

June 29, 1979

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

RELATED CORRESPONDENCE

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of

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

(Susquehanna Steam Electric Station,  
Units 1 and 2)

Docket Nos. 50-387  
50-388

RESPONSES OF COMMONWEALTH OF PENNSYLVANIA  
TO FIRST ROUND DISCOVERY REQUESTS OF  
CITIZENS AGAINST NUCLEAR DANGER

NOW COMES the Commonwealth of Pennsylvania, Department of Environmental Resources, Bureau of Radiation Protection, by its attorney, Karin W. Carter, and makes the following responses to the First Round Discovery Requests of Citizens Against Nuclear Danger (hereinafter "CAND")..

1. The Commonwealth does not hereby acknowledge any legal obligation to comply with the above mentioned discovery requests. The Commonwealth of Pennsylvania has neither sought nor obtained party status in this proceeding. The Bureau of Radiation Protection has sought and obtained permission to participate as a representative of an interested state under paragraph (c) of 10 C.F.R. 2.715 (participation by a person not a party). Therefore, neither the Commonwealth of Pennsylvania nor its representative is subject to a motion to compel discovery under 10 C.F.R. §2.740(f).

However, as in past NRC proceedings the Commonwealth wishes to contribute to the completeness of the record and believes that it is in the interest of its citizens to cooperate as fully as possible with the Board

and the parties to this proceeding, as long as such cooperation does not interfere unduly with the performance of its other duties or impose an undue burden on the treasury of the Commonwealth.

2. (CAND Request #19)

"Provide a catalogue containing a complete listing of the documents, reports and correspondence, etc., in the files of the Bureau of Radiological Health, Department of Environmental Resources (DER), Commonwealth of Pennsylvania, on the subject of PP&L's Berwick atomic power plant."

Response: We herewith transmit a list of documents in the files of the Bureau of Radiation Protection (BRP) on the subject of Susquehanna Units 1 and 2 in satisfaction of your request for a "catalogue." The Commonwealth has attempted to make this list complete. However, in the month following the March 28, 1979, accident at Three Mile Island Unit 2, many documents which were not shelved or in file drawers were moved aside or otherwise displaced by visitors from various Federal and State agencies who used the offices of the Bureau of Radiation Protection. We cannot assure you that all misplaced documents relevant to this or any other subject have been located, replaced in file drawers, and listed. If the Bureau of Radiation Protection does locate any other relevant documents, we will transmit to you a supplement to the current list. We have not listed the documents (Special Prehearing Conference Order, Notice of Prehearing Conference, etc.) which are part of this licensing proceeding and which you have received as a party to the proceeding. We have also not listed any document which is an attorney work product prepared in preparation for litigation. There is only one such document now in the file.

3. (CAND Request #20)

"We also wish to obtain from the Bureau of Radiological Health complete official documentation, including field monitoring reports and milk sampling results on the affects [sic] of the radiation fallout in October, 1976 resulting from the Chinese bomb test of September 26, 1976."

Response: The only "official documentation" in the Bureau of Radiation Protection on this subject is the EPA Proceedings from the November 30 - December 1, 1976 workshop. This document, which we hereby transmit in response to the above request, contains compilations of data from Pennsylvania, other states and Federal sources. BRP has no "field monitoring reports." The only other documents possessed by the Bureau relating to the effects of the October 1976 fallout incident are some laboratory data sheets on milk samples which are stored in the Bureau's laboratory. It will take some time to retrieve these sheets and copy them. We do not expect to be able to accomplish this task until July 31, 1979. Please inform us by July 10, 1979, if you do not desire copies of these laboratory data sheets.

4. (CAND Request #21)

"Also needed from the Bureau will be a current catalogue of all relevant data compiled by the Bureau concerning radiation monitoring and milk sampling already conducted, plus ongoing survey results when they become available, dealing with the radiation releases in the vicinity of the Three-Mile-Island plant since the March 28, 1979 accident."

