

RELATED CORRESPONDENCE

CENTER FOR LAW
IN THE PUBLIC INTEREST
10203 SANTA MONICA BOULEVARD
FIFTH FLOOR
LOS ANGELES, CALIFORNIA 90067
TELEPHONE: (213) 879-5588

BOARD OF TRUSTEES

JAMES N. ADLER
REGINALD ALLEYNE
PHILLIP S. BERRY
DAVID BOUBION
RICHARD M. BUXBAUM
GEOFFREY COWAN
MARGOT E. FEUER
DANIEL GREENBERG
CARLYLE W. HALL, JR.
ELIZABETH M. HOROWITZ
ALVIN S. KAUFER
MICHAEL E. LEVINE
GLADYS MEADE
LANDON MORRIS
OWEN OLPIN
VICTOR H. PALMIERI

MARIANA R. PFAELZER
JOHN R. PHILLIPS
BRENT N. RUSHFORTH
J. STANLEY SANDERS
MURRAY L. SCHWARTZ
MICHAEL H. SHAPIRO
ALAN STAMM
JACK STUTMAN
FREDRIC P. SUTHERLAND
STEWART L. UDALL
DONALD M. WESSLING
FRANCIS M. WHEAT
SAMUEL L. WILLIAMS
WERNER WOLFEN

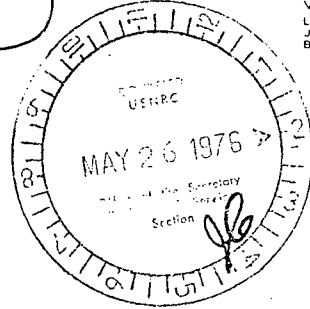
LEGAL STAFF

TIMOTHY B. FLYNN
CARLYLE W. HALL, JR.
A. THOMAS HUNT
JOHN R. PHILLIPS
BRENT N. RUSHFORTH
FREDRIC P. SUTHERLAND

ADMINISTRATIVE OFFICER
MARSHA H. KWALWASSER

VISITING FELLOWS
LAURENCE G. CHASET
JAMES GEOCARIS
BRENDA JACKSON

May
24th
1976



50-362

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

Dear Sirs and Mesdames:

Enclosed please find subpoenas used last week in the Atomic Safety and Licensing Board proceeding noted in the captions of the subpoenas. The Chairman of the hearing board, Mr. Michael L. Glaser, instructed me to send the subpoenas to you for official filing.

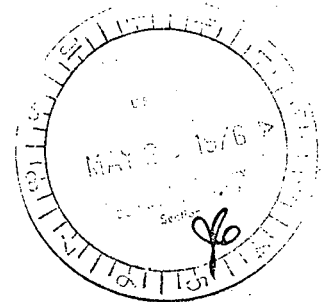
Yours sincerely,

James Geocar
James Geocar
Attorney for Consolidated
Intervenors

JG/jlh
Enclosures

1 BRENT N. RUSHFORTH
2 JAMES GEOCARIS
3 Center for Law in the Public Interest
4 10203 Santa Monica Boulevard
5 Los Angeles, California 90067
6 (213) 879-5588

7 Attorneys for Plaintiffs



8 UNITED STATES OF AMERICA
9 NUCLEAR REGULATORY COMMISSION

10 ATOMIC SAFETY AND LICENSING ~~BOARD~~ BOARD

11
12 In the Matter of)
13 SOUTHERN CALIFORNIA EDISON) DOCKET NOS. 50-361
14 COMPANY, et al.) 50-362
15 (San Onofre Nuclear Generating)
16 Station, Units 2 and 3) SUBPOENA

17
18 THE PEOPLE OF THE UNITED STATES OF AMERICA, to Ronald Hanshew.

19 You are hereby ordered to appear before the Atomic
20 Safety Licensing Board of the Nuclear Regulatory Commission in a
21 hearing located at the Judge's Conference Room, Fifth Floor, Los
22 Angeles County Courthouse, 110 North Grand Avenue, Los Angeles,
23 California, on May 19, 1976, at 10:30 a.m. to testify as a
24 witness in this matter. You must appear at that time unless you
25 make special arrangement to appear at another time, etc., with
26 James Geocarlis at (213) 879-5588.

27 Pursuant to 10 CFR §2.720, you may make a motion to the
28 Chairman of the Atomic Safety Licensing Board, or, if he is

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

unavailable, to the Commission, to (1) quash or modify the subpoena if it is unreasonable or requires evidence not relevant to any matter in issue, or (2) condition denial of the motion on just and reasonable terms. Otherwise, you are required to obey this subpoena.

Dated: May 13, 1976

Michael L. Glaser
Michael L. Glaser
Chairman
Atomic Safety and Licensing Board

I have accepted this subpoena & have received witness fees.

Ronald L. Hambley

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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

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

CONSOLIDATED INTERVENORS TESTIMONY OF ROLAND FINSTON
REGARDING RADIATION EXPOSURE TO THE USERS OF THE TIDAL BEACH
May 3, 1976

I, ROLAND A. FINSTON, state:

1. I am a health physicist and am employed at Stanford University, Stanford, California as Acting Director of the Health Physics, Safety and Health Office and as a lecturer in Nuclear Medicine.

2. My professional qualifications include a Bachelor of Science in Physics from the University of Chicago in 1957; a Master of Science in Health Physics from Vanderbilt University and Oak Ridge National Laboratory in 1959; and a Doctor of Philosophy in Biophysics from Cornell University in 1965. I was an Associate Professor of Radiological Physics at Oregon State University in 1965-66, and I have been employed at Stanford University since 1966 as a health physicist. I have specialized in medical health physics and in this specialty have taught radionuclide dosimetry and have also been responsible for calculating the radiation dose to patients which results from purposely administered radiopharmaceuticals. I am a member of the University's Human Use Radioisotope

1 Committee which is also approved by the FDA as a Radioactive Drug
2 Research Committee.

3 3. I wish to present to the Board information which is
4 relevant to Item 4 of the Board's Order of April 9, 1976. I have
5 reviewed the NRC Staff's Response of January 9, 1976; the NRC
6 Staff's Memorandum of November 13, 1975 (and attached affidavits
7 of Charles M. Ferrell and John R. Sears); the Applicant's Response
8 to NRC Staff Brief Concerning Exclusion Area Issues dated March 13,
9 1975 (and attached affidavit of Alan M. Nakashima and declaration
10 of William V. Sheppard); and the NRC Staff's Brief of February 24,
11 1975.

12 4. On the basis of my study of these documents and refer-
13 ences used to calculate the amount of radiation exposure that might
14 be received by a user of the tidal beach within the applicant's
15 exclusion area during occupancy and subsequent evacuation of the
16 beach in the event of an accident (a postulated fission product
17 release as provided in 10 CFR §100.11), I believe that the thyroid
18 doses to members of the public will exceed the dose limits of
19 10 CFR Part 100 and further that significant hazard to public
20 health and safety results from the public's use of the tidal beach
21 for recreational purposes.

22 5. The bases of my beliefs are:

23 A. The assumptions used to calculate the
24 radiation doses are inappropriate for
25 the public using the tidal beach. Appro-
26 priate assumptions yield doses at and in
27 excess of the limits prescribed in 10 CFR
28 100.

29 The assumptions used by the NRC Staff as well as the
30 Applicant's consultant (Mr. Nakashima) were uniformly referenced

1 to Regulatory Guide 1.4. Examination of Regulatory Guide 1.4,
2 section C.2.c. reveals that, "For the first 8 hours the breathing
3 rate of persons offsite should be assumed to be 3.47×10^{-4} cubic
4 meters per second . . ." Further, C.2.d. states, "The iodine dose
5 conversion factors are given in ICRP Publication 2, Report of
6 Committee II, 'Permissible Dose for Internal Radiation,' 1959."

7 6. The breathing rate assumption is specifically appli-
8 cable to adult men at occupational "light activity." Since 1959
9 additional data on ventilation rates of other age groups and levels
10 of activity have been determined and recognized by the ICRP
11 (Publication 23, Report of the Task Group on Reference Man, 1975).
12 For example (p. 347) an adult male during exercise breathes at a
13 rate of 111 l/min ($18.5 \times 10^{-4} \text{ m}^3/\text{sec}$), while a child aged 10
14 breathes at a rate of $11.8 \times 10^{-4} \text{ m}^3/\text{sec}$ during exercise. A 5 year
15 old breathes at a rate of $6.7 \times 10^{-4} \text{ m}^3/\text{sec}$ while exercising.

16 7. The significance of these data are that the thyroid
17 dose due to inhalation of radio-iodine vapors is directly propor-
18 tional to breathing rate, according to accepted calculational
19 techniques. Hence, in the recreational setting of the San Onofre
20 tidal beach, it is appropriate to consider the kinds of physical
21 activity with which users are likely to be involved. (It is noted
22 that Section A of Guide 1.4 recognizes the need for different
23 assumptions to be considered on an individual case basis, and a
24 recreational beach is certainly such a case).

25 8. The beach is noted for having excellent surfing con-
26 ditions, and in addition, it is not unreasonable to assume that
27 it is likely that many users will be swimming, rafting, running,
28 and participating in a variety of strenuous physical games. The

1 breathing rates for such activities are 5.3, 3.1, and 1.9 times
2 greater than that assumed in Guide 1.4 (and in the Applicant's and
3 Staff's analysis) for male adults, 10 and 5 year olds, respectively.
4 Hence it follows that for adults who are participating in physical
5 activity at the time of the accident the thyroid doses will be
6 5.3 times greater than as calculated by Nakashima or by Ferrell
7 (244 rems or 275 rems, respectively, assuming prompt evacuation at
8 right angles to the plume). Note, too, that effective evacuation
9 is even more critical for an exercising individual who remained
10 in the plume. In just 2-1/4 minutes, he would get 300 rems (rather
11 than in 11 minutes as shown by Ferrell).

12 9. What can be said about the dose to exercising children?
13 At first inspection it would appear (because of their lesser breath-
14 ing rates compared to adults) that their thyroid doses would not be
15 as severely underestimated by Nakashima and Ferrell as would the
16 adult's dose. However, there is another assumption in Regulatory
17 Guide 1.4 which needs to be considered, that in section C.2.d.
18 Iodine dose conversion factors in ICRP Publication 2 are only
19 specified for the standard adult man. Fortunately since 1959 data
20 on iodine dose conversion factors for other ages have been obtained
21 and most recently were reviewed in WASH-1400 (NUREG 75/014) Reactor
22 Safety Study, 1975. Appendix VI, pages 8-16 and 8-23, contain the
23 necessary factor by which to adjust the adult dose per unit of
24 activity for the case of a child exposee. The factor (D_{ch}/D_{ad}) is
25 2.4 for 10 year olds and 4.6 for 5 year olds. The dose to the
26 child's thyroid can be determined as follows: Dose to child's
27 thyroid = dose to adult thyroid x D_{ch}/D_{ad} x $\frac{\text{child's breathing rate}}{\text{adult's breathing rate}}$
28 (assumed).

1 10. For the San Onofre tidal beach user, the dose correc-
2 tion factors for children at active play are thus:

3 Age:	Relative Breathing Rate	x	D_{ch}/D_{ad}	=	Relative Dose
4 5 year old	6.7×10^{-4}	/	3.47×10^{-4}	4.6	8.8
5 10 year old	11.8×10^{-4}	/	3.47×10^{-4}	2.4	8.2

6 This means that the thyroid doses calculated by Nakashima
7 or by Ferrell are low by a factor of 8.2 to 8.8 (377 to 405 rems
8 or 426 to 457 rems, respectively), and the true doses are greater
9 than the limits for the exclusion area in 10 CFR Part 100. This is
10 true despite prompt evacuation.

11 11. Beyond these considerations of breathing rates, there
12 is the special factor for dose to the fetal thyroid. On page D-25
13 of Appendix VI of WASH-1400 it is concluded that for radio-iodine
14 the fetal thyroid dose is 5 times greater than that of the maternal
15 thyroid. Hence, a pregnant tidal beach user participating in light
16 activity at the time of the plume would be exposed such as to
17 result in a fetal thyroid dose of 230 or 260 rems based on the
18 evacuation model of Nakashima or Ferrell and, if she were actively
19 exercising, the fetal thyroid would receive 1,000 to 1,100 rems.
20 This is far in excess of the 10 CFR Part 100 limits and represents
21 a significant health hazard to the fetus.

