

5/2/79  
May 2, 1979

Mr. A. S. Carstens  
2071 Caminito Circulo Norte  
Mt. La Jolla, CA 92037

In the Matter of  
SOUTHERN CALIFORNIA EDISON COMPANY, ET AL.  
(San Onofre Nuclear Generating Station, Units 2 and 3)  
Docket Nos. 50-361 OL and 50-362 OL

Dear Mr. Carstens:

Your letter of February 20, 1979, to Commissioner Victor Gilinsky has been referred to me for reply. As a member of the Commission, it may be necessary for Commissioner Gilinsky to consider the merits of the San Onofre Nuclear Generating Station, Units 2 and 3, proceeding, and it would, therefore, be inappropriate for him to address the matters you raise at this time. Additionally, for this reason, I must also point out that since you are a party to the ongoing licensing proceedings and thus precluded by 10 CFR 82.780 from submitting off the record to the Commissioners "any evidence, explanation, analysis or advice ... regarding any substantive matter at issue in [the] proceeding ...," we would appreciate your directing any further submissions of this nature to your attorney for filing, when appropriate, on the proceeding record with service upon all parties.

Regarding the points raised in your letter, Point 1: Earthquake Situation, will be addressed in the Staff's Safety Evaluation Report, currently in preparation. For your additional information, the NRC Staff has been consulting with the U.S. Geological Survey throughout its review of the site geology and has, in fact, formally requested its assistance in the review of the seismology portion of the application.

Point 2: Critique of E.I.R., Point 3: Appropriation of Beach at San Onofre State Park, Point 4: Marine Study, and Point 6: Decommissioning and Waste Problem raise matters which will, in fact, receive appropriate consideration in the Staff's Final Environmental Statement which is now being prepared. I would note, without elaboration, that you appear to have misunderstood my statements regarding the Staff's position on the marine study set out in your Point 4, as a review of the Prehearing Conference transcript (pp.572-573, 574, 576, 579-580) will clearly reveal. Similarly, your statement in Point 3, that I said that beach access is not a concern to the Staff, is in error. As noted above, it is a concern and will be addressed in the Final Environmental Statement. However,

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the legal question of access as you seek to raise the matter, is fundamentally a concern within the State of California's jurisdiction and not the NRC's.

Point 5: Interim Statement on Rulemaking Policy NUREG-0499, and Point 7:, which relates to the Rasmussen Report and emergency planning do not present matters warranting reply except to note that the issue of emergency planning will be dealt with in the Safety Evaluation Report and is, as you know, an admitted contention in the licensing proceeding.

Your concerns and views are appreciated and I will forward your letter to the Staff for its further consideration.

Sincerely,

Lawrence J. Chandler  
Counsel for NRC Staff

cc w/incoming:  
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