

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

In the Matter of

PENNSYLVANIA POWER & LIGHT CO.	:	
and	:	
ALLEGHENY ELECTRIC COOPERATIVE,	:	Docket Nos. 50-387
INC. (Susquehanna Steam Electric	:	50-388
Station, Units 1 and 2)	:	

COMMONWEALTH OF PENNSYLVANIA'S STATEMENT
OF POSITIONS BASED ON INFORMATION
AVAILABLE AS OF AUGUST 10, 1981

I. INTRODUCTION

In its July 27, 1981 Memorandum and Order, the Board directed the Commonwealth "to indicate at the next session the particular matters-- other than the issues already admitted--that it desires to participate on. This report responds to that request, and is divided into two parts. The first outlines the general nature of the role the Commonwealth has elected to play at this stage of the proceeding. The second part of this report enumerates those specific issues on which Pennsylvania intends to participate.

II. COMMONWEALTH OF PENNSYLVANIA'S GENERAL PLAN OF PARTICIPATION

Failure to adopt a concrete position on some issues does not preclude active participation by Commonwealth attorneys with respect to all issues in the proceeding. 10 C.F.R. §2.715(c) allows the representatives of state agencies:

a reasonable opportunity to participate and
to introduce evidence, interrogate witnesses,
and advise the Commission without requiring
the representative to take a position with

respect to the issue. Such participants may also file proposed findings and exceptions pursuant to §§2.754 and 2.762 and petitions for review by the Commission pursuant to §2.786.

This general participation will take the following forms:

(1) Independent of the substantive issues involved in the proceeding, Pennsylvania's main interest is to help ensure that the Board's decisions are made on the basis of a full, fair, and accurate record. Therefore, Pennsylvania intends to introduce evidence in areas of state expertise, particularly in the area of emergency planning, including evidence on issues on which Pennsylvania will not take a position.

(2) Pennsylvania will exercise freely its right to cross-examine witnesses in an effort to improve the quality and credibility of the record.

(3) Pennsylvania reserves its right to take positions on critical procedural issues. Again, this posture is based on the Commonwealth's interest in the fairness and completeness of the record.

(4) The unique status afforded to state agencies by §274 of the Atomic Energy Act and 10 C.F.R. §2.715(c) enables Pennsylvania to reserve judgment on any question of fact or issue of law on which it currently elects not to adopt a position. Pennsylvania hereby reserves its right to file proposed findings of fact and exceptions and to participate actively on appeal regardless of the position it adopts on a particular issue at this stage of the proceeding.* Pennsylvania adopts this position due to its status as a representative of the public interest and its desire to reserve judgment regarding issues on which there currently exists insufficient evidence to render a rational decision.

* See In re Gulf States Utilities Co., ALAB-317, March 4, 1976, reprinted in 2 NUC. REG. REP. (CCH) §30,053.02.

III. SPECIFIC ISSUES

A. Existing Contentions

Although the Board directed the Commonwealth only to enumerate issues other than those already admitted, the Commonwealth wishes to note the following contentions in which it has a particular interest:

(1) Contention 5 - The Bureau of Radiation Protection conducts radiological monitoring around nuclear facilities in Pennsylvania both during normal operation and emergency circumstances. As such, the Commonwealth has an interest in ensuring the correct calculation of radiation doses to the public;

(2) Contention 7(D) - The Commonwealth is aware that this contention is currently subject to a motion for summary disposition. Although the Commonwealth did not file a response to this motion, it believes that disposition of the issue should include a satisfactory resolution of the partial failure to scram that occurred at Brown's Ferry. This issue was not addressed in Applicants' Motion for Summary Disposition;

(3) Contention 11 - The Commonwealth has a particular interest in the low-level waste issue due to the state's responsibility for low-level waste disposition under the Low-Level Radioactive Waste Policy Act of 1980.

(4) Contention 21 - The Commonwealth believes that this contention poses important safety concerns which must be addressed fully at the hearing.

As noted earlier, the Commonwealth intends to participate on all contentions. The specific enumeration of contentions that are of particular interest to the Commonwealth implies no waiver of the Commonwealth's rights under 10 C.F.R. §2.715(c) with respect to all other issues in the proceeding.