22 12. B. The thyroid doses to users of the tidal
23 beach present a significant hazard to
24 public health and safety.

25 Beginning with the fetus, it is known that inadvertent
26 administration of therapeutic iodine-131 levels to pregnant women
27 has caused fetal damage with one case showing complete thyroid
28 destruction and a marked arrest of brain development (Sternberg,
J., 1970, Amer. J. Obst. Gynec. 108 pp. 490-513). Similar effects

1 have been reported in fetal laboratory animal studies. The fetal
2 thyroid dose required to produce neo-natal hypothyroidism in rats
3 was only 970 rads, whereas the same effect required 18,000 rads in
4 adult rats. (Sikov, M.R., 1969, Rad. Res. 38, pp. 449-459). This
5 indicates that in rats the fetal thyroid is 18 times more sensi-
6 tive than the adult. It would be prudent to consider this to be
7 true in humans until proven otherwise. Infants in utero at the
8 time of the mother's exposure to the plume are likely to be hypo-
9 thyroid at birth or shortly after.

10 13. In children, hypothyroidism was observed to occur
11 in 3 of a population of 146 exposed to iodine-131 in the dose range
12 from 31 to 80 rems; and 5 of 151 in the range from 81 to 1,900 rems.
13 (WASH-1400, Appendix VI, Table VI - H-3). A group of Marshall
14 Island children exposed to radio-iodine fallout 20 years ago (at
15 a thyroid dose level approximately 4 times higher than I have cal-
16 culated to accrue to a child at play on the tidal beach) have shown
17 a 19% incidence of thyroid nodules, and a 2% incidence of thyroid
18 cancer. Linear extrapolation to the tidal beach dose level suggests
19 that 5% of the children would develop nodules and 0.5% thyroid
20 cancer if exposed to the plume (even though promptly evacuated).
21 Incidence of thyroid cancer in user adults might be 0.3%, while
22 nodules would appear in 2.5% of those exposed to the plume.

23 14. C. The evacuation model is overly optimistic
24 about velocity and orderliness of the
25 evacuation from the tidal beach.

26 There is little data available to analyze speed of
27 evacuation. However, in WASH-1400 (Appendix VI, page J-16), the
28 effective evacuation speed vs. distance of evacuation is plotted.
For distances less than 4 miles, the evacuation of populations has

1 not been accomplished at a speed of greater than 1 mile per hour.
2 For evacuations of 1 mile or less, experience shows that evacuation
3 speeds are less than 1/2 mile per hour. I therefore believe it is
4 unrealistic to assume that the exclusion area of the San Onofre
5 tidal beach can be evacuated in 20 minutes.

6 15. I am also concerned with the assumption that evacuees
7 will wisely follow an evacuation path at right angles to the plume.
8 It would seem that because of the invisability of the plume, there
9 would be no reliable means for a user to rapidly detect its loca-
10 tion and direction without access to an elaborate array of radia-
11 tion monitors. I am troubled too by the users who may happen to
12 be entering the tidal beach on surfboards at the time the plume is
13 released. Do they not face the likelihood of evacuating themselves
14 parallel to the path of the plume and directly into the face of an
15 offshore blowing plume as they surf into the beach? Can they get
16 out of the way of the plume in 2-1/4 minutes on a surfboard? Or
17 what about the child on a rubber raft or innertube? What about
18 a swimmer in the tidal area?

19 16. For all these reasons, I do not believe that the
20 pertinent requirements of 10 CFR Part 100 of the Commission's
21 regulations have yet been satisfied.

22 17. Beyond these considerations which apply to a design
23 basis accident, I believe that recreational uses within a few
24 hundred feet of three large power reactors results in a significant
25 hazard to public health and safety. One need only review WASH-1400
26 to discover that there are eight other classes of PWR reactor
27 accident radioactive release categories which are much more severe
28 than that assumed by Regulatory Guide 1.4. Included in this

1 spectrum are events that could kill every person downwind from the
2 reactor who is visiting the State Beach, and kill others as far
3 away as 9 miles downwind from the plant. (WASH-1400, Appendix VI,
4 page 13-9).

5 -END-
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION
ATOMIC SAFETY AND LICENSING BOARD

5/3/76

In the Matter of)
SOUTHERN CALIFORNIA EDISON)
COMPANY, et al.)
(San Onofre Nuclear Generating)
Station, Units 2 and 3))
_____)

DOCKET NOS. 50-361
50-362

CONSOLIDATED INTERVENORS'
APPLICATION FOR
SUBPOENAS FOR WITNESSES

Consolidated Intervenor request that the Atomic Safety and Licensing Board issue subpoenas requiring the attendance and testimony of two witnesses at the hearing in the above-captioned matter scheduled to begin May 19, 1976. Consolidated Intervenor make this request pursuant to 10 C.F.R. §2.720 and the pre-hearing conference order in the above-captioned matter dated April 6, 1976.

The two witnesses for whom we request subpoenas are:

Mr. Paul Muspratt
District Parks Safety and Enforcement
Specialist
District Headquarters 6
State of California Department of Parks
and Recreation, Room 6054
1350 Front Street
San Diego, California 92101

Mr. Ronald Hanshew
State Park Manager 3
Area Manager Pendleton Coast Area
State of California Department of Parks
and Recreation
3030 Avenida Del Presidente
San Clemente, California 92672

Messrs. Muspratt and Hanshew are the officials of the State of California Parks Department charged with evacuation planning for the area round the San Onofre nuclear reactor site. Because of these duties, both men can provide testimony regarding the length of time tidal beach users will need to evacuate the exclusion area and the low population zone. Consolidated Intervenorors seek testimony regarding this evacuation time, as this time bears on the amount of radiation a user of the tidal beach within the exclusion area might receive during occupancy and subsequent evacuation of the beach in the event of an accident.

Obviously, evacuation time is a key determining factor of radiation exposure. And radiation exposure of beach users during evacuation is explicitly at issue in this hearing according to point (4) of the Order of the Atomic Safety and Licensing Board in the above-captioned matter dated April 9, 1976.

Finally, Paul Muspratt told Consolidated Intervenorors he would not write testimony in their behalf in this case. He further told us that he strongly doubted anyone in his department would write testimony in our behalf. He cited the following reason for the refusal: as employees of the State, members of his department feel it inappropriate to take sides in this matter.

Thus, the valuable, informed and clearly relevant testimony of Messrs. Muspratt and Hanshew can be obtained only by the subpoena process. Therefore, Consolidated Intervenors respectfully request that the Board subpoena these two witnesses to the hearing scheduled to commence May 19, 1976.

Dated: May 3, 1976.

Respectfully submitted,

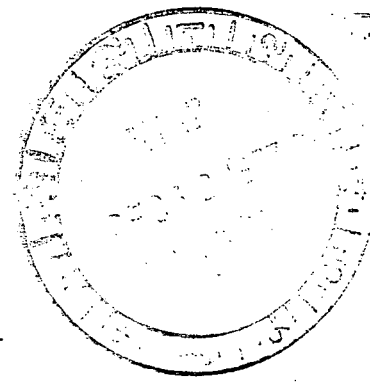
BRENT RUSHFORTH
JAMES GEOCARIS
Center for Law in the Public Interest
10203 Santa Monica Boulevard
Los Angeles, California 90067
(213) 879-5588

Attorneys for Consolidated
Intervenors

By


James Geocaris

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION



BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

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~~

MEMORANDUM OF NRC STAFF RE STATUS
OF CITIES OF ANAHEIM AND RIVERSIDE

By memorandum filed on December 16, 1977, the Applicants, Southern California Edison Company and San Diego Gas and Electric Company, expanded upon their argument to this Atomic Safety and Licensing Board at the December 6, 1977 prehearing conference, objecting to consolidation of the Cities of Anaheim and Riverside (Cities) with Applicants. Such consolidation 1/ was ordered by the Board in its Order of October 26, 1977 pursuant to 10 CFR § 2.715a.

The thrust of Applicant's position appears to be that 10 CFR § 2.715a provides for consolidation of parties only and, since the Board dismissed the Cities' petition for leave to intervene in its Order of October 26, 1977, they are not parties, hence, they cannot be consolidated. Without

1/ The Applicants acknowledge that this action was consistent with the Cities' status at the construction permit stage of this proceeding.


elaboration, however, the Applicants do suggest that at such time as the Cities become parties, they may be consolidated. The Applicants concede that when the Cities are formally co-owners, they would become parties and would be consolidated with Applicants. (Tr. 575).

The Board's action in consolidating the Cities with the Applicants was based on its finding, in its Memoranda and Orders of July 22, 1977 and October 26, 1977, that the interest of the Cities is essentially the same as the Applicants'. This similarity is based on the Cities' prospective co-ownership of the facilities as a result of its formal notice of intent to accept the Applicants' offer pursuant to the terms and conditions of a settlement agreement; formal consummation of the agreement apparently has not yet materialized (Tr. 531). As represented at the prehearing conference by counsel for the Cities, only the question of investment tax credit remains; the agreements themselves have been negotiated and will likely be executed early in 1978 (Tr. 532). The investment tax credit matter involves a ruling by the U.S. Internal Revenue Service (IRS) which is expected by mid-1978 at latest (Tr. 533).

It is the Staff's recommendation, based on its review of the argument presented at the prehearing conference and the Applicants' memorandum, that, in view of the cloud which has been placed on the co-ownership question - viz. a necessary ruling from the IRS - and the presently unknown significance thereof on this matter, the Board should stay the effectiveness of its ruling consolidating the Cities with the Applicants' pending

advice from the Applicants regarding the status of the formal agreement at such time as a ruling from the IRS is issued on the investment tax credit question, and further submission of the views of any of the other parties on this matter. 2/

Respectfully submitted,


Lawrence J. Chandler
Counsel for NRC Staff

Dated at Bethesda, Maryland
this 29th day of December, 1977

2/ In light of the Staff's position, we will defer responding to Applicants' argument that since the Cities' petition was dismissed by the Board, they are not parties who may be consolidated under 10 CFR § 2.715a. If appropriate, we will address this question in our response filed upon advice from the Applicants upon receipt of a ruling from the IRS.

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

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

CERTIFICATE OF SERVICE

I hereby certify that copies of "MEMORANDUM OF NRC STAFF RE STATUS OF CITIES OF ANAHEIM AND RIVERSIDE" in the above-captioned proceeding have been served on the following by deposit in the United States mail, first class or air mail, or, as indicated by an asterisk, through deposit in the Nuclear Regulatory Commission's internal mail system, this 29th day of December, 1977:

John M. Frysiak, Esq., Chairman
Atomic Safety and Licensing Board
U. S. Nuclear Regulatory Commission
Washington, D. C. 20555

Dr. Cadet H. Hand, Jr., Member
Director, Bodega Marine Laboratory
University of California
P. O. Box 247
Bodega Bay, California 94923

Mr. Lester Kornblith, Jr., Member*
Atomic Safety and Licensing Board
U. S. Nuclear Regulatory Commission
Washington, D. C. 20555

Janice E. Kerr, Esq.
J. Calvin Simpson, Esq.
Lawrence Q. Garcia, Esq.
5066 State Building
San Francisco, California 94102

Rollin E. Woodbury, General Counsel
David N. Barry III, Esq.
James A. Beoletto, Esq.
Southern California Edison Company
2244 Walnut Grove Avenue
Rosemead, California 91770

David R. Pigott, Esq.
Chickering & Gregory
111 Sutter Street
San Francisco, California 94104

Alan R. Watts, Esq.
Rourke & Woodruff
1055 North Main Street
Suite 1020
Santa Ana, California 92701


Richard J. Wharton, Esq.
4655 Cass Street
San Diego, California 92109

Mrs. Lyn Harris Hicks
GUARD
3908 Calle Ariana
San Clemente, California 92672

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

Atomic Safety and Licensing
Appeal Panel*
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



Lawrence J. Chandler
Counsel for NRC Staff

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

ATOMIC SAFETY AND LICENSING BOARD

12/16/77

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

MEMORANDUM RE STATUS OF THE CITIES OF
ANAHEIM AND RIVERSIDE

DAVID R. PIGOTT
CHICKERING & GREGORY
Three Embarcadero Center
San Francisco, CA 94111
Attorneys for Applicants
Southern California Edison Company and
San Diego Gas & Electric Company

ROLLIN E. WOODBURY
DAVID N. BARRY, III
JAMES A. BEOLETTO
2244 Walnut Grove Avenue
Rosemead, CA 91770
Attorneys for Applicant
Southern California Edison Company

December 16, 1977

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)
)
SOUTHERN CALIFORNIA EDISON COMPANY) Docket Nos. 50-361 OL
SAN DIEGO GAS & ELECTRIC COMPANY) and 50-362 OL
)
(San Onofre Nuclear Generating)
Station, Units Nos. 2 and 3))
_____)

MEMORANDUM RE STATUS OF THE CITIES OF
ANAHEIM AND RIVERSIDE

At the prehearing conference held in the above dockets December 6, 1977, Applicants objected to the consolidation with Applicants of the cities of Anaheim and Riverside (TR 531-537). Pursuant to discussion at that time, Applicants hereby submit this Memorandum for the Board's consideration.