Response: The only radiation monitoring data compiled so far by the Bureau of Radiation Protection is the 44-page compilation of milk sampling data covering March 28-April 13, which is enclosed herewith. Within the next sixty days, the Bureau of Radiation Protection expects to complete a compilation of its air monitoring data, which compilation will be transmitted to CAND as a supplement as requested in CAND Request #21. The Bureau will submit these compilations to Mr. Eric Bretthauer, Office of Research and Development, Las Vegas Facility, U.S. Environmental Protection Agency, Box 15027, Las Vegas, Nevada 89114. It is the understanding of the Bureau of Radiation Protection that similar compilations are being

submitted by other monitoring agencies to Mr. Bretthauer for further tabulation. The Bureau of Radiation Protection also has received data which have been compiled by the U.S. Food and Drug Administration, the U.S. Environmental Protection Agency and Metropolitan Edison Company, as well as whatever monitoring data was contained in NRC Preliminary Notifications which were issued daily on the status of TMI-2 soon after March 28, 1979. These and other Bureau files are available for inspection by the public on regular business days from 8 a.m. to 4 p.m. on the 5th Floor of the Fulton Bank Building, Third and Locust Streets, Harrisburg, Pennsylvania. It is recommended that an appointment be made in advance if inspection is desired, because Bureau files are being inspected or requested as evidence by investigatory, legislative and administrative agencies which are investigating the TMI-2 accident.

5. (CAND Request #22)

"From the appropriate office of the DER we also wish to obtain the public records pertaining to the Applicant's permit application to discharge industrial wastes into the Susquehanna River from the Berwick atomic power plant."

Response: Transmitted herewith are the only seven documents on the subject of application No. 4076203 which are in the files of the Bureau of Radiation Protection. Please note that these are the documents numbered 15-21 on the "catalogue" of Susquehanna files submitted in response to CAND Request #19. Furthermore, please note that there are two permits which may fall under your description of "discharge industrial wastes." One is the Pennsylvania Water Quality Permit, state permit Pa. 4076203 issued under the Pennsylvania Clean Streams Law (35 P.S. §691.1 et seq.) on May 24, 1977. The other is the NPDES Permit, numbered PA-0047325, which is a Federal permit administered under a delegation from EPA to

Pennsylvania. The public records on both permit applications are available to the public at the DER Regional Water Quality Manager, 90 East Union Street; 2nd Floor, Wilkes-Barre, Pennsylvania 18701, (717) 826-2553. Office hours are 8 a.m. to 4 p.m. on regular business days. There is a charge for copies in excess of ten pages.

Respectfully submitted,

*Karin W. Carter*

Karin W. Carter  
Assistant Attorney General

Commonwealth of Pennsylvania  
505 Executive House  
P.O. Box 2357  
Harrisburg, Pennsylvania 17120  
(717) 787-7060

June 29, 1979

June 29, 1979

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

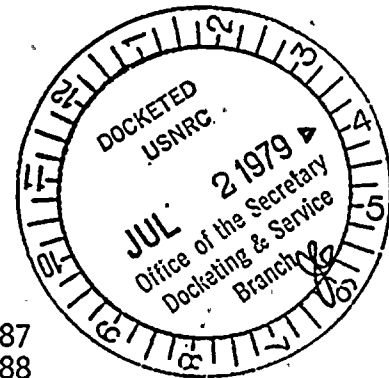
BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of

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

(Susquehanna Steam Electric Station,  
Units 1 and 2)

Docket Nos. 50-387  
50-388



RESPONSES OF COMMONWEALTH OF PENNSYLVANIA  
TO FIRST ROUND DISCOVERY REQUESTS OF  
ENVIRONMENTAL COALITION ON NUCLEAR POWER

RELATED CORRESPONDENCE

NOW COMES the Commonwealth of Pennsylvania, Department of Environmental Resources, Bureau of Radiation Protection, (hereinafter "BRP") by its attorney, Karin W. Carter, and makes the following responses to the First Round Discovery Requests of Environmental Coalition on Nuclear Power (hereinafter "ECNP").

