

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

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USNRC

ATOMIC SAFETY AND LICENSING APPEAL BOARD

Administrative Judges:

Thomas S. Moore, Chairman
Dr. John H. Buck
Stephen F. Eilperin

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SERVED AUG 25 1982

_____)
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 OL
50-388 OL

ORDER

August 24, 1982

In our order issued on August 20, 1982, we outlined a number of questions to which the attorneys for the parties should be prepared to respond at the September 8, 1982 oral argument. We posed these questions in advance of oral argument in order to focus the parties' attention on what appears to be a principal area of dispute on appeal, i.e., the type and quantity of self-reading dosimeters required for offsite emergency workers at the Susquehanna facilities.

We recognize that the responses at oral argument may raise factual issues that cannot be resolved on the record

in this proceeding as it presently exists. Therefore we hereby inform the parties that prior to oral argument they would be well-advised to have exchanged affidavits supporting the oral representations that counsel intend to make at oral argument. ^{1/} We intend, immediately after hearing the representations of counsel at oral argument on September 8, and receiving the submitted affidavits, to retire to determine whether there are disputed questions of fact of sufficient moment for us to hold a supplemental evidentiary hearing, to commence on the following day, in Bethesda, on the need for and supply of self-reading dosimeters for emergency workers at Susquehanna. The parties should therefore set aside September 9 and 10 to participate in such a hearing, should we determine it to be necessary. ^{2/} All parties will

^{1/} We expect these affidavits will serve to define more precisely those factual issues pertaining to self-reading dosimetry at Susquehanna which the parties' briefs suggest are in dispute. We believe further that the parties may use these affidavits as the basis for any stipulation as to those disputed issues.

^{2/} Because we have confined the scope of the proposed hearing to questions concerning only self-reading dosimetry, we expect to complete the supplementary proceeding in only a single day. Should there be unforeseen circumstances, we ask that the parties reserve a second day.

be expected to present direct expert witness testimony to support their position. Any witnesses will be subject to cross-examination by the other parties and by this Board.

We note that any supplemental hearing in this proceeding will be confined solely to dosimetry issues. As noted in the Licensing Board's initial decision (LBP-82-30, 15 NRC ___ (slip opinion at 31-32)), intervenor Citizens Against Nuclear Dangers (CAND) withdrew from participation in Contentions 6 and 20, the only emergency planning contentions admitted in this proceeding.^{3/} CAND then made a subsequent attempt to raise emergency planning issues which the Board considered and denied.^{4/} Because CAND neither filed exceptions nor briefed the issues involving dosimetry for emergency workers, other emergency planning issues,

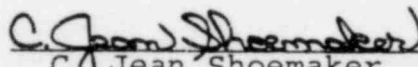
^{3/} See Tr. 2242-44.

^{4/} Order of April 22, 1982. The emergency planning issues CAND raised concerned alleged inadequacies in the emergency plan exercise conducted at Susquehanna on March 18, 1982.

or the correctness of the Licensing Board's April 22 order (which in any event did not deal with dosimetry issues), it will not participate in the evidentiary hearing should one be held. See Appeal Board Order of August 13, 1982 (unpublished).

It is so ORDERED.

FOR THE APPEAL BOARD


C. Jean Shoemaker
Secretary to the
Appeal Board