At the construction permit stage, the cities of Anaheim, Riverside and Banning petitioned to intervene, and such intervention was granted (TR 61). Said intervenors were then consolidated with Applicants pursuant to 10 CFR § 2.715(a).

In the present operating license proceeding, the cities of Anaheim and Riverside petitioned to intervene. Said petition was challenged by the NRC Staff and was ultimately dismissed in this Board's Memorandum and Order of October 26, 1977. It is Applicants' position that as a result of the denial of the Anaheim and Riverside

petition, they are not parties to this proceeding.

The cities cannot be consolidated with Applicants under 10 CFR § 2.715(a) because that section only allows consolidation of "parties." The level of participation of persons not a party to the proceeding is governed by 10 CFR § 2.715. Until such time as the cities become parties, they cannot be consolidated with Applicants.

Anaheim and Riverside are not co-owners of the facilities (TR 531-532). Until such time as they become co-owners, it is inappropriate to accord them the position of co-owners. It is possible they will ultimately become co-owners, but it was believed at the time of the construction permit proceedings that the city of Banning would also become a co-owner. That did not occur.

For the above reasons, it is submitted that the cities of Anaheim and Riverside cannot be consolidated with Applicants, at least until such time as they become parties to this proceeding, and should not be consolidated with Applicants until such time as they are co-owners of the facilities.


Dated: December 16, 1977.

Respectfully submitted,

DAVID R. PIGOTT
CHICKERING & GREGORY

ROLLIN E. WOODBURY
DAVID N. BARRY, III
JAMES A. BEOLETTA

By


David R. Pigott
Attorneys for Applicants

CERTIFICATE OF SERVICE

I hereby certify that on the 16th day of December, 1977, copies of the foregoing "Memorandum Re Status of the Cities of Anaheim and Riverside" were served upon each of the following by deposit in the United States mail, postage prepaid, addressed as follows:

John M. Frysiak, Esq., Chairman
Atomic Safety and Licensing Board
U. S. Nuclear Regulatory Commission
Washington, DC 20555

Dr. Cadet H. Hand, Jr., Member
Director, Bodega Marine Laboratory
University of California
P. O. Box 247
Bodega Bay, CA 94923

Mr. Lester Kornblith, Jr., Member
Atomic Safety and Licensing Board
U. S. Nuclear Regulatory Commission
Washington, DC 20555

Janice E. Kerr, Esq.
J. Calvin Simpson, Esq.
Lawrence Q. Garcia, Esq.
5066 State Building
San Francisco, CA 94102

Alan R. Watts, Esq.
Rourke & Woodruff
Suite 1020
California First Bank Building
1055 North Main Street
Santa Ana, CA 92701

Richard J. Wharton, Esq.
4655 Cass Street
San Diego, CA 92109

Lawrence J. Chandler, Esq.
Office of the Executive Legal Director
U. S. Nuclear Regulatory Commission
Washington, DC 20555

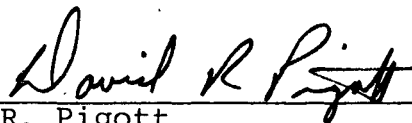
Mrs. Lyn Harris Hicks
GUARD
3908 Calle Ariana
San Clemente, CA 92672

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

Atomic Safety and Licensing Appeal Panel
U. S. Nuclear Regulatory Commission
Washington, DC 20555

Mr. Lloyd von Haden
2089 Foothill Drive
Vista, CA 92083

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



David R. Pigott
Counsel for Applicants

LAW OFFICES OF

Rourke & Woodruff

SUITE 1020

JAMES G. ROURKE
THOMAS L. WOODRUFF
ALAN R. WATTS

CALIFORNIA FIRST BANK BUILDING
1055 NORTH MAIN STREET
SANTA ANA, CALIFORNIA 92701

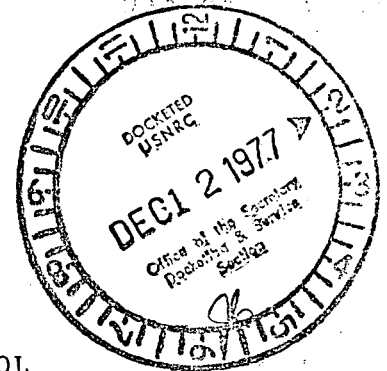
AREA CODE 714
835-6212

OF COUNSEL
KENNARD R. SMART, JR.

December 8, 1977

Lawrence J. Chandler, Esq.
Office of the Executive Legal
Director
U. S. Nuclear Regulatory Commission
Washington, D C 20555

Re: San Onofre Units 2 and 3
Docket Nos. 50-361 OL and 50-362 OL



Dear Mr. Chandler:

With reference to the above-mentioned matter, it has recently come to my attention that some parties to the current proceeding are serving documents upon me at the City Hall in Anaheim. I am no longer located at that address. I represent Anaheim and Riverside in this proceeding.

The purpose of this letter is to inform everyone who is a party to this proceeding that proper service upon the cities of Anaheim and Riverside, California whose interests the Board has consolidated with that of the applicants can be accomplished by serving me as follows:

Alan R. Watts, Esq.
Rourke & Woodruff
1055 North Main Street
Suite 1020
Santa Ana, California 92701

Very truly yours,

A handwritten signature in cursive script that reads "Alan R. Watts".

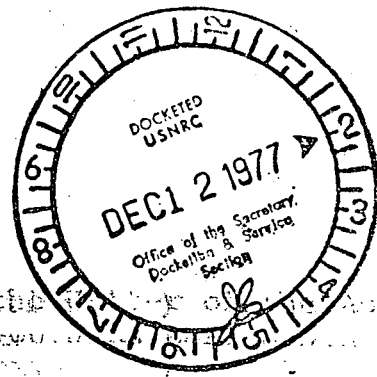
ALAN R. WATTS

ARW:jlm

cc: John M. Frysiak, Esq.
Dr. Cadet H. Hand, Jr.
Mr. Lester Kornblith, Jr.
Janice E. Kerr, Esq.
J. Calvin Simpson, Esq.
Lawrence Q. Garcia, Esq.
Mr. Lloyd von Haden
Mrs. Lynn Harris Hicks

David R. Pigott, Esq.
Richard J. Wharton, Esq.
Atomic Safety and Licensing
Board Panel
Atomic Safety and Licensing
Appeal Panel
Docketing and Service Section

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION



In the Matter of the Application of the City of Anaheim
by SOUTHERN CALIFORNIA EDISON COMPANY and SAN DIEGO GAS AND
ELECTRIC COMPANY for facility operating licenses for SAN ONOFRE
NUCLEAR GENERATING STATION, Unit Nos. 2 and 3, in San Diego County,
California.)
Docket Nos. 50-361
50-362

NOTICE OF APPEARANCE

Notice is hereby given that the undersigned attorney
herewith enters an appearance in the above-entitled matter.
In accordance with 10 CFR §2.713 the following information
is provided:

Name: Alan R. Watts
Address: 1055 North Main Street
Suite 1020
Santa Ana, California 92701
Telephone: (714) 835-6212
Admission: State of California Bar

Mr. Watts is appearing on behalf of the City of Anaheim
and the City of Riverside of the State of California.

December 09, 1977

Alan R. Watts

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In The Matter Of

SOUTHERN CALIFORNIA EDISON COMPANY,
et al.,

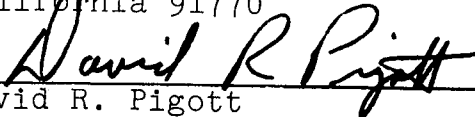
(San Onofre Nuclear Generating
Station, Units 2 and 3)

12/2/77

)
) DOCKET NOS. 50-361 OL
) 50-362 OL
)
)
)
)
)

NOTICE OF APPEARANCE

Notice is hereby given that the undersigned attorney herewith enters an appearance in the above captioned proceeding. In accordance with 10 CFR § 2.713, the following information is provided:

Name David R. Pigott
Address Chickering & Gregory
Three Embarcadero Center
23rd Floor
San Francisco, CA 94111
Telephone (415) 393-9274
Admissions All Courts of the State of California
Supreme Court of the United States
Court of Appeals, Ninth Circuit and District
of Columbia Circuit
District Court, Northern and Eastern
Districts of California
Name of Party San Diego Gas & Electric Company
Post Office Box 1831
San Diego, California 92112
and
Southern California Edison Company
2244 Walnut Grove Avenue
Rosemead, California 91770


David R. Pigott
Counsel for
Southern California Edison Company
and
San Diego Gas & Electric Company

Dated: December 2, 1977

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In The Matter Of)
)
SOUTHERN CALIFORNIA EDISON COMPANY,) DOCKET NOS. 50-361 OL
et al.,) 50-362 OL
)
(San Onofre Nuclear Generating)
Station, Units 2 and 3))
)

DESIGNATION FOR SERVICE

Pursuant to 10 CFR § 2.708(e), the following persons are designated as those on whom service may be made on behalf of San Diego Gas & Electric Company:

David R. Pigott
Allan J. Thompson
Chickering & Gregory
Three Embarcadero Center
23rd Floor
San Francisco, California 94111

Executed at San Francisco, California, this 2ND day of
December, 1977.