1. The Commonwealth does not hereby acknowledge any legal obligation to comply with the above mentioned discovery requests. The Commonwealth of Pennsylvania has neither sought nor obtained party status in this proceeding. The Bureau of Radiation Protection has sought and obtained permission to participate as a representative of an interested state under paragraph (c) of 10 C.F.R. 2.715 (participation by a person not a party). Therefore, neither the Commonwealth of Pennsylvania nor its representative is subject to a motion to compel discovery under 10 C.F.R. §2.740(f).

However, as in past NRC proceedings, the Commonwealth wishes to contribute to the completeness of the record and believes that it is in the interest of its citizens to cooperate as fully as possible with the Board

and the parties to this proceeding, as long as such cooperation does not interfere unduly with the performance of its other duties or impose an undue burden on the treasury of the Commonwealth.

2. (ECNP Request to Commonwealth #1)

"For Intervenor's Contentions 1-18, provide all correspondence and requests for information, data or documents from the Commonwealth to the Applicant subsequent to and/or in consequence of the March 28, 1979 accident at Three Mile Island, Unit 2."

Response: After a reasonable search within BRP and the Pennsylvania Emergency Management Agency, BRP has concluded that there have been no correspondence or recorded requests for information, data or documents directed to the Applicant between March 28, 1979 and June 29, 1979. BRP has not canvassed every employee of the Commonwealth to determine if they have made such requests or had such correspondence.

3. (ECNP Request to Commonwealth #2a)

"The most recent version of the Commonwealth's emergency preparedness and evacuation plans."

Response: Transmitted herewith is the June 1979 draft of the Commonwealth of Pennsylvania Disaster Operations Plan, Nuclear Incidents (Fixed Facility).

4. (ECNP Request to Commonwealth #2b)

"All correspondence from, and to, the Bureau of Radiological [sic] Protection, the Pennsylvania Emergency Management Agency, the Commonwealth Justice Department, the Applicant, and NRC pertaining to the adequacy and any proposed changes in emergency preparedness and evacuation plans in consequence of and subsequent to the March 28, 1979, TMI-2 accident."

Response: Transmitted herewith are copies of the requested items of correspondence.

5. (ECNP Request to Commonwealth #2c)

"All records, documents, and other information detailing the legal responsibilities and obligations of employees of the Commonwealth with respect to their ability to respond fully, adequately, and timely to a radiological emergency at a nuclear power facility in order to protect the health and safety of the citizens of Pennsylvania."

Response: Transmitted herewith are copies of such correspondence and documents as have not already been transmitted in response to other requests above, on the subject of legal responsibilities of Commonwealth employees in a radiation emergency at a nuclear power facility. The Commonwealth does not understand the relation to the second half of ECNP request 2c (beginning "with respect to...") to the first half of that request. If additional documents are desired, ECNP should clarify its request by using more precise language. The Commonwealth BRP has not transmitted copies of statutes or regulations in response to the above request. Such a response would constitute legal research which the Commonwealth is not obligated to perform for ECNP and which is unnecessary given the availability of statutes and regulations in the many public law libraries in Pennsylvania.

6. (ECNP Request to Commonwealth #2d)

"All Radiation monitoring data from Three Mile Island, Unit 2, in the possession of the Commonwealth Bureau of Radiological Protection subsequent to March 28, 1979, in order to establish whether the Commonwealth or any other involved institution or agency has monitored to a distance and extent to be able to establish radiation doses to the public with a reasonable degree of accuracy and timeliness in the event of a radiological emergency."

Response: Transmitted herewith is BRP's compilation of its milk monitoring data on the Three Mile Island area covering the period of March 28 to April 13, 1979. BRP is in the process of compiling its air monitoring data and will transmit this compilation to ECNP when it is finished, at some



time within the next sixty days. The Commonwealth BRP is also in the process of copying the other monitoring data in its possession from its own monitoring activities and the monitoring activities of EPA, NRC, the U.S. Department of Energy, the U.S. Food and Drug Administration and the Applicant. The volume of paper involved is large, and the number of official investigatory bodies demanding access to these data is large and growing. The Bureau hopes to complete the task of copying the requested data and transmitting them to ECNP within ninety days. It has not been determined whether the Bureau has the capability of making legible copies of the FDA daily computer printouts which now comprise a stack four inches high. It is suggested that ECNP contact FDA directly for these printouts or inspect the printouts in the BRP Harrisburg office on the 5th Floor of the Fulton Bank Building, Third and Locust Streets, between 8 a.m. and 4 p.m. on regular business days. Other BRP files are also available for inspection, although it is suggested that an appointment be made in advance to inspect files which are in frequent demand.

