improper.

On the second page (Item 3) of its discovery request ECNP asks for identification of references to support comparisons of radon-222 releases caused by operation of the Susquehanna facility with natural releases of radon-222. The Licensing Board rejected ECNP's claim that it is inappropriate to compare radiation attributable to Susquehanna with background radiation at page 15 of its Special Prehearing Conference Order dated March 6, 1979. For the same reasons discussed in connection with Item 2 above, this discovery request does not appear to be a proper one.

On the third page of its discovery request, identified as related to ECNP Contention 6, ECNP asks for information about emergency response and evacuation requirements, radiation monitoring data and correspondence. Although the request is very broad, the Staff believes that all such information is available in the PDR. In addition, the information related to Three Mile Island, Unit 2 is available in the local public document room for that facility, the location of which is well-known to ECNP representatives. Its address is State Library of Pennsylvania, Government Publications Section, Education Building, Commonwealth and Walnut Streets, Harrisburg, Pennsylvania 17126.

On the third and fourth pages of its discovery request, identified as related to ECNP Contention 7, ECNP asks for several categories of NRC documents. NUREG-0460, a three-volume report on anticipated transients without scram (ATWS) is a report on ATWS that was issued subsequent to WASH-1270. NUREG-0510 is the most recent report to Congress describing unresolved generic safety problems. Portions of the transcripts of the hearings in the Black Fox proceeding (Docket Nos. 50-556 and 50-557) in which unresolved safety problems were discussed are as follows:

Pages 8294 through 8445 (February 26, 1979)  
Pages 8450 through 8465 (February 27, 1979)  
NUREG-0471

All of these documents are available in the PDR. Also, they may be purchased from NTIS.

On the fourth page of its discovery request, identified as related to ECNP Contention 7, ECNP asks for a description of each design basis accident. For each such accident it asks for an indication as to which of the engineered safeguards relied upon for safety has been tested under realistic accident conditions and which has been calculated to be effective by analysis. As noted above, under 10 CFR 2.740(b) of the Commission's regulations, discovery in this proceeding is limited to that related to matters in controversy which were identified in the prehearing conference order dated March 6, 1979. Whether engineered safeguards may be qualified by means other than testing under realistic accident conditions is not a matter in controversy in this proceeding. Moreover, because of the rather narrow focus of ECNP Contention 7, the Staff does not believe that the information sought would lead to the discovery of admissible evidence. (See 10 CFR 2.740(b)(1)). This appears especially true in light of the Board's ruling on SEA 11 and CAND 3 at pages 72-3 of its prehearing conference order dated March 6, 1979.

Finally, on the fourth page of its discovery request, identified as related to ECNP Contention 9, ECNP asks for a copy of the Atomic Industrial Forum (AIF) report and any NRC reports on decommissioning. The AIF report may be obtained from the AIF at the address shown in Enclosure 1. NRC reports on decommissioning are:

NUREG-0278  
NUREG-0436  
NUREG/CR-0130  
NUREG/CR-0131  
NUREG/CR-0134

These reports are available for inspection and copying at the PDR. Also, they may be purchased from the NTIS.

Sincerely,

James M. Cutchin, IV  
Counsel for NRC Staff

Enclosure  
As Stated

cc w/encl: Charles Bechhoefer, Esq., Chairman  
Mr. Glenn O. Bright  
Dr. Oscar H. Paris  
Jay Silberg, Esq.  
Mr. Thomas M. Gerusky  
Ms. Colleen Marsh  
Mrs. Irene Lemanowicz  
Susquehanna Environmental Advocates  
Bryan A. Snapp, Esq.  
Atomic Safety and Licensing Board Panel  
Atomic Safety and Licensing Appeal Board  
Docketing and Service Section

ENCLOSURE 1

PLACES & ADDRESSES WHERE DOCUMENTS ON ECNP LIST MAY BE LOCATED

- NTIS - National Technical Information Service  
Springfield, Virginia 22161  
Availability and prices of documents may be  
determined by calling the NTIS sales desk.  
(Phone 703-557-4650)
- DOE (or ERDA) - Department of Energy  
Washington, D.C. 20545
- ORNL - Oak Ridge National Laboratory  
P.O. Box X  
Oak Ridge, Tennessee 37830
- PDR - U.S. Nuclear Regulatory Commission  
Public Document Room  
1717 H Street  
Washington, D.C. 20555  
Reading Room available.
- BNPL - Battelle Pacific Northwest Laboratory  
Battelle Boulevard  
Richland, Washington 99352
- EG&G - Mr. Larry Spilker (Freedom of Information Officer)  
EG&G Idaho Inc.  
P.O. Box 1625  
Idaho Falls, Idaho  
(Phone 208-526-1655)
- Brookhaven - Brookhaven National Laboratory  
Upton, Long Island, New York 11973  
(Phone 516-345-2123)
- National Academy of Sciences - National Academy of Sciences  
2101 Constitution Avenue  
Washington, D.C. 20418
- MIT - Massachusetts Institute of Technology  
Cambridge, Massachusetts 02139
- AIF - Publications Office  
Atomic Industrial Forum, Inc.  
701 Wisconsin Avenue  
Bethesda, Maryland  
(Phone 301-654-9260)