David R. Pigott
David R. Pigott
One of Counsel for
San Diego Gas & Electric Company

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

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
)
)
)
)
)
)

CERTIFICATE OF SERVICE

I hereby certify that copies of "Designation for Service" and
"Notice of Appearance" for David R. Pigott in the above
captioned proceeding have been served on the following by
deposit in the United States mail, first class mail, this
2nd day of December, 1977:

John M. Frysiak, Esq., Chairman
Atomic Safety and Licensing Board
U. S. Nuclear Regulatory Commission
Washington, DC 20555

Dr. Cadet H. Hand, Jr., Member
Director, Bodega Marine Laboratory
University of California
P. O. Box 247
Bodega Bay, CA 94923

Mr. Lester Kornblith, Jr., Member
Atomic Safety and Licensing Board
U. S. Nuclear Regulatory Commission
Washington, DC 20555

Janice E. Kerr, Esq.
J. Calvin Simpson, Esq.
Lawrence Q. Garcia, Esq.
5066 State Building
San Francisco, CA 94102

Alan R. Watts, Esq.
Assistant City Attorney
City Hall
Anaheim, CA 92805

Richard J. Wharton, Esq.
4655 Cass Street
San Diego, CA 92109

Lawrence J. Chandler, Esq.
Office of the Executive Legal Director
U. S. Nuclear Regulatory Commission
Washington, DC 20555


Mrs. Lyn Harris Hicks
GUARD
3908 Calle Ariana
San Clemente, CA 92672

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

Atomic Safety and Licensing Appeal Panel
U. S. Nuclear Regulatory Commission
Washington, DC 20555

Mr. Lloyd von Haden
2089 Foothill Drive
Vista, CA 92083

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



David R. Pigott
Counsel for Applicants

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In The Matter Of)
SOUTHERN CALIFORNIA EDISON COMPANY,) DOCKET NOS. 50-361 OL
et al.,) 50-362 OL
(San Onofre Nuclear Generating)
Station, Units 2 and 3))
_____)

NOTICE OF APPEARANCE

Notice is hereby given that the undersigned attorney herewith enters an appearance in the above captioned proceeding. In accordance with 10 CFR & 2.713, the following information is provided:

Name . Rollin E. Woodbury
Address Southern California Edison Company
2244 Walnut Grove Avenue
Rosemead, California 91770
Telephone (213) 572-2289
Admissions Before the Supreme Court of the State
of California
Name of Party Southern California Edison Company
2244 Walnut Grove Avenue
Rosemead, California 91770

ROLLIN E. WOODBURY

Rollin E. Woodbury
One of Counsel for
Southern California Edison Company

Dated: December 2, 1977

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In The Matter Of)
SOUTHERN CALIFORNIA EDISON COMPANY,) DOCKET NOS. 50-361 OL
et al.,) 50-362 OL
(San Onofre Nuclear Generating)
Station, Units 2 and 3))
_____)

DESIGNATION FOR SERVICE

Pursuant to 10 CFR § 2.708(d), the following persons are designated as those on whom service may be made on behalf of Southern California Edison Company:

David N. Barry, III
James A. Beoletto
Southern California Edison Company
2244 Walnut Grove Avenue
Rosemead, California 91770

Executed at Rosemead, California, this 2nd day of December, 1977.

ROLLIN E. WOODBURY

Rollin E. Woodbury
One of Counsel for
Southern California Edison Company

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

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

CERTIFICATE OF SERVICE

I hereby certify that copies of "Designation for Service" and "Notice of Appearance" for Rollin E. Woodbury in the above captioned proceeding have been served on the following by deposit in the United States mail, first class mail, this 2nd day of December, 1977:

John M. Frysiak, Esq , Chairman
Atomic Safety and Licensing Board
U. S. Nuclear Regulatory Commission
Washington, DC 20555

Dr. Cadet H. Hand, Jr., Member
Director, Bodega Marine Laboratory
University of California
P. O. Box 247
Bodega Bay, CA 94923

Mr. Lester Kornblith, Jr., Member
Atomic Safety and Licensing Board
U. S. Nuclear Regulatory Commission
Washington, D.C. 20555

Janice E. Kerr, Esq.
J. Calvin Simpson, Esq.
Lawrence Q. Garcia, Esq.
5066 State Building
San Francisco, CA 94102

Alan R. Watts, Esq.
Assistant City Attorney
City Hall
Anaheim, CA 92805

Richard J. Wharton, Esq.
4655 Cass Street
San Diego, CA 92109

Lawrence J. Chandler, Esq.
Office of the Executive Legal Director
U. S. Nuclear Regulatory Commission
Washington, DC 20555

Mrs. Lyn Harris Hicks
GUARD
3908 Calle Ariana
San Clemente, CA 92672

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

Atomic Safety and Licensing Appeal Panel
U. S. Nuclear Regulatory Commission
Washington, DC 20555

Mr. Lloyd von Haden
2089 Foothill Drive
Vista, CA 92083

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

ROLLIN E. WOODBURY

Rollin E. Woodbury
Counsel for Applicants

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In The Matter Of)
SOUTHERN CALIFORNIA EDISON COMPANY,) DOCKET NOS. 50-361 OL
et al.,) 50-362 OL
(San Onofre Nuclear Generating)
Station, Units 2 and 3))
_____)

NOTICE OF APPEARANCE

Notice is hereby given that the undersigned attorney herewith enters an appearance in the above captioned proceeding. In accordance with 10 CFR § 2.713, the following information is provided:

Name David N. Barry, III
Address Southern California Edison Company
2244 Walnut Grove Avenue
Rosemead, California 91770
Telephone (213) 572-1920
Admissions Before the Supreme Court of the State
of California
Name of Party Southern California Edison Company
2244 Walnut Grove Avenue
Rosemead, California 91770

DAVID N. BARRY, III

David N. Barry, III
One of Counsel for
Southern California Edison Company

Dated: December 2, 1977

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In The Matter Of)
SOUTHERN CALIFORNIA EDISON COMPANY,) DOCKET NOS. 50-361 OL
et al.,) 50-362 OL
(San Onofre Nuclear Generating)
Station, Units 2 and 3))
_____)

DESIGNATION FOR SERVICE

Pursuant to 10 CFR § 2.708(d), the following persons are designated as those on whom service may be made on behalf of Southern California Edison Company:

David N. Barry, III
James A. Beoletto
Southern California Edison Company
2244 Walnut Grove Avenue
Rosemead, California 91770

Executed at Rosemead, California, this 2nd day of
December, 1977.

DAVID N. BARRY, III

David N. Barry, III
One of Counsel for
Southern California Edison Company

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In The Matter Of)
SOUTHERN CALIFORNIA EDISON COMPANY,) DOCKET NOS. 50-361 OL
et al.,) 50-362 OL
(San Onofre Nuclear Generating)
Station, Units 2 and 3))
_____)

CERTIFICATE OF SERVICE

I hereby certify that copies of "Designation for Service" and "Notice of Appearance" for David N. Barry, III in the above captioned proceeding have been served on the following by deposit in the United States mail, first class mail, this 2nd day of December, 1977, as follows:

John M. Frysiak, Esq., Chairman
Atomic Safety and Licensing Board
U. S. Nuclear Regulatory Commission
Washington, DC 20555

Dr. Cadet H. Hand, Jr., Member
Director, Bodega Marine Laboratory
University of California
P. O. Box 247
Bodega Bay, CA 94923

Mr. Lester Kornblith, Jr., Member
Atomic Safety and Licensing Board
U. S. Nuclear Regulatory Commission
Washington, D.C. 20555

Janice E. Kerr, Esq.
J. Calvin Simpson, Esq.
Lawrence Q. Garcia, Esq.
5066 State Building
San Francisco, CA 94102

Alan R. Watts, Esq.
Assistant City Attorney
City Hall
Anaheim, CA 92805

Richard J. Wharton, Esq.
4655 Cass Street
San Diego, CA 92109

Lawrence J. Chandler, Esq.
Office of the Executive Legal Director
U. S. Nuclear Regulatory Commission
Washington, DC 20555

Mrs. Lyn Harris Hicks
GUARD
3908 Calle Ariana
San Clemente, CA 92672

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

Atomic Safety and Licensing Appeal Panel
U. S. Nuclear Regulatory Commission
Washington, DC 20555

Mr. Lloyd von Haden
2089 Foothill Drive
Vista, CA 92083

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

DAVID N. BARRY, III

David N. Barry, III
Counsel for Applicants

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

12/2/77

In The Matter Of)
SOUTHERN CALIFORNIA EDISON COMPANY,) DOCKET NOS. 50-361 OL
et al.,) 50-362 OL
(San Onofre Nuclear Generating)
Station, Units 2 and 3))
_____)

NOTICE OF APPEARANCE

Notice is hereby given that the undersigned attorney herewith enters an appearance in the above captioned proceeding. In accordance with 10 CFR § 2.713, the following information is provided:

Name James A. Beoletto
Address Southern California Edison Company
2244 Walnut Grove Avenue
Rosemead, California 91770
Telephone (213) 572-1900
Admissions Before the Supreme Court of the State
of California
Name of Party Southern California Edison Company
2244 Walnut Grove Avenue
Rosemead, California 91770

JAMES A. BEOLETTO

James A. Beoletto
One of Counsel for
Southern California Edison Company

Dated: December 2, 1977

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In The Matter Of)
SOUTHERN CALIFORNIA EDISON COMPANY,) DOCKET NOS. 50-361 OL
et al.,) 50-362 OL
(San Onofre Nuclear Generating)
Station, Units 2 and 3))
_____)

DESIGNATION FOR SERVICE

Pursuant to 10 CFR § 2.708(d), the following persons are designated as those on whom service may be made on behalf of Southern California Edison Company:

David N. Barry, III
James A. Beoletto
Southern California Edison Company
2244 Walnut Grove Avenue
Rosemead, California 91770

Executed at Rosemead, California this 2nd day of December,
1977.

JAMES A. BEOLETTO

James A. Beoletto
One of Counsel for
Southern California Edison Company

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In The Matter Of)
SOUTHERN CALIFORNIA EDISON COMPANY,) DOCKET NOS. 50-361 OL
et al.,) 50-362 OL
(San Onofre Nuclear Generating)
Station, Units 2 and 3))
_____)

CERTIFICATE OF SERVICE

I hereby certify that copies of "Designation for Service" and "Notice of Appearance" for James A. Beoletto in the above captioned proceeding have been served on the following by deposit in the United States mail, first class mail, this 2nd day of December, 1977:

John M. Frysiak, Esq., Chairman
Atomic Safety and Licensing Board
U. S. Nuclear Regulatory Commission
Washington, DC 20555

Dr. Cadet H. Hand, Jr., Member
Director, Bodega Marine Laboratory
University of California
P. O. Box 247
Bodega Bay, CA 94923

Mr. Lester Kornblith, Jr., Member
Atomic Safety and Licensing Board
U. S. Nuclear Regulatory Commission
Washington, D.C. 20555

Janice E. Kerr, Esq.
J. Calvin Simpson, Esq.
Lawrence Q. Garcia, Esq.
5066 State Building
San Francisco, CA 94102

Alan R. Watts, Esq.
Assistant City Attorney
City Hall
Anaheim, CA 92805

Richard J. Wharton, Esq.
4655 Cass Street
San Diego, CA 92109

Lawrence J. Chandler, Esq.
Office of the Executive Legal Director
U. S. Nuclear Regulatory Commission
Washington, DC 20555

Mrs. Lyn Harris Hicks
GUARD
3908 Calle Ariana
San Clemente, CA 92672

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

Atomic Safety and Licensing Appeal Panel
U. S. Nuclear Regulatory Commission
Washington, DC 20555

Mr. Lloyd von Haden
2089 Foothill Drive
Vista, CA 92083

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

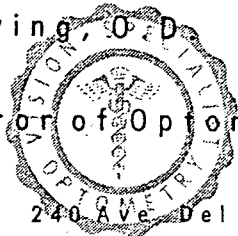
JAMES A. BEOLETTO

James A. Beoletto
Counsel for Applicants

Bruce M. Ewing, O.D.

Doctor of Optometry

240 Ave. Del Mar, San Clemente, California 92672 492-2232

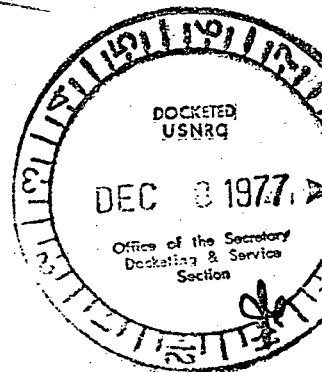


Nov. 30, 1977

DOCKET NUMBER

DOCKET NO. 50-361,362

Sec. of Commerce
U.S. Nuclear Regulatory Comm.
Washington D.C. 20555



Dear Sirs,

I would like to make a limited appearance to state my position on the San Onofre Plants II and III.

Respectfully yours,

Bruce M. Ewing
Bruce M. Ewing, C.D.

Acknowledged by card

12/8/77
Crew

November 20, 1977

DOCKET NUMBER

PROD. & UTIL. EAC. 50-261,362

Secretary, Nuclear Regulatory Commission
Washington, D.C. 20555

To Whom it May Concern:

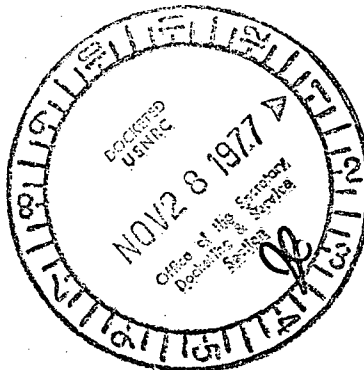
On behalf of the Alliance for Survival, I would like to request an opportunity to speak to the question of the expansion of Nuclear Reactor Site Facilities San Onofre.

