

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING APPEAL 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)	:	

STIPULATION OF WITHDRAWAL OF EXCEPTIONS

This Stipulation is entered into this 9th day of September, 1982, by and between Pennsylvania Power & Light Company and Allegheny Electric Cooperative ("Applicants") and the Commonwealth of Pennsylvania ("Commonwealth").

WHEREAS, the Atomic Safety and Licensing Board issued an Initial Decision in this operating license proceeding, LBP-82-____, 15 NRC ____ (1982) ("Initial Decision"), authorizing the Director of Nuclear Reactor Regulation to issue Applicants an operating license for the Susquehanna Steam Electric Station, Units 1 and 2 (the "Facility"); and,

WHEREAS, the Commonwealth timely filed exceptions to the Initial Decision on April 28, 1982, asserting that no full power operating license should be issued for the Facility until adequate numbers of self-reading and permanent record (thermo-luminescent) dosimeters are available for distribution to all offsite emergency workers identified in the state and county emergency plans as requiring dosimetry; and,

WHEREAS, in the interest of reaching an amicable resolution of this dispute acceptable to both parties, consistent with the policy of the Nuclear Regulatory Commission favoring settlement, Applicants and the Commonwealth have negotiated a settlement of this dispute, the terms of which are outlined below.

NOW, THEREFORE, Applicants and the Commonwealth, each intending to be legally bound hereby, agree and stipulate as follows:

1. Applicants shall pay for a minimum of 3,192 thermoluminescent ("TLD") dosimeters, on an annual basis, for the entire operating life of the Facility, for use by offsite emergency workers responding to a radiological incident at the Facility. The model and manufacturer of the TLDs shall be specified by the Commonwealth. This provision shall include maintenance and reading of all TLDs, whenever necessary, by the vendor. For purposes of this paragraph, the "operating life of the Facility" shall terminate 180 days after the last fuel assembly is removed from the reactor vessels at the Facility. In the event that the number of emergency workers requiring TLDs increases, Applicants shall pay for such additional numbers of TLDs, not to exceed 3,300. The Commonwealth shall provide Applicants with an annual statement of the number of TLDs required. Such TLDs shall be comparable to those currently available for \$3.50 each. The Commonwealth and/or county

emergency management agencies shall be responsible for control, inventory (including any losses therefrom) and distribution of TLDs for offsite emergency workers, in accordance with the procedures established in the Commonwealth of Pennsylvania's Disaster Operations Plan, Annex E, Nuclear Facility Incidents. Applicants shall pay for the first annual supply of 3,192 TLDs within thirty (30) days after they are ordered by the Commonwealth. In the event that legislation is passed by the Pennsylvania Legislature and signed by the Governor of the Commonwealth of Pennsylvania which provides for the assessment of annual fees against nuclear power reactors, and in the event that funds obtained from such fees are actually spent by the Commonwealth to provide TLDs for any other nuclear power plant in the Commonwealth for any fiscal year, the obligations of this paragraph shall be waived for that fiscal year.

2. Applicants shall provide the Commonwealth with adequate funds to purchase 2,500 CD V-730 dosimeters (self-reading 0-20 R) for use by emergency workers in the plume exposure pathway emergency planning zone for the Facility. For purposes of this paragraph, "adequate funds" shall constitute the lesser of \$187,500 or the actual cost to the Commonwealth to purchase 2,500 CD V-730 dosimeters. Transfer of such funds shall be accomplished within 30 days after the Commonwealth orders 2,500 CD V-730 or equivalent dosimeters. The Commonwealth and/or county emergency management agencies shall be

responsible for the control, inventory, distribution, repair, maintenance, and replacement of such dosimeters, as necessary, in accordance with procedures established in the Commonwealth of Pennsylvania's Disaster Operations Plan, Annex E, Fixed Nuclear Facility Incidents.

3. Adequate supplies of CD V-742 dosimeters (self-reading 0-200 R) are currently available for use by emergency workers responding to a radiological incident at the Facility.

4. The parties agree that the dosimetry identified in paragraphs 1 through 3 of this Stipulation are adequate to provide reasonable assurance that the health and safety of emergency workers responding to a radiological emergency at the Facility will be protected. The parties estimate that TLDs will be available within two weeks and self-reading 730 dosimeters within six to nine months after they are ordered. The parties believe that pending distribution of TLDs and 730 dosimeters, compensatory measures provide adequate protection of emergency workers.

5. Applicants waive their right to argue that dosimetry less than that provided for in paragraphs 1 through 3 above are adequate to provide reasonable assurance that the health and safety of emergency workers responding to a radiological emergency at the Facility will be protected.

6. Paragraphs 1 and 2 of this Stipulation shall not become effective until the following have occurred:

- a) The Commonwealth has filed a motion withdrawing its exceptions in this proceeding;
- b) The Appeal Board grants the Commonwealth's motion;
- c) The Appeal Board does not raise sua sponte within thirty days of the date hereof any dosimetry issues set forth in the Commonwealth's exceptions to the Atomic Safety and Licensing Board's Initial Decision.

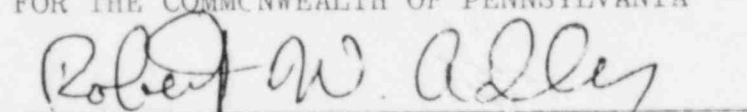
7. The Commonwealth's withdrawal of its exceptions in this proceeding shall not be construed as a waiver by the Commonwealth of its right to take any action otherwise available at law or in equity to enforce the provisions of this Stipulation at any time in the future.

IN WITNESS WHEREOF, the parties have executed this Stipulation by their counsel of record in this proceeding this 9th day of September, 1982.

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


BRYAN A. SNAPP, Esquire
Pennsylvania Power & Light Company

FOR THE COMMONWEALTH OF PENNSYLVANIA


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