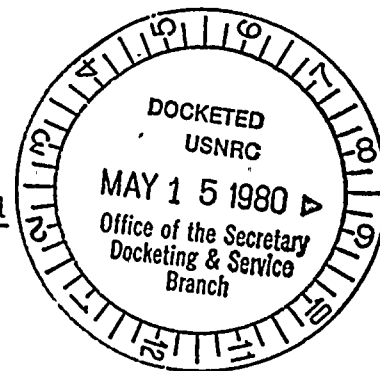


May 14, 1980

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

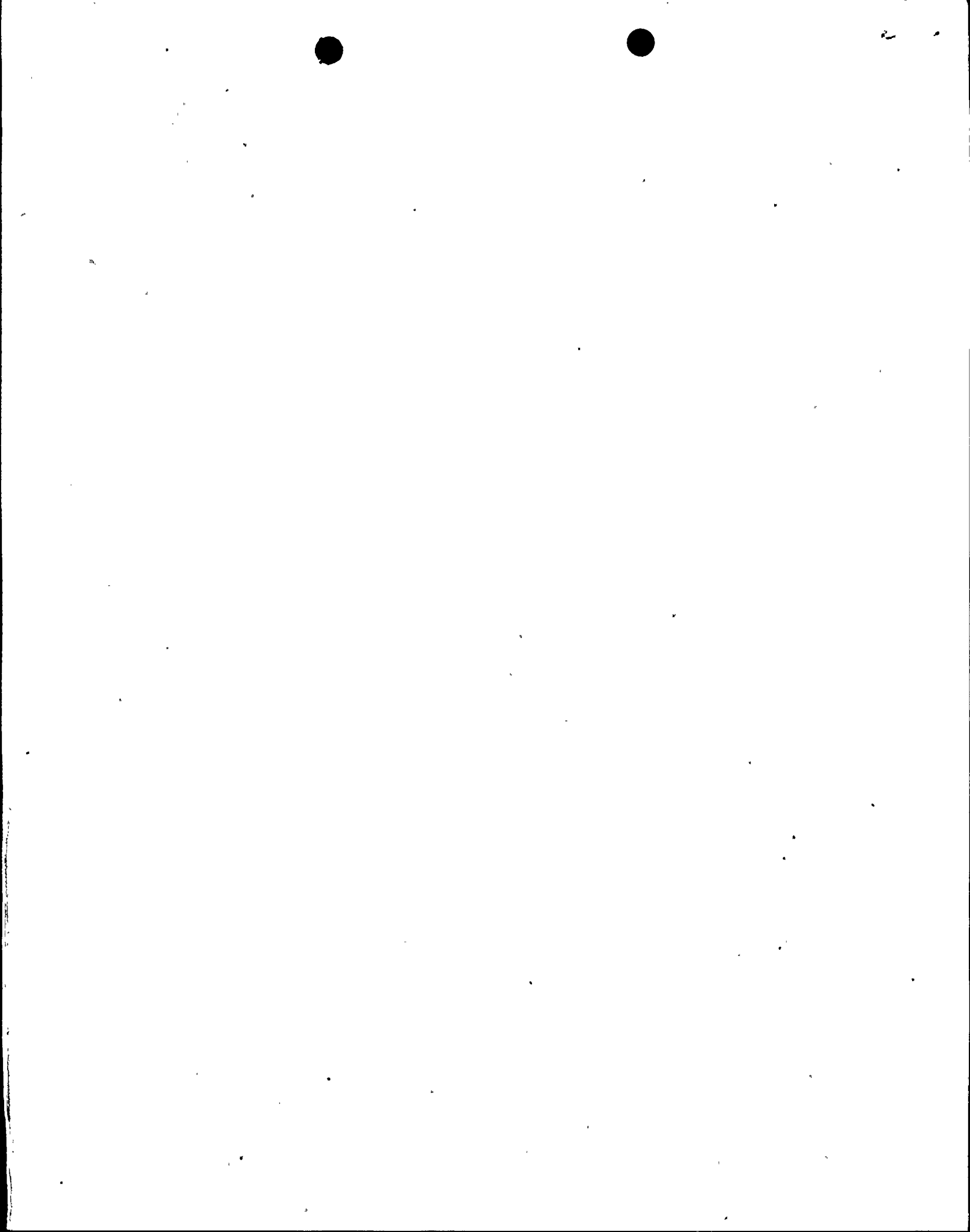
APPLICANTS' ANSWER TO MOTIONS  
OF CITIZENS AGAINST NUCLEAR DANGERS

In its April 29, 1980 filing entitled "Citizens Against Nuclear Dangers Motions and Replies to Interrogatories Concerning Contentions Nos. 2, 16 & 17" and its April 30, 1980 filing entitled "Citizens Against Nuclear Dangers Council on Environmental Quality Motion et al. and Replies to Applicants Interrogatories", Citizens Against Nuclear Dangers ("CAND") has set forth a number of motions regarding its contentions in this proceeding. Because of the similar nature of some of these motions, a consolidated response is appropriate.

1. Transfer of Contentions

In its April 29 filing, CAND moves the Licensing Board to remove Contentions 2,\* 16 and 17 from the category of environmental issues and convert them to "public health and safety" issues. The

\*CAND only appears to be requesting the removal of that portion of Contention 2 which deals with chlorine. See April 29, 1980 filing, p. 5. However, this limitation does not change the nature of Applicants' response.



explanation of the requested transfer is that the issues are now perceived to be issues affecting the "public health" and are thus "no longer merely an "environmental" concern of people in the affected areas." April 29, 1980 filing at p. 5. CAND's argument misperceives the distinction between "environmental" issues and "radiological health and safety" issues. Under the Commission's regulations and precedent, the issues which may be raised in "environmental" hearings include the public health consequences of NRC licensing actions. Thus, as recognized in the Licensing Board's Special Prehearing Conference Order, LBP-79-6, 9 NRC 291 (March 6, 1979), it is appropriate to litigate as environmental issues the consequences to the public health of radiological emissions and chemical discharges from the plant, of transmission line operation, and of herbicides used in transmission line maintenance. That allegations may be made that these activities cause injuries or fatalities does not convert them from environmental into radiological health and safety issues. Regardless of the asserted magnitude of the impacts, the contentions remain as issues under the National Environmental Policy Act, rather than under the Atomic Energy Act or the Energy Reorganization Act. CAND's motions to transfer these issues should therefore be denied.

2. Accident Analysis Under NEPA