Since we have serious questions about the licensing of San Onofre #2 and #3, we would like an opportunity to be heard at the forthcoming license-stage hearing.

Our Alliance for Survival is a citizens civic coalition of organizations representing thousands of citizens in southern California.

Irving Sarnoff

Irving Sarnoff
Alliance for Survival
PO Box 65032
Los Angeles, Ca. 90065



Acknowledged by card 11/28/77
cmw

LAW OFFICES OF

CHICKERING & GREGORY

TELEPHONE (415) 393-9000
WRITER'S DIRECT DIAL NUMBER

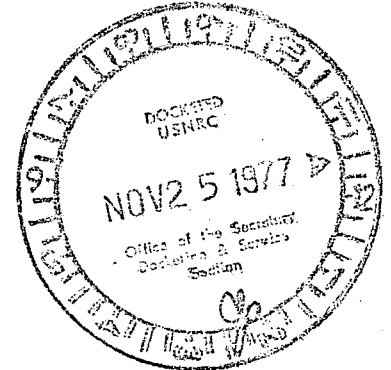
THREE EMBARCADERO CENTER
TWENTY-THIRD FLOOR

CODE ADDRESS
"CHICGREG"

SAN FRANCISCO 94111

RELATED CORRESPONDENCE

November 21, 1977



Lawrence J. Chandler, Esq.
Office of the Executive Legal Director
U. S. Nuclear Regulatory Commission
Washington, DC 20555

Re: San Onofre Units 2 and 3
Docket Nos. 50-361 OL and 50-362 OL

Dear Larry:

In further definition of your letter of November 18, 1977, concerning the informal prehearing conference, this is to advise that the meeting is scheduled for December 1st, commencing at 1:00 p.m., and continuing into December 2nd at the following address:

Southern California Edison Company
2244 Walnut Grove Avenue, Room 275
Rosemead, California

Very truly yours,

David R. Pigott
David R. Pigott

DRP:jh

cc - John M. Frysiak, Esq.
Dr. Cadet H. Hand, Jr.
Mr. Lester Kornblith, Jr.
Janice E. Kerr, Esq.
J. Calvin Simpson, Esq.
Lawrence Q. Garcia, Esq.
Mr. Lloyd von Haden
Mrs. Lyn Harris Hicks

Alan R. Watts, Esq.
Richard J. Wharton, Esq.
Atomic Safety and Licensing
Board Panel
Atomic Safety and Licensing
Appeal Panel
Docketing and Service Section



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D. C. 20585

November 18, 1977

Mrs. Lyn Harris Hicks
GUARD
3908 Calle Ariana
San Clemente, California 92672

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 Mrs. Hicks:

This will confirm our phone conversation on November 11, 1977, during which I informed you of a change in the date for the meeting among all parties of which I advised you in my letter of November 9, 1977.

The meeting, originally scheduled to begin at 1:00 pm, November 17, 1977, at the offices of Southern California Edison Company, in Rosemead, California, will instead start at 1:00 pm on December 1, 1977 and continue on December 2, 1977. Mr. Pigott will by separate letter advise each party of the exact location.

As indicated in my letter to you of November 9, 1977, your presence at a time when issues common to the GUARD petition and petition filed by Mr. Wharton, could be discussed together, would be helpful. I understand from our conversation today that you are planning to attend this meeting.

Sincerely,

A handwritten signature in cursive script that reads "Lawrence J. Chandler".

Lawrence J. Chandler
Counsel for NRC Staff

cc: John M. Frysiak, Esq.
Dr. Cadet H. Hand, Jr.
Mr. Lester Kornblith, Jr.
Janice E. Kerr, Esq.
J. Calvin Simpson, Esq.
Lawrence Q. Garcia, Esq.
Rollin E. Woodbury, Esq.
David N. Barry, III, Esq.
James A. Beoletto, Esq.

David R. Pigott, Esq.
Alan R. Watts, Esq.
Richard J. Wharton, Esq.
Atomic Safety and Licensing
Board Panel
Atomic Safety and Licensing
Appeal Panel
Docketing and Service Section

11/4/77

SUPPLEMENTAL DISTRIBUTION FOR HEARING NOTICES AND ORDERS RE SCHEDULING OF HEARINGS

Docket No. 50-361/362 Applicant: Southern California Edison Company & San Diego Gas and Electric Company
 Notice/Order Date: 10/26/77 Facility Designation: San Onofre 2 & 3
 Purpose: Special Prehearing Conf Date & Time of Hearing: 12/6/77 - 9:30 am
 Address of Hearing: San Diego, Ca Chairman JM Frysiak
 Meeting Place Holiday Inn

Date Sent:

11/4/77

11/4/77

State Official

Local Official

Intervenors & Limited Appearers:

by SECY

Others who have asked to be notified:

Mr. Sandy Hillver, Calif Coastal Comm
*Attorney General, State of Calif

11/4/77

11/4/77

* EPA

11/4/77

* Fish & Wildlife Regional Office*

11/4/77

River Basin Commission*

None

*For full reviews of CP's and OL's only

Jean Lee
 Licensing Assistant, LWR 2, DPM

cc: Docket Files
 Attorney, ELD
 M. Duncan, EP

Note: Distribution also made on the Notice of Hearing, dtd 10/26/77 to all of the above.
 *Asterisked names did not receive Special Prehearing Conference Notice - only Hearing Notice.

The application for the facility operating license and Applicants' Environmental Report dated March 21, 1977, have been placed in the Public Document Room of the Nuclear Regulatory Commission at 1717 H Street, N.W., Washington, D.C. 20555. Copies of the foregoing documents are also available at the Mission Viejo Branch Library, 24851 Chrisanta Drive, Mission Viejo, California.

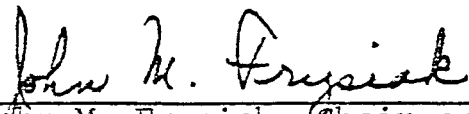
Any person who wishes to make an oral or written statement in this proceeding setting forth his position on the issue specified but who has not filed a petition for leave to intervene may request permission to make a limited appearance pursuant to the provisions of 10 CFR §2.715 of the Commission's Rules of Practice. Limited appearances will be permitted at the time of the hearing at the discretion of the Board, within such limits and on such conditions as may be fixed by the Board. Persons desiring to make a limited appearance are requested to inform the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, not later than thirty (30) days from the date of publication of this Notice in the Federal Register. A person permitted to make a limited appearance does not

become a party, but may state his position and raise questions which he would like to have answered to the extent that the questions are within the scope of the hearing. A member of the public does not have the right to participate in the proceeding unless he has been granted the right to intervene as a party or the right of limited appearance.

Papers required to be filed in this proceeding may be filed by mail or telegram addressed to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555 Attention: Supervisor, Docketing and Service Section, 1717 H Street, N.W., Washington, D.C. 20555.

Pending further Order of the Board, parties are required to file pursuant to provisions of 10 CFR §2.708 of the Commission's Rules of Practice, an original and twenty (20) conformed copies of each such paper with the Commission.

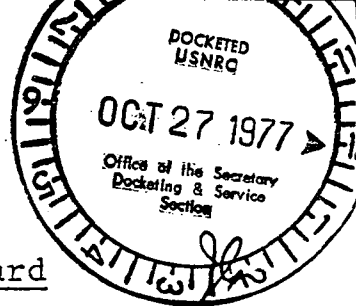
FOR THE ATOMIC SAFETY AND
LICENSING BOARD ESTABLISHED
TO RULE ON PETITIONS FOR
INTERVENTION



John M. Frysiak, Chairman

Dated this 26th day of October 1977,
At Bethesda, Maryland.

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION



Before the Atomic Safety and Licensing Board

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

10/26/77

NOTICE OF SPECIAL PREHEARING CONFERENCE

A special prehearing conference pursuant to 10 CFR §2.715a in the above-captioned matter will take place on December 6, 1977, at the Holiday Inn, 595 Hotel Circle South, San Diego, California, at 9:30 a.m.

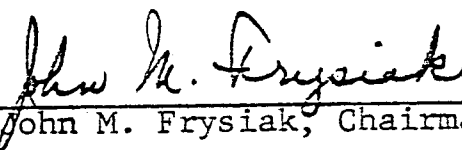
The purpose of the special prehearing conference is:

- (1) to identify the key issues in the proceeding, and,
- (2) to establish a schedule for further actions in the proceeding.

In its Order of October 26, 1977, the Licensing Board established to rule on intervention petitions ruled on the

adequacy of only a minimum number of contentions alleged as required by the Commission's Regulations. The prehearing conference will deal with the remaining contentions alleged by the petitioners. Counsel for the parties are encouraged to confer on these outstanding contentions prior to the scheduled prehearing conference with a view of arriving at a written stipulated set of contentions which would be acceptable under the Regulations.

FOR THE ATOMIC SAFETY AND
LICENSING BOARD



John M. Frysiak, Chairman

Dated this 26th day of October 1977,

At Bethesda, Maryland.

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

ATOMIC SAFETY AND LICENSING BOARD

In The Matter Of) DOCKET NOS. 50-361
SOUTHERN CALIFORNIA EDISON COMPANY)
SAN DIEGO GAS & ELECTRIC COMPANY) AND 50-362
(San Onofre Nuclear Generating)
Station, Units Nos. 2 and 3))

APPLICANTS' ANSWER TO ADDENDUM
TO PETITION TO INTERVENE OF GUARD

I.

On April 7, 1977 the Federal Register (Vol. 24, 2067, at pages 18460-61) published "Receipt of Application for Facility Operating License; Availability of Environmental Report; and Opportunity for Hearing" (hereinafter "notice"), with respect to the above-captioned dockets. Said notice advised that persons whose interests may be affected by the proceeding could file a petition for leave to intervene and request a hearing with respect to issuance of the operating licenses. Petitions to intervene were to conform with the requirements of 10 C.F.R. § 2.714.

Documents dated May 9, 1977 titled "Petition to Intervene of the Organization GUARD - Environmental Coalition of Orange County" and "Affidavit of Lyn Harris Hicks in Support of Petition to Inter-

vene of Organization GUARD of Environmental Coalition of Orange County, California" were filed in the above dockets on or about May 16, 1977. Said petition to intervene in the form presented was opposed by Southern California Edison Company and San Diego Gas & Electric Company ("applicants") and the NRC staff. The Atomic Safety and Licensing Board ruled in its Memorandum and Order dated July 22, 1977 that the petition of GUARD was defective in its then existing form. Neither the petition to intervene nor the supporting affidavit adequately defined the interests asserted or the basis for the contention alleged.

GUARD was allowed 30 days within which to file an amended petition complying with the requirements of 10 C.F.R. 2.714(a). Further, GUARD was required to clarify how its interests varied from those of Environmental Coalition of Orange County, its parent organization which has also filed a petition to intervene in the above dockets.

By letter dated August 17, 1977 from Lyn Harris Hicks, there was submitted affidavits of: Hal Thomas, a director of Environmental Coalition of Orange County; John Maitino, a vice-president of GUARD; Dorothy Drummond, secretary of GUARD; and Lee Steelman, president of GUARD. Additionally, the letter of August 17, 1977 requests that it be considered as an "Addenda to GUARD Petition to Intervene." Applicants have not received any additional filing in support of the Petition to Intervene of Environmental Coalition of Orange County subsequent to the Board's Order of July 22, 1977. Applicants construe the above documents as GUARD's effort to bring

its petition to intervene into conformity with the requirements of 10 C.F.R. 2.714(a).

Once again GUARD failed to serve its filings on applicants. Applicants received GUARD's documents by mail on August 26, 1977 from the Office of the Secretary, Docketing and Service Section. Pursuant to 10 C.F.R. 2.714(c), applicants hereby file "Applicants' Answer to Addendum to Petition to Intervene of GUARD".

