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UNITED STATES OF AMERICA

NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)	Docket Nos. 50-361 OL
)	50-362 OL
SOUTHERN CALIFORNIA EDISON)	
COMPANY, <u>et al.</u> (San Onofre)	BRIEF IN SUPPORT OF
Nuclear Generating Station,)	MOTION FOR PREHEARING
Units 2 and 3).)	<u>CONFERENCE.</u>
)	

I.

THE BOARD HAS AUTHORITY TO DIRECT
A PREHEARING CONFERENCE.

Pursuant to 10 C.F.R. § 2.752, the presiding officer of an Atomic Safety and Licensing Board ("Presiding Officer") may direct that a prehearing conference be

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convened between the parties and/or their counsel of record.

Pursuant to 10 C.F.R. § 2.718(b), the Presiding Officer has the authority to

"(h) Hold conferences before or during the hearing for settlement, simplification of the issues, or any other proper purpose."

II.

A PREHEARING CONFERENCE IS NOW APPROPRIATE TO CLARIFY ISSUES AND SET PROCEDURAL DATES.

On or about March 22, 1977, San Diego Gas & Electric Company and Southern California Edison Company (hereafter "Applicants") filed their application for operating licenses for San Onofre Nuclear Generating Station, Units 2 and 3 ("SONGS 2 and 3"). On April 7, 1977, notice of filing that application was published in the Federal Register, 42 Fed. Reg. 18460. Pursuant to said notice, various petitions to intervene were filed and subsequently allowed. On May 12, 1977, an Atomic Safety and Licensing Board was established and, on December 6, 1977, a special prehearing conference was held pursuant to 10 C.F.R. § 2.751a.

By Memorandum and Order of January 27, 1978 (hereafter the "Order"), the Board determined the following contentions alleged by Intervenor by Friends of the Earth, et al. (hereafter "FOE") were suitable for discovery purposes:

"1. The seismic design basis for SONGS 2 and 3 is inadequate to protect the public health and safety and does not comply with 10 CFR, Part 100, Appendix A, in that the earthquake which could cause the maximum vibratory ground motion has not been assigned as the safe shutdown earthquake.

"2. The applicants have not complied with 10 CFR, Part 50, Appendix E, regarding emergency plans since because of the jurisdictional diversity of the several state and local agencies involved and their inadequate fundings and staffing, appropriate and coordinated emergency plans cannot be developed. An operating license should not be granted for SONGS 2 and 3 because the various emergency response plans are so complex, overlapping, and difficult to implement that in the event of a nuclear accident the safety of persons in the surrounding areas will be imperiled.

"3. The Applicants' projection of fuel costs over the life of the plants does not adequately account for escalation of uranium prices and therefore the cost benefit analysis is in error."

The Board also accepted for all purposes the following contention, regarding dewatering wells, to which FOE, the NRC Staff, and the Applicants had stipulated:

"1a. Whether the cavities caused by the Applicants' temporary dewatering of SONGS 2 and 3 will have an unacceptable adverse effect on the capability of structures and equipment of the SONGS 2 and 3 to withstand the design basis seismic events."

Intervenor Groups United Against Radiation Danger (hereafter "GUARD") was also allowed discovery on the above-stated dewatering wells issue.

GUARD proposed its own contentions with respect to the general subject of emergency planning. After some consideration, the Board found the following two contentions

suggested by the NRC Staff to be acceptable for discovery purposes, subject to further refinement at the close of discovery:

"1. The applicants have not complied with 10 CFR, Part 50, Appendix E regarding emergency plans since, because of inadequate funding and staffing of the several state and local agencies involved, appropriate and coordinated emergency plans cannot be developed.

"2. As a consequence of increases in freeway use in recent years and the influx of transient and resident individuals into the exclusion area and low population zone, there is no longer assurance that effective arrangement can be made to control traffic or that there is a reasonable probability protective measures could be taken on behalf of individuals in these areas including if necessary, evacuation, particularly considering the unique geographic constraints in these areas; thus, applicants do not comply with 10 C.F.R., § 100.3(a) or (b)."

The Order also permitted discovery on the foregoing contentions to begin, subject to further order of the Board and the obligation of each party to submit a report to the Board on or before June 30, 1978 discussing the status of its discovery and its proposed schedule for completing discovery.