In its April 30, 1980 filing, CAND moves the Licensing Board to direct that a new accident analysis be prepared and included in the draft environmental impact statement. The basis for this request is a March 20, 1980 letter to NRC from the Council on Environmental Quality and certain reported statements by the



Chairman of the Commission. The short answer to CAND's motion is that NRC has yet to change its policy concerning the appropriate NEPA analysis of accidents. That policy is accurately reflected in the Licensing Board's Memorandum and Order Concerning Class 9 Accident Contention, LBP-79-29, 10 NRC 586 (October 19, 1979). If and when the Commission announces a change in its policy on accident analyses in environmental impact statements, that new policy will govern any actions by this Licensing Board. Action by the Licensing Board prior to that time is premature.

3. Environmental Review of Transmission Lines

In its April 30, 1980 filing, CAND requests that the Licensing Board order Allegheny Electric Cooperative, Inc., one of the Applicants in this proceeding, "to resubmit that part of the UHV line impact study prepared separately. . . as a draft supplement to the Berwick DIS, in order to be in full compliance with NEPA." According to CAND, Allegheny Electric Cooperative

has previously circumvented the federal environmental laws by slipping through a "mini" impact statement dealing exclusively with a large section (about 40 miles) of the UHV transmission lines from Berwick, seeking approval through the obscure Rural Electrification Administration.


CAND's charges are misplaced. Applicants in February and June, 1976 submitted Amendments 4 and 5 to their Environmental Report--Construction Permit Stage. These amendments described in detail the 500 KV transmission lines associated with the Susquehanna facility, including the 40 miles referred to by CAND. Those amendments were the subject of an Environmental Assessment by the NRC, issued by the Commission on January 26, 1977. That

Environmental Assessment is included in the Draft Environmental Statement Relating to the Operation of the Susquehanna Steam Electric Station, NUREG-0564 (June 1979) as Appendix B. Thus, regardless of the "'mini' impact statement" prepared by the Rural Electrification Administration,\* the NRC has appropriately considered all the UHV transmissions in the totality of the project. The REA's NEPA obligations and reviews are unrelated to NRC's parallel obligations and reviews. No "piecemealing" is involved. CAND's motion should therefore be denied.