II.

GUARD HAS FAILED TO MAKE AN ADEQUATE SHOWING OF "INTEREST" IN THIS PROCEEDING

The Commission requires a potential intervenor to make a showing of its interest in a proceeding before intervention is granted. A petitioner must specifically identify its interest in a proceeding and the way in which that interest may be effected. [10 C.F.R. 2.714; Sierra Club v. Morton, 405 U.S. 727, 739 (1972); Public Service Company of Oklahoma, Inc., et al. (Black Fox Station Units 1 and 2), 5 NRC 1143, May 9, 1977)].

In this instance GUARD has totally failed to add any definition of its interest in this proceeding beyond what was submitted in its May 1977 filing. The four affidavits filed on or about August 24, 1977 are, with the exception of the names and positions of the individuals signing them and the addition of the concluding phrase "and thus live in constant jeopardy of their

lives, health and property" in Paragraph IV, identical with the affidavit filed by Lyn Harris Hicks on or about May 16, 1977. Mrs. Hicks' affidavit was found inadequate by this Board in its Memorandum and Order of July 22, 1977. The affidavits allege a general interest in the proceeding and that GUARD members reside in the "immediate radius areas" of the San Onofre facilities. There is no allegation that any of the persons signing the affidavits are within the sphere of interest of this proceeding.

Applicants submit that the number of affidavits filed in support of a petition to intervene is irrelevant where none of the affidavits express a particular, recognizable interest in the proceeding. GUARD has again failed to meet the requirements of 10 C.F.R. 2.714 and its Petition to Intervene must be denied.

III

GUARD HAS FAILED TO SUBMIT AN AFFIDAVIT IDENTIFYING THEIR CONCERNS AND THE BASIS OF SUCH CONCERNS

GUARD advocate Lyn Harris Hicks has submitted an unverified letter dated August 17, 1977 which has been styled as "Addenda to GUARD Petition to Intervene". Such correspondence is defective as a supplement to a petition to intervene because it does not comply with the requirements that a petition to intervene be under oath or affirmation and that the basis of any contention be alleged by affidavit (10 C.F.R. 2.714).

The "addenda" fails to set forth the authority of Lyn Harris Hicks to represent that organization or to seek intervenor status on GUARD's behalf. The position of that organization with respect to Environmental Coalition of Orange County, Inc., its parent organization, has not been clarified as specifically requested by the Board in its Memorandum and Order of July 22, 1977.

GUARD states in the addenda that it is proceeding on the assumption "... that the full spectrum of issues and problems related to evacuation will be thoroughly reviewed in the license hearings" and cites "examples of the contention" it would raise at hearing. The example "contentions" set forth in the addenda do not reference any factual foundation and in many instances are simply incorrect. Applicants comment on the example contentions set forth on page 2 of the August 17, 1977 addenda as follows:

a. Items 1 and 6: GUARD alleges that evacuation plans have failed to consider "time constraints" and the "availability of manpower and equipment necessary" to accomplish effective evacuation. The document titled "Evacuation Plan for the Area Surrounding San Onofre Nuclear Generation Station" dated July 1975 sets forth the manpower and equipment availability as well as response time for various elements of the evacuation plan. The anticipated times necessary to notify the various agencies involved and the times necessary to effect evacuation are also

reflected in "Table 6.6 Evacuation of Potentially Affected Areas" and Appendix B, "Calculated Time-Distance-Dose Plots" found in the Emergency Plan, San Onofre Nuclear Generating Station, Units 2 and 3, filed in the above dockets.

b. Item 2: GUARD refers in a very general manner to testimony in California Energy Commission hearings. Applicants are unable to locate any testimony in that proceeding that would characterize information coming from San Onofre as "educated guesses." No specific contention is made nor are any facts alleged which could be the basis for a contention.

c. Items 3, 4, 5, and 7: GUARD here attempts to raise a combination of issues which are not within the scope of this proceeding. An applicant need not concern itself with evacuation planning outside its Low Population Zone (LPZ). [New England Power Company, et al. (NEP Units 1 and 2), Public Service Company of New Hampshire, et al. (Seabrook Station, Units 1 and 2), ALAB-390, 5 NRC 733 (1977)]. An examination of evacuation planning in the area 10-15 miles from San Onofre which is well beyond the low population zone or population growth at those distances are not proper issues in this area.

GUARD again refers to population growth and population center distances as exceeding the guidelines of 10 C.F.R. 100. It should be noted that this issue was the subject of extensive examination at the Construction Permit stage where it was found that San Onofre does comply with the Commission's siting criteria. [Cf. prior decisions related to this proceeding; Southern California Edison

Company, et al. (San Onofre Nuclear Generating Station, Units 2 and 3), ALAB-248; ALAB 268 and LBP 77-34 (5 NRC 1270 (1977)]. GUARD does not allege any new circumstances or conditions that would be grounds for a rehearing of the site suitability issue. In the absence of changed circumstances or prior omissions, it is submitted that GUARD has failed to raise a site suitability issue appropriate for this proceeding.

IV.
CONCLUSION

It is respectfully submitted that GUARD's moving papers for intervenor status still do not meet the requirements of 10 C.F.R. 2.714. Said documents do not make the required showing of interest nor do they identify any issues or the basis for an issue that may appropriately be heard in this proceeding.

DATED: September 2, 1977 .

Respectfully submitted,

SHERMAN CHICKERING
C. HAYDEN AMES
FRANK S. BAYLEY III
DAVID R. PIGOTT
CHICKERING & GREGORY

By /s/ David R. Pigott

David R. Pigott
Attorneys for Applicant
SAN DIEGO GAS & ELECTRIC COMPANY

ROLLIN E. WOODBURY
DAVID N. BARRY III
JAMES A. BEOLETTO

By /s/ James A. Beoletto

James A. Beoletto
Attorneys for Applicant
SOUTHERN CALIFORNIA EDISON COMPANY

CERTIFICATE OF SERVICE

I hereby certify that on the 2nd day of September, 1977 copies of the foregoing APPLICANTS' ANSWER TO ADDENDUM TO PETITION TO INTERVENE OF GUARD were served upon each of the following by deposit in the United States mail, postage prepaid, addressed as follows:

Dr. Sidney R. Galler
Deputy Assistant Secretary
for Environmental Affairs
U. S. Dept. of Commerce
14th & Constitution, N.W.
Room 3425
Washington, D.C. 20230

Mr. Robert Ochinerro, Director
National Oceanographic Data
Center
Environmental Data Service
Natl. Oceanic & Atmospheric
Administration
U. S. Dept. of Commerce
Washington, D.C. 20235

Mr. Bruce Blanchard, Director
Office of Environmental
Projects Review, Rm. 4239
U. S. Dept. of the Interior
18th & C Streets, N.W.
Washington, D.C. 20240

Mr. Charles Custard, Director
Office of Environmental
Affairs
U. S. Dept. of Health, Education
and Welfare, Rm. 524F2
200 Independence Ave., S.W.
Washington, D.C. 20201

M. Whitman Ridgway, Chief
Bureau of Power
Federal Power Commission
Rm. 5100
825 No. Capitol St., N.W.
Washington, D.C. 20426

Dr. Carl N. Schuster, Jr.
Federal Power Commission, Rm. 4016
825 No. Capitol St., N.W.
Washington, D.C. 20426

Mr. James T. Curtis, Jr.,
Director
Materials Transportation Bureau
2100 Second St., S.W.
Washington, D.C. 20590

Secretarial Representative
U.S. Dept. of Transportation
Suite 610
2 Embarcadero Center
San Francisco, California 94111

Chief, Energy Systems Analyses
Branch (AW-459)
Office of Radiation Programs
U. S. Environmental Protection
Agency
Rm. 645, East Tower
401 M Street, S.W.
Washington, D. C. 20460

Chief, Environmental Evaluation
Branch (WH-548)
Office of Water and Hazardous
Materials
U. S. Environmental Protection
Agency
Rm. 2818, Waterside Mall
401 M St., S.W.
Washington, D.C. 20460

EIS Coordinator
Att: Ms. Patricia Port
Environmental Protection Agency
100 California Street
San Francisco, Calif. 94111

U. S. Dept. of the Army
Corps of Engineers
Box 2711
Los Angeles, Calif. 90053

Mr. Robert Garvey, Executive
Director
Advisory Council on Historic
Preservation
1522 K St., N.W., Suite 430
Washington, D.C. 20005

Mr. H. E. Zittel, Manager
Environmental Statement Project
Oak Ridge Natl. Laboratory
Box X
Oak Ridge, Tennessee 37830

Regional Administrator
Dept. of Housing and Urban
Development
450 Golden Gate Avenue
Box 36003
San Francisco, Calif. 94102

Librarian/Thermal Reactors
Safety Group
Building 130
Brookhaven Natl. Laboratory
Upton, L.I., New York 11973

Atomic Industrial Forum
1747 Pennsylvania Ave., N.W.
Washington, D.C. 20005

Chairman
Board of Supervisors
San Diego County
San Diego, California 92412

Mayor, City of San Clemente
San Clemente, California 92672

Mr. Frank Hahn, Director
Energy Facilities Siting Div.
Energy Resources Conservation
& Development Commission
1111 Howe Avenue
Sacramento, California 95825

California Dept. of Health
Att: Chief, Environmental
Radiation Control Unit
Radiologic Health Section
714 P St., Room 498
Sacramento, California 95814

Energy Resources Conservation
and Development Commission
Att: Librarian
1111 Howe Avenue
Sacramento, California 95825

Office of Intergovernmental
Management
State of California
1400 10th St., Rm. 108
Sacramento, California 95814

Office of the Governor
Office of Planning & Research
1400 Tenth St.
Sacramento, California 95814

San Diego County Comprehensive
Planning Organization
Security Pacific Plaza
1200 Third Ave.
San Diego, California 92101

Chief, Div. of Ecological
Services
Bureau of Sport Fisheries &
Wildlife
U.S. Dept. of the Interior
18th & C Streets, N.W.
Washington, D.C. 20240

Mr. Joseph Canny
Office of Environmental Affairs
U.S. Dept. of Transportation
400 7th St., S.W., Room 9422
Washington, D.C. 20590

Capt. Wm. R. Riedel
Water Resources Coordinator
W/S 73 USCG, Room 7306
U.S. Dept. of Transportation
400 7th St., S.W.
Washington, D.C. 20590

Director Dept. of Parks and
Recreation
State Resources Agency
Box 2390
Sacramento, California 95811

Mr. Richard H. Broun
Environmental Clearance Officer
Dept. of Housing and Urban
Development
451 7th St., S.W. Rm. 7258
Washington, D.C. 20410

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

Henry J. McGurren, Esq.
U.S. Nuclear Regulatory
Commission
Office of the Executive Legal
Director
Washington, D.C. 20555

Alan R. Watts, Esq.
Assistant City Attorney
City Hall
Anaheim, California

Lawrence Chandler, Esq.
U.S. Nuclear Regulatory
Commission
Office of the Executive Legal
Director
Washington, D.C. 20555

Richard J. Wharton, Esq.
4655 Cass St., Suite 304
San Diego, California 92109

Lloyd and Selma von Haden
2089 Foothill Drive
Vista, California 92083

Jancie E. Kerr
J. Calvin Simpson
Andrew J. Skaff
Martin A. Mattes
California Public Utilities
Commission
5066 State Building
San Francisco, California 94102

John M. Frysiak, Esq., Chairman
Atomic Safety and Licensing Board
Panel
U. S. Nuclear Regulatory
Commission
Washington, D.C. 20555

Dr. Cadet H. Hand, Jr., Member
Director, Bodega Marine Laboratory
University of California
Box 247
Bodega Bay, California 94923

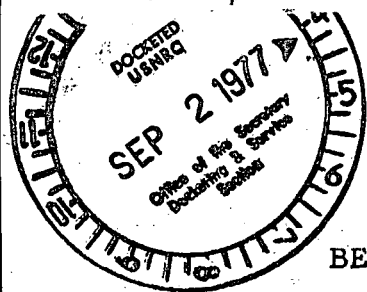
Mr. Lester Kornblith, Jr.,
Member
Atomic Safety and Licensing
Board Panel
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Mr. William L. Bedford
1061 Barsby St.
Vista, California 92083

Ms. Lyn Harris Hicks
GUARD
3908 Calle Ariana
San Clemente, California 92672

JAMES A. BEOLETTO

James A. Beoletto



UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

9/16/77

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

NRC STAFF ANSWER TO GUARD'S AMENDED
PETITION FOR LEAVE TO INTERVENE

By letter postmarked August 18, 1977, petitioner GUARD submitted "addenda to GUARD's application for intervenor status in the license stage hearings on San Onofre Units 2 and 3" (amended petition). These addenda consist of revised contentions and affidavits of several officers of GUARD as well as the affidavit of the Director of the Environmental Coalition of Orange County (ECOC). It is presumed that these documents were submitted in response to the Memorandum and Order of the Atomic Safety and Licensing Board designated to rule on petitions for leave to intervene served on July 25, 1977.

