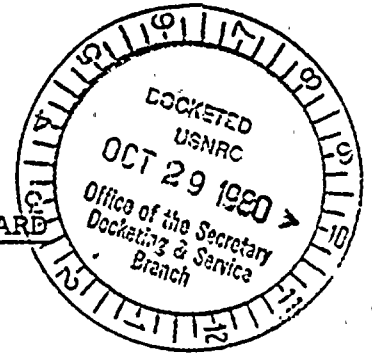


UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION  
BEFORE THE ATOMIC SAFETY AND LICENSING BOARD



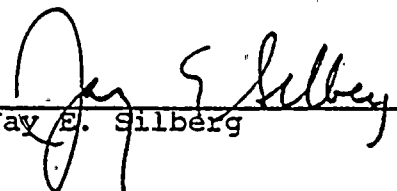
In the Matter of )  
PENNSYLVANIA POWER & LIGHT COMPANY )  
and )  
ALLEGHENY ELECTRIC COOPERATIVE INC. )  
(Susquehanna Steam Electric Station, )  
Units 1 and 2) )

Docket Nos. 50-387  
50-388

10-27-80

CERTIFICATE OF SERVICE

This is to certify that copies of the foregoing "Applicants' Motion For Summary Disposition of Contention 16 (Cooling Tower Discharge)", "Applicants' Statement To Material Facts As To Which There Is No Genuine Issue To Be Heard (Contention 16)" and "Affidavit Of Walter J. Rhoades In Support of Summary Disposition Of Contention 16 (Cooling Tower Discharge)" were served by deposit in the U. S. Mail, first class, postage prepaid, this 27th day of October, 1980, to all those on the attached Service List.

  
Jay E. Silberg

Dated: October 27, 1980

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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  
ALLEGHENY ELECTRIC COOPERATIVE, INC. ) 50-388  
(Susquehanna Steam Electric Station, )  
Units 1 and 2 )

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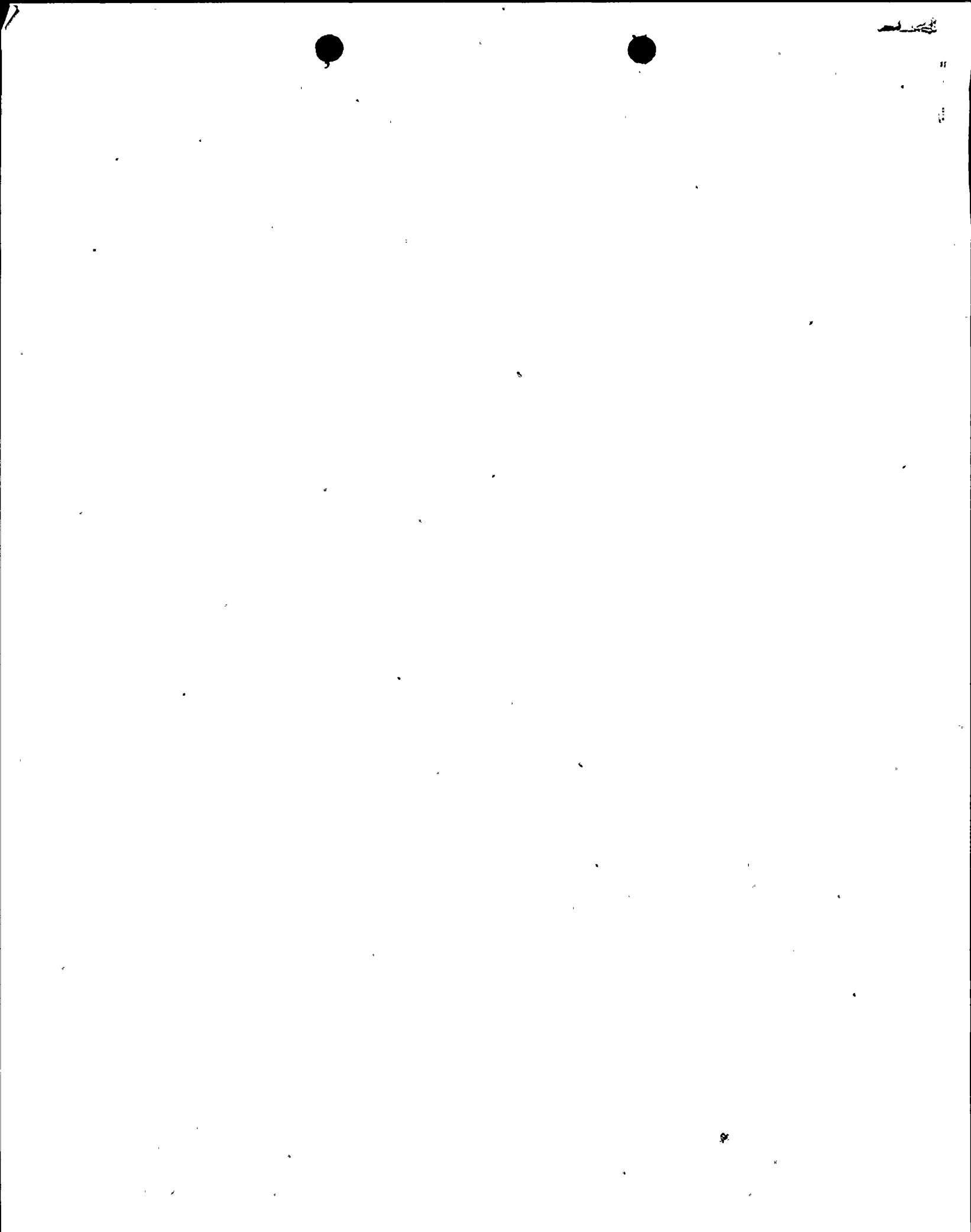
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UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

10-27-80

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of

PENNSYLVANIA POWER AND LIGHT COMPANY,  
ALLEGHENY ELECTRIC COOPERATIVE, INC.