Respectfully submitted,

SHAW, PITTMAN, POTTS & TROWBRIDGE

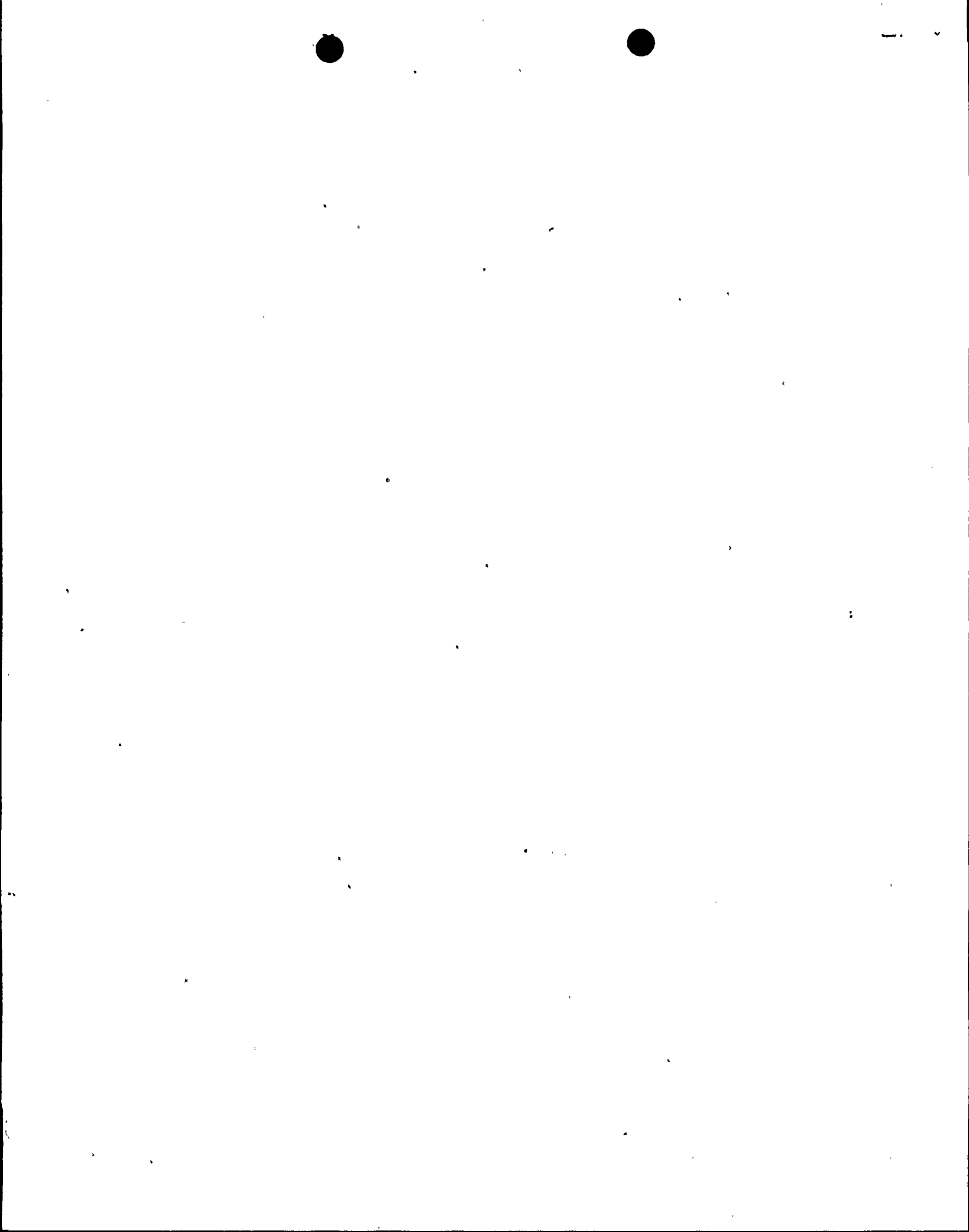
By

  
Jay E. Silberg  
Counsel for Applicants

1800 M Street, N. W.  
Washington, D. C. 20036  
(202) 331-4100

Dated: May 14, 1980

\*We assume that CAND refers to the Final Environmental Impact Statement prepared by the Rural Electrification Administration in September 1977, notice of which was published in the Federal Register on October 25, 1977. 42 Fed. Reg. 56349. Notice of REA's draft impact statement was published on July 8, 1977, 42 Fed. Reg. 35177. The draft EIS was commented on by EPA, Department of Interior, NRC, Department of Agriculture, Corps of Engineers, and Department of Transportation.