7. (ECNP Request to Commonwealth #2e)

"Emergency preparedness and evacuation plans of the Pennsylvania Emergency Management Agency and local agencies of government to provide adequately for the protection of the health and safety of the citizens of Pennsylvania in the event of a radiological accident worse than the Applicant's calculated "design basis accident," or a Class 9 accident.

Response: The most recent version of the Commonwealth's Disaster Operations Plan for Nuclear Incidents has been transmitted herewith pursuant to response #3 above. This document contains all PEMA plans dealing with radiological accidents. "Local agencies of government" is too vague a

phrase to allow us to respond. The only documents which PEMA has in its possession which might be relevant are county emergency response plans for most of the 67 counties of the Commonwealth. If these are the subject of this request, ECNP should specify which county plans it wishes to obtain.

Respectfully submitted,

*Karin W. Carter*

KARIN W. CARTER

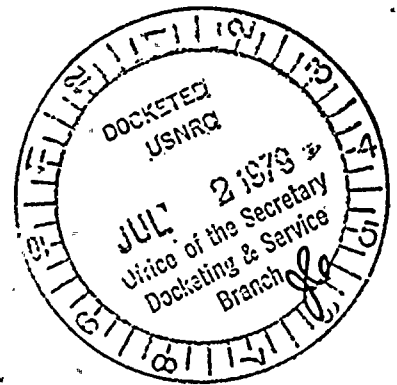
Assistant Attorney General

Commonwealth of Pennsylvania  
505 Executive House  
P.O. Box 2357  
Harrisburg, Pennsylvania 17120

June 29, 1979

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD



In the Matter of

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

Docket Nos. 50-387  
50-388

(Susquehanna Steam Electric Station,  
Units 1 and 2)

CERTIFICATE OF SERVICE

This is to certify that copies of the foregoing "Responses of Commonwealth of Pennsylvania to First Round Discovery Requests of Citizens Against Nuclear Danger" and "Responses of Commonwealth of Pennsylvania to First Round Discovery Requests of Environmental Coalition on Nuclear Power" were served by deposit in the U.S. Mail, first class, postage prepaid, this 29th day of June, 1979 to all those on the attached service list.

Karin W. Carter  
KARIN W. CARTER  
Assistant Attorney General

Commonwealth of Pennsylvania  
505 Executive House  
P.O. Box 2357  
Harrisburg, Pennsylvania 17120

June 29, 1979

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of :

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

Docket Nos. 50-387

50-388

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

SERVICE LIST

Secretary of the Commission  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

Docketing and Service Section  
Office of the Secretary  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

Charles Bechhoefer, Esquire  
Chairman  
Atomic Safety and Licensing  
Board Panel  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

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

Mr. Glenn O. Bright  
Atomic Safety and Licensing  
Board Panel  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

Susquehanna Environmental Advocates  
c/o Gerald Schultz, Esquire  
500 South River Street  
Wilkes-Barre, Pennsylvania 18702

Dr. Oscar H. Paris  
Atomic Safety and Licensing  
Board Panel  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

Mrs. Irene Lemanowicz, Chairman  
The Citizens Against Nuclear Danger  
Post Office Box 377  
R.D. 1  
Berwick, Pennsylvania 18603

Atomic Safety and Licensing  
Board Panel  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

Ms. Colleen Marsh  
558 A, R.D. #4  
Mt. Top, Pennsylvania 18707

Atomic Safety and Licensing Appeal  
Board Panel  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

Jay Silberg, Esquire  
Shaw, Pittman, Potts, & Trowbridge  
1800 M Street NW  
Washington D.C. 20036

James M. Cutchin, IV, Esquire  
Office of the Executive Legal Director  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555