(Susquehanna Steam Electric Station,  
Units 1 and 2)

Docket Nos. 50-387  
50-388

NRC STAFF'S ANSWER IN SUPPORT OF  
APPLICANTS' MOTION TO ESTABLISH A DISCOVERY  
SCHEDULE FOR SAFETY ISSUES

INTRODUCTION

On October 7, 1980, Applicants filed "Applicants' Motion to Establish Discovery Schedule for Health and Safety Issues." Citing the significant reduction that has occurred in the predicted time period between issuance of the Final Environmental Statement (FES) and the Safety Evaluation Report (SER), the Applicants' state that it no longer appears feasible to await completion of a hearing on environmental issues before restarting discovery on safety issues, and request that the Board "reinstate the discovery process." For the reasons discussed below the NRC Staff supports the Applicants' Motion.

DISCUSSION

In its "Memorandum and Order on Discovery Motions (II)" the Board suspended all discovery obligations with respect to safety and combined safety/environmental contentions until after the hearing of environmental issues is

completed.<sup>1/</sup> The Board cited among its reasons for taking that action the fact that such a postponement would not adversely affect the ability of any party to prepare for hearing or prevent the commencement of the hearing on a timely basis.<sup>2/</sup> Another of its purposes was to reduce what it viewed to be the then heavy demands of the discovery process on Intervenors.<sup>3/</sup> As the Applicants point out, changed circumstances support reconsideration of the Board's decision to suspend discovery on safety contentions until the hearing of environmental issues is completed. At the time the Board made its decision to suspend discovery on safety issues it appeared, based on the time period between issuance of the Final Environmental Statement (FES) and the Safety Evaluation Report (SER) and SER Supplement, that the hearing on safety issues could not begin until almost a year after the hearing on environmental issues had begun.<sup>4/</sup>

Based on more recent estimates of the schedule for issuing the FES and the SER it now appears that waiting until after completion of the hearing on environmental issues to reinstate discovery obligations on safety issues could result in unnecessary delays in both the start of the hearing on safety issues and completion

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<sup>1/</sup> LBP-79-31, 10 NRC 597, 605. (October 30, 1979).

<sup>2/</sup> Id.

<sup>3/</sup> Id.

<sup>4/</sup> Id.

of the entire proceeding.<sup>5/</sup> The currently predicted time span between issuance of the FES and the SER is one month. The FES and the SER are scheduled to be issued on January 1 and February 1, 1981, respectively.<sup>6/</sup> It would appear prudent to reinstate discovery obligations on safety issues now while the time demands of this proceeding on parties are relatively light. After completion of the hearing on environmental issues, the duty to prepare proposed findings and conclusions on environmental issues and the obligation to complete discovery and prepare for the hearing on safety issues would impose conflicting time demands on all parties to the proceeding.

CONCLUSION

For the reasons set forth above the Staff believes that the Applicants' request for the reinstatement of suspended discovery obligations on safety issues should be granted.

Respectfully submitted,



James M. Cutchin, IV  
Counsel for NRC Staff

Dated at Bethesda, Maryland  
this 27th day of October, 1980

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<sup>5/</sup> See: Letter from Staff Counsel to Licensing Board Members dated July 10, 1980 (copy attached).

<sup>6/</sup> "Interim Blue Book," NUREG-0580, (August 1, 1980), page 2-27.



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

July 10, 1980

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In the Matter of  
Pennsylvania Power and Light Co.  
Allegheny Electric Cooperative, Inc.  
(Susquehanna Steam Electric Station, Units 1 and 2)  
Docket Nos. 50-287, 50-388

Gentlemen:

At the Special Prehearing Conference held on January 29-31, 1979, I agreed to keep the Board and the parties advised of significant changes in estimated dates for issuance of certain Staff documents. (Tr. at 368.) I have been informed that the Staff's current estimated dates for issuance of the Final Environmental Statement (FES), Safety Evaluation Report (SER) and SER Supplement are early December 1980, early February 1981 and late May 1981, respectively.

Thus the predicted time span between issuance of the FES and issuance of the SER continues to grow shorter. It is now about two months rather than seven months as was predicted when the Board issued its Discovery Order II on October 30, 1979. Based on the longer time span the Board currently plans to wait until after completion of the environmental phase of the hearing to establish a schedule for discovery on safety contentions. It now appears that the Board's current plan for scheduling discovery on safety contentions, when coupled with the time involved should intervenors file additional contentions based on "new information" in the FES as allowed by the Board's Order of June 24, 1980, could result in unnecessary delay in both the start of the safety phase of the hearing and the completion of the proceeding.



I will advise the Board and the parties of further significant changes, if any, in the estimated dates for issuance of the FES, the SER and the SER Supplement.

Sincerely,



James M. Cutchin, IV  
Counsel for NRC Staff

cc: Jay Silberg, Esq.  
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Mr. Thomas M. Gerusky  
Ms. Colleen Marsh  
Mrs. Irene Lemanowicz  
Susquehanna Environmental Advocates  
Bryan A. Snapp, Esq.  
Mr. Robert M. Gallo  
Atomic Safety and Licensing Board Panel  
Atomic Safety and Licensing Appeal Board  
Secretary



\*Richard S. Salzman, Esq., Chairman  
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\*Secretary  
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