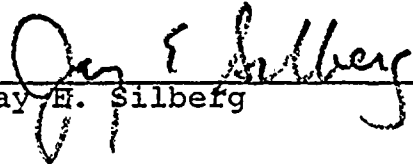
UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

Before the Atomic Safety and Licensing Board

In the Matter of )  
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PENNSYLVANIA POWER & LIGHT COMPANY ) Docket Nos. 50-387  
and ) 50-388  
ALLEGHENY ELECTRIC COOPERATIVE, INC. )  
 )  
(Susquehanna Steam Electric Station, )  
Units 1 and 2) )

CERTIFICATE OF SERVICE

This is to certify that copies of the foregoing "Applicants' Answer to Motions of Citizens Against Nuclear Dangers" were served by deposit in the U. S. Mail, first class, postage prepaid, this 14th day of May, 1980, to all those on the attached Service List.

  
\_\_\_\_\_  
Jay E. Silberg

Dated: May 14, 1980



UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

Before the Commission

In the Matter of )  
)  
PENNSYLVANIA POWER & LIGHT COMPANY ) Docket Nos. 50-387  
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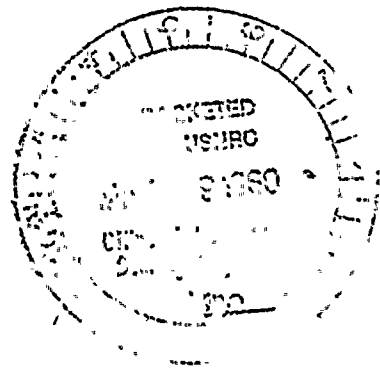
SERVICE LIST

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UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

Atomic Safety and Licensing Board

Charles Bechhoefer, Chairman  
Glenn O. Bright, Member  
Dr. Oscar H. Paris, Member



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

Docket Nos. 50-387  
50-388

MEMORANDUM  
(May 8, 1980)

In its May 1, 1980 filing of additional responses to interrogatories of Applicants and Staff, the Environmental Coalition on Nuclear Power (ECNP) asked for clarification with respect to a filing cited in our Memorandum dated March 27, 1980. There we referred to "ECNP's February 11, 1980 response to the Applicants' February 4, 1980 motion." (p. 4). ECNP asks, "Does the Board mean to refer to the February 18th, 1980, ECNP filing,\*\*\*?" The answer is, "yes."

In paragraph 6 of our March 27, 1980 Memorandum, line 3, "ECNP's February 11, 1980 response" shall be corrected to read "ECNP's February 18, 1980 response". ECNP is granted an extension of time to May 23, 1980 to file a further answer with regard to interrogatory 4B-1.

IT IS SO ORDERED

FOR THE ATOMIC SAFETY AND  
LICENSING BOARD

*Oscar H. Paris, Member*  
for Charles Bechhoefer, Chairman

Dated at Bethesda, Maryland

This 8th day of May, 1980

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

In the Matter of )  
)  
PENNSYLVANIA POWER AND LIGHT ) Docket No.(s) 50-387  
COMPANY ) 50-388  
)  
(Susquehanna Steam Electric )  
Station, Units 1 and 2) )  
)  
)

CERTIFICATE OF SERVICE

I hereby certify that I have this day served the foregoing document(s) upon each person designated on the official service list compiled by the Office of the Secretary of the Commission in this proceeding in accordance with the requirements of Section 2.712 of 10 CFR Part 2 - Rules of Practice, of the Nuclear Regulatory Commission's Rules and Regulations.

Dated at Washington, D.C. this  
9<sup>th</sup> day of May 1980.

Peggy T. Downing  
Office of the Secretary of the Commission

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

In the Matter of )

PENNSYLVANIA POWER AND LIGHT )  
COMPANY, ET AL. )

(Susquehanna Steam Electric )  
Station, Units 1 and 2 )

Docket No.(s) 50-387  
50-388

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