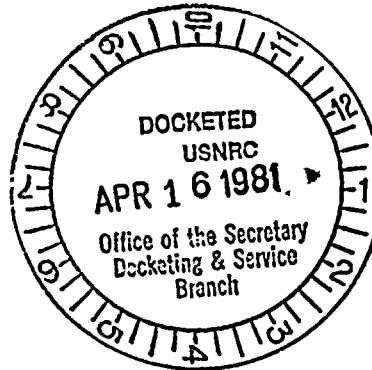


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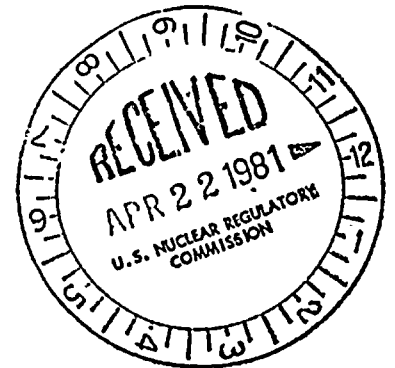
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April 14, 1981

4/14/81



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Administrative Judge Glenn O. Bright
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U. S. Nuclear Regulatory Commission
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Administrative Judge Paul W. Purdom
245 Gulph Hills Road
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Re: Pennsylvania Power & Light Company
Allegheny Electric Cooperative, Inc.
Susquehanna Steam Electric Station,
Units 1 and 2
Docket Nos. 50-387, 50-388

Gentlemen:

Because of the reconstitution of the Atomic Safety and Licensing Board in this proceeding and the rather lengthy history of the case, I am taking the liberty of setting forth Applicants' understanding of the status of this proceeding, the outstanding matters, and proposals for future action.

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Administrative Judge Glenn O. Bright
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I. Contentions

The March 6, 1979 Special Prehearing Conference Order, LBP-79-6, 9 NRC 291, admitted eighteen contentions as issues in this proceeding. Since then, the following has occurred:

- a. Contention 13 (Equipment Alignment): Colleen Marsh, the sponsor of this contention, stated that "this contention is withdrawn as it appears N.R.C. has resolved this problem with Applicant." Colleen Marsh et. al. Answers to First Round N.R.C. Staff Interrogatories, dated July 20, 1979. On January 13, 1981, NRC Staff Counsel wrote to the Board asking that Contention 13 be recognized as formally withdrawn. In a Memorandum and Order dated January 15, 1981, the Board declined to recognize the July 20, 1979 statement as sufficient for withdrawing the contention.
- b. Contention 19, dealing with the TMI accident, was admitted by the Licensing Board's Memorandum and Order Concerning Class 9 Accident Contention, LBP-79-29, 10 NRC 586 (October 19, 1979).
- c. Contention 17 (Transmission Line Impacts): Summary disposition motions for this contention have been filed by Applicants. The first motion, covering ozone, was filed on August 22, 1980. Responses to this motion were filed by the NRC Staff (November 25, 1980) and by the contention's sponsor Citizens Against Nuclear Dangers (CAND) (September 10, 1980 and November 24, 1980). The second summary disposition motion, covering the remaining aspects of the contention, was filed on December 5, 1980. Responses were filed by the NRC Staff (January 9, 1981) and by CAND (January 7, 1981). These motions are pending.
- d. Contention 16 (Cooling Tower Discharge): Applicants' summary disposition motion, filed October 27, 1980, was granted by the Licensing Board in its Memorandum and Order (Ruling on Motions for Summary Disposition of Contentions 2 and 16), LBP-81-8 (March 16, 1981).

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- e. Contention 2 (Chlorine Health Effects): Applicants' November 6, 1980 motion for summary disposition was granted in part and denied in part by the Licensing Board's Memorandum and Order (Ruling on Motions for Summary Disposition of Contentions 2 and 16), LBP-81-8 (March 16, 1981).
- f. Contention 12 (Feedwater Sparger Failure): Applicants filed a motion for summary disposition on March 9, 1981. The NRC Staff filed a response in support on March 30, 1981. No response was filed by Colleen Marsh, the sponsor of the contention. Responses were due on April 6, 1981, under the schedule set in the Special Prehearing Conference Order, 9 NRC at 328. This motion is pending.
- g. Contention 10 (On-site Rail Accident): On April 14, 1981, Applicants filed a motion to dismiss this contention on the grounds that its sponsor, CAND, had failed to identify any safety-related equipment which might be affected by an on-site rail accident, as specifically required by the Special Prehearing Conference Order, 9 NRC at 316.

II. Discovery

Under the Special Prehearing Conference Order, first round discovery requests were to be filed on May 25, 1979, with responses by June 29, 1979. Much of the subsequent disputes over the failure of CAND, Environmental Coalition on Nuclear Power (ECNP), and Susquehanna Environmental Advocates (SEA) to provide responses to Applicants' and the NRC Staff's May 1979 discovery requests, is set forth in ALAB-613, 12 NRC 317 (September 23, 1980). (Colleen Marsh had provided answers to all discovery requests on July 20, 1979). There remain however several outstanding discovery matters which relate to the May 1979 discovery requests.