Since issuance of the Order the following discovery has been accomplished by the parties:

(1) NRC Staff Interrogatories and Request for Documents to GUARD - Set No. 1 (June 24, 1978), and GUARD's responses thereto (October 17, 1978);

(2) NRC Staff Interrogatories and Request for Documents to FOE - Set No. 1 (June 23, 1978), and FOE's responses thereto (July 28, 1978);

(3) FOE's Interrogatories to Southern California Edison Company (June 26, 1978), and Southern California Edison Company's responses thereto (July 17, 1978);

(4) Applicants' First Set of Interrogatories to FOE (June 28, 1978), and FOE's responses thereto (July 26, 1978);

(5) Applicants' First Set of Interrogatories to GUARD (June 28, 1978), and GUARD's responses thereto (August 18, 1978);

(6) Deposition of Ron Carstens (February 28, 1979);

(7) FOE Request for Documents to Southern California Edison Company (May 22, 1979), and Southern California Edison Company's response thereto (June 19, 1979);

(8) FOE's Interrogatories to Southern California Edison (October 18, 1979), and Southern California Edison Company's responses thereto (December 3, 1979);
and

(9) FOE's Interrogatories to Southern California Edison Company (February 15, 1980); and Southern California Edison Company's responses thereto (March 18, 1980).

The foregoing record reflects that the parties have had ample opportunity to conduct appropriate discovery and have availed themselves of that opportunity. As of this date, there is no outstanding request for further discovery, nor is there any pending motion to compel further discovery based on prior discovery requests.

III.

IT IS NOW APPROPRIATE TO SET
PROCEDURAL DATES THAT WILL ALLOW
LICENSING OF SONGS 2 AND 3
PRIOR TO COMPLETION OF CONSTRUCTION.

Applicants project that SONGS Unit 2 will be constructed and ready for initial fuel load by April 15, 1981. The NRC projects that SONGS Unit 2 will be ready for initial fuel load between February and July, 1981, with May, 1981 being the most probable date. The present licensing posture requires an orderly termination of discovery, final specification of issues, hearings, issuance of an initial decision, and final review by the commission or the Appeal Board (10 C.F.R., Part 2, Appendix B) within the next eleven months. A failure to license the facility by the time construction is completed, in the absence of substantive

health and safety concerns to the contrary, would result in significant and unwarranted additional costs to the project. Such costs would be unnecessary and would ultimately constitute a burden on the consuming public.

IV.

CONCLUSION.

It is respectfully submitted that in order to assure a timely completion of the licensing process, a procedural conference pursuant to 10 C.F.R. § 2.752 should be convened by this Board on July 15, 1980, or as soon thereafter as may be scheduled.

Dated: June 6, 1980

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CHARLES R. KOCHER
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By /s/ David R. Pigott
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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION
BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)	Docket Nos. 50-361 OL
)	50-362 OL
SOUTHERN CALIFORNIA EDISON)	
COMPANY, <u>et al.</u> (San Onofre)	ORDER CONVENING
Nuclear Generating Station,)	<u>PREHEARING CONFERENCE</u>
Units 2 and 3).)	
)	

On good cause being shown therefor;

IT IS HEREBY ORDERED that a prehearing conference shall be convened herein pursuant to 10 C.F.R. § 2.752 on July 15, 1980 at 10:00 a.m., at Los Angeles, California, for the purpose of further refining contentions, setting

discovery schedules, and resolving such further matters as may properly come before the Board at that time.

DATED: _____, 1980.

ATOMIC SAFETY AND LICENSING BOARD

By _____

CERTIFICATE OF SERVICE

I hereby certify that on the 6th day of June, 1980, a true and correct copy of the foregoing "MOTION FOR ORDER SETTING PREHEARING CONFERENCE", "BRIEF IN SUPPORT OF MOTION FOR PREHEARING CONFERENCE"; and "ORDER CONVENING PREHEARING CONFERENCE" was served upon each of the following by deposit in the United States mail, first-class postage prepaid, addressed as follows:

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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

ATOMIC SAFETY AND LICENSING BOARD

Ivan W. Smith, Chairman
Dr. Cadet H. Hand
Dr. Emmeth A. Luebke



In the Matter of

SOUTHERN CALIFORNIA EDISON
COMPANY, ET AL.

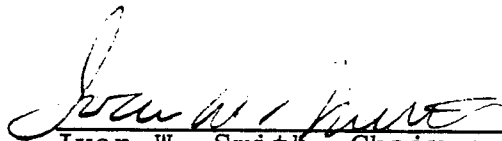
(San Onofre Nuclear Generating
Station, Units 2 and 3)

Docket Nos. 50-361 OL
50-362 OL

ORDER
(November 26, 1979)

On good cause being shown, the Stipulation between Applicants and Intervenors FOE, et al. extending the time for answering Intervenors' Interrogatories to December 3, 1979 is approved.

FOR THE ATOMIC SAFETY AND
LICENSING BOARD


Ivan W. Smith, Chairman

Dated at Bethesda, Maryland
this 26th day of November, 1979.

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