I. BACKGROUND

On May 9, 1977, a timely petition for leave to intervene was filed by GUARD in response to the Commission's Notice of Opportunity for Hearing in the captioned proceeding, published in the Federal Register on April 7, 1977 (42 F.R. 18460).

The NRC Staff (Staff) filed its answer to GUARD's petition on May 27, 1977, opposing it on several grounds. First, the Staff stated that the petition failed to satisfy the "interest" requirement of 10 CFR § 2.714 in that it advanced only a generalized corporate interest and did not set forth a specific interest of either the organization or its individual members.

Second, the Staff stated its view that the petition failed to satisfy the "contention" requirement of 10 CFR § 2.714 in that those contentions stated in the petition were unduly vague.

Third, the Staff stated its position that the affidavit filed in support of the petition did not satisfy that requirement of 10 CFR § 2.714 in that it failed (1) to set forth the facts pertaining to GUARD's interest and (2) to identify with particularity, the basis upon which the contentions advanced are founded.

Finally, the Staff expressed its position that, inasmuch as ECOC, of which GUARD is a subsidiary, was among the several joint petitioners whose petition was filed over the signature of Richard J. Wharton on May 9, 1977, it was not clear why GUARD should be seeking to participate independently of ECOC, and that this matter should be resolved if GUARD were given an opportunity, as the Staff recommended, to remedy the deficiencies the Staff perceived.

By Memorandum and Order served on July 29, 1977, this Board ruled that GUARD's petition was "defective in its present form in that neither the petition...nor the supporting affidavit adequately sets forth the factors pertaining to the interests asserted and identifies with particularity the basis upon which the contentions are found." (Memorandum and Order at 6). The Board, accordingly, granted GUARD 30 days from the date of service to file an amended petition and required GUARD "to clarify how its interests differ from the interests of its parent organization, the ECOC, in the instant proceeding." (Id).

II. THE AMENDED PETITION

A. INTEREST

Although the amended petition now includes several affidavits, each contains only an identical general statement by an officer of the organization that its members are resident of the immediate radius areas, live in "constant jeopardy of their lives, health and property", are interested in this licensing proceeding and have participated in the San Onofre proceeding as intervenors for many years, and that continued participation in this proceeding is the only means by which GUARD may protect its members.

The Staff does not believe that the affidavits attached to the amended petition satisfy the "interest" requirement of 10 C.F.R. § 2.714. Once again, these statements are merely generalized assertions by officers of the organization

that its members may have an interest. While this may in fact be true, the Commission's Rules of Practice, 10 CFR § 2.714, require that the interest asserted be specifically identified. If such interest be that of the organization, affidavits by its officers describing what that corporate interest may be and how it may be affected by the instant licensing action, may suffice; the affidavits attached to the amended petition do not attempt to demonstrate this type of interest. If, on the other hand, the interest alleged be that attributable to members of the organization, affidavits of individual members stating their individual interest, e.g., residents of the site environs, and an effect on such interest, e.g., lowering of property values or damage as a consequence of a potential accident, must be shown. While such individual could certainly be an officer of the organization (though he or she need not be for this purpose), the affidavit submitted must reflect the affiant's individual interest and effect thereon and not that of someone else. See Sierra Club v. Morton, 405 U.S. 727 (1972). The affidavits accompanying the amended petitions are in the latter category and are, therefore, defective.

However, as noted by the Staff in its May 27, 1971 answer to GUARD's original petition:

Although the foregoing deficiencies exist, the Staff recognizes that GUARD has been and continues to be an intervenor in the construction permit proceeding pertaining to these facilities. Thus, GUARD has previously demonstrated that it and/or its indi-

vidual members do have an interest in the proceeding which may be affected. Accordingly, the Staff is of the opinion that the deficiencies relating to GUARD's statement of interest and the effect thereon are more in the nature of inartful exposition. (Staff's answer at 3).

The Staff believes that, particularly in light of GUARD's continued efforts without the aid of legal counsel, the foregoing factor should be weighed heavily in favor of a finding by this Board that GUARD has an interest in this proceeding which may be affected and has, therefore, complied with this aspect of 10 CFR § 2.714, ^{1/} subject to submission of affidavits of individual members of GUARD, officers or otherwise, showing the interest of each affiant and what effect thereon may result from this licensing action.

^{1/} We would note that although technical compliance with 10 CFR § 2.714 may not be manifestly demonstrated by GUARD's original or amended petitions, the above factor coupled with GUARD's active participation in the construction permit proceeding, including the presentation of witnesses on its behalf on several significant issues, suggests that their participation in this proceeding would likely result in a contribution to the decisional record and argues in favor of GUARD's admission as a party as an exercise of this Board's discretion. See Public Service Company of Oklahoma, et al. (Black Fox Station, Units 1 and 2), ALAB-397, 5 NRC 1143 (May 9, 1977); Portland General Electric Company (Pebble Springs Units 1 and 2), CLI-76-27, NRCI-76/12 610 (1976). Respecting the potential for a contribution to this proceeding by GUARD, it may also be noted to consider that Mrs. Lyn Harris Hicks, over whose signature GUARD's petition and amended petition were filed, is Chairman of the Emergency and Evacuation Planning Committee, which we understand to be a subcommittee of the State of California San Onofre Station Emergency Advisory Committee. The latter is a lay group established in order to serve in an advisory capacity in connection with the station's emergency planning. Attached hereto for information is a copy of a joint letter from the Emergency and Evacuation Planning Appeal Board, dated February 1, 1977.

B. CONTENTIONS

The amended petition, in an addendum thereto, sets forth seven proposed contentions. Although the Staff believes that individually, none of the contentions is set forth with adequate particularity so as to satisfy 10 CFR § 2.714, the Staff is of the view that collectively, the seven contentions, each of which is essentially addressed to the same matter - evacuation planning - do raise two "good" contentions' which have a sufficient basis advanced in their support (albeit not in a separate affidavit) and comply with 10 CFR § 2.714.

Thus, for the purpose only of ruling on GUARD's petition for leave to intervene, the Staff proposes that GUARD's petition for leave to intervene be considered by the Board as raising the following contentions:

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 an exclusion area and low population zone, there can be no assurance that effective arrangements 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 in the event, if necessary, evacuation, particularly considering the unique geographic constraints in these areas. Thus, applicants do not comply with 10 CFR 100.3(a) or (b).

The Staff believes that the basis for these contentions, although vague, is implicit in contention 2 of the amended petition wherein reference is made to testimony before California Energy Commission hearings on the subject of emergency plans for the San Onofre facilities.

C. GUARD'S RELATIONSHIP WITH ECOC

As directed by the Board, GUARD was "required to clarify how its interests differ from the interests of its parent organization, the ECOC, in the instant proceeding" (Memorandum and Order at 6). Seemingly to this end, GUARD's amended petition includes an affidavit by Mr. Has Thomas, Director of ECOC.

While not the model of clarity, Mr. Thomas' affidavit allows the reasonable inference that ECOC's interests are essentially the same as GUARD's and that it desires to be represented in any hearing held in connection with the licensing of the San Onofre facilities by its subsidiary organization, GUARD. (Affidavit of Has Thomas, paragraphs II and IV).

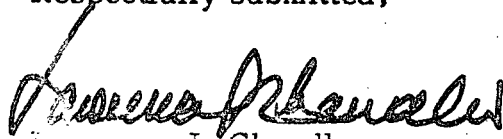
III. CONCLUSION

On the basis of the foregoing, the Staff (1) supports the petition of GUARD for leave to intervene, (2) recommends that GUARD be admitted as a party to this proceeding on the basis of the contentions set forth above, and (3) that a hearing in this proceeding be ordered, subject to GUARD's submission of affidavits of members of the organization, officers or otherwise, establishing

the interest and effect thereof of each affiliate, not later than the date of the first prehearing conference in this proceeding.

The Staff believes that while the contentions set forth above are adequately stated for purposes of showing compliance with 10 CFR § 2.714, further refinement of the issue may be necessary but can reasonably be accomplished on the basis of subsequent formal and informal prehearing procedures.

Respectfully submitted,



Lawrence J. Chandler
Counsel for NRC Staff

Dated at Bethesda, Maryland
this 1st day of September, 1977

February 16, 1977

Atomic Safety and Licensing Appeal Board and
Nuclear Regulatory Commission
Washington, D. C. 2055

Dockets Number 50-361 and 50-362 Appeal 183-73 San Onofre

Dear Sirs:

The State of California's San Onofre State Beach Citizen Advisory Committee has been informed that the Nuclear Regulatory Commission, in a permit approval within the past year required the utility company applicants to provide additional off-site roadways for evacuation of the public.

The Committee, in its meeting of January 27, mandated the following request recommended by its Emergency & Evacuation Planning Committee.

Due to the bottle-neck condition of roadways inadequate for evacuation of San Onofre State Beach, parcel 2, and due to one direction-out geography of the entire beach park, in event of a nuclear reactor accident, the State of California San Onofre Committee requests that the Nuclear Regulatory Commission Appeals Board require San Diego Gas and Electric and Edison Co. to provide northerly ingress and egress for parcel 2 which could also serve the new Trestles Parcel, and provide an inland ingress and egress for parcel 1 of San Onofre State Park.

The current emergency route from parcel 2 is via a double padlocked heavy chained military gate. Since our Parks Dept. personnel are on duty at this beach entrance area only the summer day-time hours, San Onofre Nuclear Plant personnel are authorized to unlock the gate. The gate is more than a mile from the reactors via the only road.

In an accident at San Onofre Reactors, beachgoers, alerted by loudspeaker, would be on the road attempting escape, within minutes, so that the plant official would face a flood of hundreds of evacuees whom he would have to buck a mile against traffic to unlock the gate.

Beachgoers who had struggled through 6/10 mile of beach parking area before embarking on the mile long access road which carries them in an "S" shape pattern twice toward the erupting reactor, could not be expected to evidence such patience with traffic. Only at the end of the "S" mile, where they arrive within a few hundred yards of the reactor, can they enter the mile and 8/10 escape route leading to the freeway. The panic which would be caused by such a circuitous and hazardous escape route could be expected to cause traffic accidents or simple stalled vehicles which would block the narrow two lane road, causing additional delays of exit. Cont.

State of California San Onofre Committee (Cont.)

The freeway, Interstate 5, the only north-south coastal route, is often full during the summer days, bumper-to-bumper, stop and start, on weekends.

Recommendations by federal government officials in the recent State of California Energy Commission Hearings on evacuation of San Onofre area, that planning should be done for evacuation of 10-20 miles near reactors, have given us new consideration of the requests of San Clemente Police Chief Mel Portner and Fire Chief Ronald Coleman that State Park users be directed to alternate escape routes rather than Interstate 5. Since San Clemente is only $2\frac{1}{2}$ miles from the reactor site, they would need Interstate 5 for tens of thousands of evacuees of San Clemente and adjacent communities, in event of an accident which sent a radiation plume to the north or northwest.

Our Emergency and Evacuation Planning Committee recommends that our thousands of State Park campers and beachgoers should be directed inland, under such circumstances, on a northeast or easterly route, which the utility companies should provide.