B. Additional Issues

1. Environmental Issues

The Commonwealth addressed environmental issues in its comments on the Draft Environmental Statement on the Susquehanna Steam Electric Station. See Final Environmental Statement Related to the Operation of Susquehanna Steam Electric Station, Units 1 and 2 (NUREG-0564), at B-50 to B-5-4. With one exception, these issues were all addressed in the FES.

The one exception relates to comments filed on Supplement 2 to the Draft Environmental Statement. Although these comments were not addressed in the FES, the NRC Staff has agreed orally to address these comments in writing. The Commonwealth views this as an open item in the environmental review which must be satisfactorily resolved. The key comment of interest to the Commonwealth is as follows:

It appears as if the risks from the realistic assessment of design basis accidents is less than the risk from the realistic assessments of Class 9 accidents, with or without protective action. It is also apparent that the risk from Class 9 accidents is greater than the risk from normal operation. Based on this somewhat anomalous situation and coupled with the uncertainties which are attached to the assessment for Class 9 accidents, it would appear that further justification is necessary for the Staff to conclude that these accidents do not warrant additional study to determine whether public health and safety is adequately protected. It should be noted that various rule making proceedings are currently in progress which should better quantify the risk from these severe accidents and may, in fact, lead to a requirement for additional safeguard equipment to decrease this risk.

The Commonwealth expects, however, that all of its comments will be addressed by the Staff.

The Commonwealth will withdraw this issue upon satisfactory resolution

by the Staff.

2. Safety Issues

The Commonwealth noted with concern the large number of open items in the Staff's Final Safety Evaluation Report (NUREG-0776), at 1-3 to 1-13. In particular, the Commonwealth is concerned with items of non-compliance with the requirements of NUREG-0737, "Clarification of TMI Action Plan Requirements". Although many of these items were resolved in Supplement 1 to the SER, and more may be resolved in Supplement 2, the Commonwealth has identified the following items that are of particular concern and must be satisfactorily resolved before plant operation. These items fall into two categories:

(a) The following items apparently will remain open due to disagreements between the Applicant and the Staff: *

- (1) II.F.2 - Instrumentation For Detection of Inadequate Core Cooling;
- (2) II.K.3.13 - Separation of High-Pressure Coolant Injection and Reactor Core Isolation Cooling System Initiation Levels--Analysis and Implementation;
- (3) II.K.3.21 - Restart of Core Spray and Low-Pressure Coolant-Injection Systems;
- (4) III.A.1.1 - Upgrade Emergency Preparedness (also covered, in part, by Contention 20);
- (5) II.A.1.2 - Upgrade Emergency Support Facilities;
- (6) III.A.2 - Improving Licensee Emergency Preparedness - Long Term.

With regard to Applicants' emergency facilities and the interface

between the Applicant's and the Commonwealth's emergency response organizations. The Commonwealth will endeavor to resolve these issues through direct meetings with the Applicant wherever possible.

(b) The following items are open mainly with regard to schedule of compliance. Nevertheless, these items should be resolved prior to plant operation:

(1) II.K.3.18 - Modification of Automatic Depressurization System Logic--Feasibility For Increased Diversity For Some Event Sequences;

(2) II.B.3 - Post-Accident Sampling Capability;

(3) II.K.3.15 - Modify Break Detection Logic to Prevent Spurious Isolation of High Pressure Coolant Injection and Reactor Core Isolation Cooling System;

(4) II.K.1.10 - Safety-Related System Operability Status Assurance;

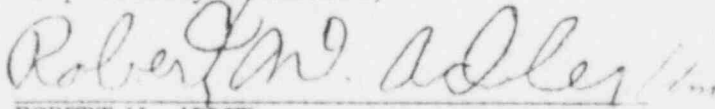
(5) II.K.1.5 - Assurance of Proper Engineered Safety Features Functioning;

(6) II.K.3.27 - Provide Common Reference Level for Vessel Level Instrumentation;

(7) II.F.1.3 - Containment High-Range Monitor.

The Commonwealth notes that the necessity and sufficiency of NUREG-0737 items may be challenged in NRC licensing proceedings. In re Statement of Policy: Further Commission Guidance For Power Reactor Operating Licenses, CLJ-80-42, December 8, 1980, at 7-8. Absent such a challenge, NUREG-0737 requirements are to be read along with existing regulations and must be complied with by the Applicant.

Respectfully submitted,



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