- a. Discovery on health and safety contentions. The Licensing Board's October 30, 1979 Discovery Memo II, LBP-79-31, 10 NRC 597, 605-6 (1979), suspended all discovery obligations on health and safety contentions, noting that when the obligation was reimposed, an extended period for responses might not be provided. In response to Applicants'

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October 7, 1980 motion, the Licensing Board in its November 12, 1980 Memorandum and Order Establishing New Discovery Schedule for Safety Issues ordered that responses to discovery requests on all health and safety issues except Contention 6 (Emergency planning) were to be filed by January 16, 1981. In response to January 15, 1981 filings by ECNP and CAND which essentially refused to answer, the NRC Staff on January 30, 1981 filed a motion to compel. Applicants filed an answer in support of this motion (February 12, 1981); ECNP and CAND filed no responses. On February 27, 1981, the Licensing Board issued a Memorandum and Order (Directing CAND and ECNP to Respond to Interrogatories) ordering these parties to respond by March 27, 1981. On March 27, 1981, CAND filed a "Statement on Interrogatories and Motions Before the Licensing Board" stating that it currently did not possess any discovery information sought by NRC and the Staff. ECNP has filed nothing in response to the Licensing Board's February 27 directive. Based on ECNP's failure to comply with the Board's order to compel, Applicants on April 14, 1981 filed a motion to dismiss ECNP as a party to this proceeding.

- b. Discovery on emergency planning issues. The November 12, 1980 Memorandum and Order Establishing New Discovery Schedule for Safety Issues provided that answers to discovery requests on Contention 6 (emergency planning) were due on the later of January 16, 1981, or 15 days following service by Applicants of their new emergency plan. Applicants served the emergency plan on intervenors on December 19, 1980. In response to a request by SEA, the Licensing Board by Order dated January 2, 1981, extended the response date to February 23, 1981. In the absence of any responses from ECNP, SEA or CAND, Applicants on March 3, 1981 filed a motion to compel. The NRC Staff responded in support of the motion on March 18, 1981. On about March 17, 1981 Applicants received "SEA Answers to Interrogatories on Emergency Plan and New Contentions". Applicants pointed out in a March 31,

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1981 letter to the Licensing Board that SEA had not answered the interrogatories. On March 30, 1981 CAND filed answers to Contention 6 interrogatories. Applicants' March 3, 1981 Motion to Compel is pending.

III. New Fuel Storage Application

On December 23, 1980, Applicants filed with the Director, Nuclear Materials Safety and Safeguards, an application to receive and store unirradiated fuel at the Susquehanna site. NRC Staff counsel transmitted a copy of the application to the Board and the parties on January 14, 1981. On March 2, 1981, SEA filed a Petition for Leave to Intervene and Request for Hearing in this matter. The Applicants on March 27 and the NRC Staff on March 30 filed answers requesting that the petition be denied. SEA's petition is pending.

On March 27, 1981, CAND filed its "Statements on Interrogatories and Motions before the Licensing Board" in which it requested that the application not be issued until a hearing was held. On April 9, 1981, Applicants filed their opposition to this request. The NRC Staff response is due by April 16.

IV. Low-Level Waste Facility

In its March 27, 1981 "Statement on Interrogatories and Motions before the Licensing Board", CAND requested a hearing on Applicants' plans to construct a low-level radioactive waste holding facility. On April 9, 1981 Applicants opposed the request, noting that it was premature since no license application had been filed and that, to the extent issues relating to the facility were relevant to Contention 11 (spent fuel and low-level waste storage), they can be litigated as a part of Contention 11. The NRC Staff's response is due by April 16.

V. Proposal for Future Action

Applicants propose that the Licensing Board promptly schedule the evidentiary hearings to begin on a date certain in the Fall and would suggest September 14, 1981. By that

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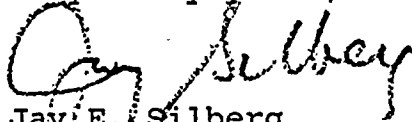
time, the Final Environmental Statement and the Safety Evaluation Reports and its Supplements will have been issued (they are now scheduled for mid-June). Even if they should further slip, or if there should be any new issues raised as a result of new information in any of those documents, the hearing should proceed on all of the current contentions, plus any new issues which can be prepared on a schedule to meet the proposed September 14 date. To the extent that there might be any new issues which cannot be dealt with in the hearing to start on September 14, a subsequent hearing session would be scheduled at a later date.

In setting a hearing schedule, the Board would of course recognize that earlier orders have directed the parties:

1. to identify their expert witnesses and the substance of their testimony at least 60 days before the start of the hearing (Discovery Memo II, LBP-79-31, 10 NRC at 606-7). (This requirement by its terms applies only to testimony on environmental issues since the Board at that time assumed a bifurcated hearing; there is no reason why the same principle should not apply to safety issues); and
2. to file all testimony in writing 21 days before the start of evidentiary hearings. (Special Pre-hearing Conference Order, 9 NRC at 328).

We hope this information and the suggestion for future action are useful for the Licensing Board's consideration.

Very truly yours,



Jay E. Silberg
Counsel for Applicants

JES/rf

cc: Service List

UNITED STATES OF AMERICA

NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

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

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