The State of California has not the authority to provide such accesses across Marine Corps controlled land, nor the funds to do so, were permission accorded. The utility companies should bear the responsibility for negotiation with the military and for cost of construction of roadways necessitated by their venture.

Paul Muspratt, our staff director of evacuation for southern California State Parks has advised us, "there is no way I can get the people off those beaches and out of the ocean and out of the danger area in the 15 minutes they gave me for the first quadrant. I just don't have the manpower nor the equipment to perform that kind of evacuation."

Adéquate off-site roadways would not solve the State Park evacuation dilemma, which includes problems of narrow trails up 80-100 feet bluffs from beach to parking areas of parcel 3, but they would measurably shorten the escape time and panic consequences.

Sincerely,

Lyn Harris Hicks

Lyn Harris Hicks, chairman
Emergency and Evacuation Planning Committee

Ruth Bauman Yeilding

Ruth Bauman Yeilding, coordinator
State of California San Onofre State Beach Citizen Advisory Committee

c.c. Herbert Rhodes, director
State of California Dept. of Parks and Recreation

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

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

CERTIFICATE OF SERVICE

I hereby certify that copies of "NRC STAFF ANSWER TO GUARD'S AMENDED PETITION FOR LEAVE TO INTERVENE" in the above-captioned proceeding have been served on the following by deposit in the United States mail, first class or air mail, or as indicated by an asterisk, through deposit in the Nuclear Regulatory Commission's internal mail system, this 1st day of September 1977:

John M. Frysiak, Esq., Chairman*
Atomic Safety and Licensing Board
U. S. Nuclear Regulatory Commission
Washington, D. C. 20555

Dr. Cadet H. Hand, Jr., Member
Director, Bodega Marine Laboratory
University of California
P. O. Box 247
Bodega Bay, California 94923

Mr. Lester Kornblith, Jr., Member*
Atomic Safety and Licensing Board
U. S. Nuclear Regulatory Commission
Washington, D. C. 20555

Janice E. Kerr, Esq.
J. Calvin Simpson, Esq.
Lawrence Q. Garcia, Esq.
5066 State Building
San Francisco, California 94102

Rollin E. Woodbury, General Counsel
David N. Barry III, Esq.
James A. Beoletto, Esq.
Southern California Edison Company
2244 Walnut Grove Avenue
Rosemead, California 91770

David R. Pigott, Esq.
Chickering & Gregory
111 Sutter Street
San Francisco, California 94104

A. Ian R. Watts, Esq.
Assistant City Attorney
City Hall
Anaheim, California 92805

Richard J. Wharton, Esq.
4655 Cass Street
San Diego, California 92109

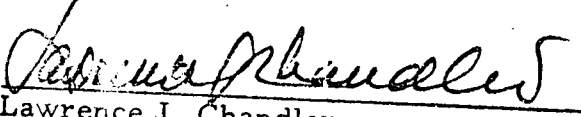
Mrs. Lyn Harris Hicks
GUARD
3908 Calle Ariana
San Clemente, California 92672

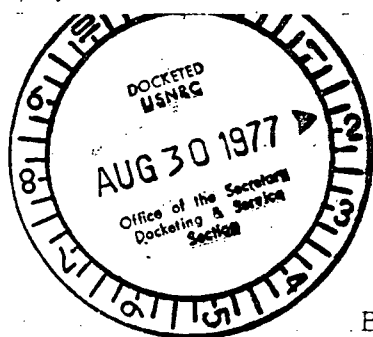
Mr. Lloyd W. Heston
2089 Foothill Drive
Vista, California 92083

Atomic Safety and Licensing Board
Panel*
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

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


Lawrence J. Chandler
Counsel for NRC Staff



UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

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

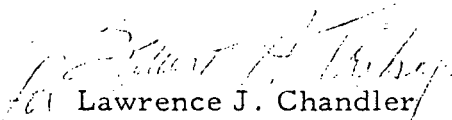
NRC STAFF REQUEST FOR EXTENSION OF TIME
IN WHICH TO ANSWER GUIARD'S AMENDED
PETITION FOR LEAVE TO INTERVENE

On August 25, 1977, counsel for the NRC Staff received a copy of amended letter petition for leave to intervene, dated August 17, 1977, filed by Mrs. Lyn Harris Hicks on behalf of GUARDs served by the Office of the Secretary of the Commission. No certificate of service accompanied this pleading and service upon counsel for the Staff was accomplished by the Secretary's office. In accordance with 10 CFR §§ 2.710 and 2.714, the Staff's answer to this pleading is due on August 31, 1977, allowing only four working days in which to respond. In addition, prior commitments of counsel for the Staff will reduce even this short period to two days. Consequently, the Staff, pursuant to 10 CFR § 2.711, respectfully requests an extension of time until September 6, 1977, within which to file its answer. The Staff believes that its requested extension is necessary for a meaningful consideration of the pleading. The Staff does not believe that the grant of such an extension

would result in any undue delay in this proceeding. Counsel for the Applicants and Mrs. Hicks have been informed of the Staff's request and authorized Staff Counsel to represent to the Board that they have no objection to the requested extension of time.

Accordingly, for good cause shown, the Staff respectfully requests the Board to allow it until September 6, 1977 to file its answer to GUARD's amended petition for leave to intervene.

Respectfully submitted,


Lawrence J. Chandler
Counsel for NRC Staff

Dated at Bethesda, Maryland
this 26th day of August, 1977

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

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

CERTIFICATE OF SERVICE

I hereby certify that copies of "NRC STAFF REQUEST FOR EXTENSION OF TIME IN WHICH TO ANSWER GUARD'S AMENDED PETITION TO INTERVENE" in the above-captioned proceeding have been served on the following by deposit in the United States mail, first class or air mail, or as indicated by an asterisk, through deposit in the Nuclear Regulatory Commission's internal mail system, this 26th day of August 1977:

John M. Frysiak, Esq., Chairman*
Atomic Safety and Licensing Board
U. S. Nuclear Regulatory Commission
Washington, D. C. 20555

Dr. Cadet H. Hand, Jr., Member
Director, Bodega Marine Laboratory
University of California
P. O. Box 247
Bodega Bay, California 94923

Mr. Lester Kornblith, Jr., Member*
Atomic Safety and Licensing Board
U. S. Nuclear Regulatory Commission
Washington, D. C. 20555

Janice E. Kerr, Esq.
J. Calvin Simpson, Esq.
Lawrence Q. Garcia, Esq.
5066 State Building
San Francisco, California 94102

Rollin E. Woodbury, General Counsel
David N. Barry III, Esq.
James A. Beoletto, Esq.
Southern California Edison Company
2244 Walnut Grove Avenue
Rosemead, California 91770

David R. Pigott, Esq.
Chickering & Gregory
111 Sutter Street
San Francisco, California 94104

Alan R. Watts, Esq.
Assistant City Attorney
City Hall
Anaheim, California 92805

Richard J. Wharton, Esq.
4655 Cass Street
San Diego, California 92109

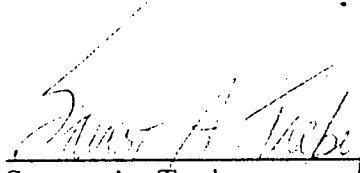
Mrs. Lyn Harris Hicks
GUARD
3908 Calle Ariana
San Clemente, California 92672

Mr. Lloyd von Haden
2089 Foothill Drive
Vista, California 92083

Atomic Safety and Licensing Board
Panel*
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

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



Stuart A. Treby
Assistant Chief Hearing Counsel

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

ATOMIC SAFETY AND LICENSING BOARD

8/26/77

In The Matter Of) DOCKET NOS. 50-361
)
SOUTHERN CALIFORNIA EDISON COMPANY) AND 50-362
SAN DIEGO GAS & ELECTRIC COMPANY)
)
(San Onofre Nuclear Generating)
Station, Units Nos. 2 and 3))
)

MEMORANDUM OF APPLICANTS' TELEGRAPHIC
COMMUNICATION WITH BOARD

C. Hayden Ames
David R. Pigott
Chickering & Gregory
3 Embarcadero Center
San Francisco, California 94111
Attorneys for Applicant
SAN DIEGO GAS & ELECTRIC COMPANY

Rollin E. Woodbury
David N. Barry, III
James A. Beoletto
2244 Walnut Grove Avenue
Rosemead, California 91770
Attorneys for Applicant
SOUTHERN CALIFORNIA EDISON COMPANY

August 26, 1977

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

ATOMIC SAFETY AND LICENSING BOARD

In The Matter Of) DOCKET NOS. 50-361
) AND 50-362
SOUTHERN CALIFORNIA EDISON COMPANY)
SAN DIEGO GAS & ELECTRIC COMPANY)
)
(San Onofre Nuclear Generating)
Station, Units Nos. 2 and 3))
)

MEMORANDUM OF APPLICANTS' TELEGRAPHIC
COMMUNICATION WITH BOARD

On August 26, 1977 Applicants transmitted the attached telegraphic notice to the Atomic Safety and Licensing Board, addressed to Mr. John M. Frysiak, Esq., Chairman. Copies of this Memorandum and the attachment are being served upon all parties to this proceeding.

DATED: August 26, 1977.

Respectfully submitted,

C. HAYDEN AMES
DAVID R. PIGOTT
CHICKERING & GREGORY
Attorneys for
SAN DIEGO GAS & ELECTRIC COMPANY

ROLLIN E. WOODBURY
DAVID N. BARRY, III
JAMES A. BEOLETTO
Attorneys for
SOUTHERN CALIFORNIA EDISON COMPANY

By JAMES A. BEOLETTO
James A. Beoletto
One of Counsel for Applicants

AUGUST 26, 1977

Please telex or telecopy to:

TO: JOHN M. FRYSIK, ESQ., CHAIRMAN
ATOMIC SAFETY AND LICENSING BOARD PANEL
U. S. NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C.

RE: DOCKET NOS. 50-361 AND 50-362.

ON AUGUST 26, 1977 WE RECEIVED A TELEPHONE CALL FROM MR. STEWART TREBE OF THE USNRC, OFFICE OF THE EXECUTIVE LEGAL DIRECTOR, ADVISING US THAT THEY HAD RECEIVED A DOCUMENT PURPORTING TO BE A PETITION TO INTERVENE BY MS. LYN HICKS ON BEHALF OF GUARD IN THE ABOVE DOCKETS. APPLICANTS HAVE RECEIVED THE SAME DOCUMENT ON THIS DATE. APPLICANTS INTEND TO TIMELY RESPOND IN ACCORDANCE WITH NRC REGULATIONS AS THOUGH THE DOCUMENT WAS SERVED ON IT BY MAIL ON THE SAME DATE THAT IT WAS IN FACT SERVED BY THE USNRC OFFICE OF THE SECRETARY, DOCKETING AND SERVICE SECTION. A COPY OF THIS TELEGRAM WILL BE SERVED ON ALL PARTIES LISTED ON THE EXISTING SERVICE LIST.

JAMES A. BEOLETTO
SOUTHERN CALIFORNIA EDISON COMPANY
ROSEMEAD, CALIFORNIA

CERTIFICATE OF SERVICE

I hereby certify that on the 26th day of August, 1977, copies of the foregoing MEMORANDUM OF APPLICANTS' TELEGRAPHIC COMMUNICATION WITH BOARD were served upon each of the following by deposit in the United States mail, postage prepaid, addressed as follows:

Dr. Sidney R. Galler
Deputy Assistant Secretary
for Environmental Affairs
U.S. Dept. of Commerce
14th & Constitution, N.W.
Room 3425
Washington, D.C. 20230

Mr. Robert Ochinerro, Director
National Oceanographic Data
Center
Environmental Data Service
Natl. Oceanic & Atmospheric
Administration
U.S. Dept. of Commerce
Washington, D.C. 20235

Mr. Bruce Blanchard, Director
Office of Environmental
Projects Review, Rm. 4239
U.S. Dept. of the Interior
18th & C Streets, N.W.
Washington, D.C. 20240

Mr. Charles Custard, Director
Office of Environmental
Affairs
U.S. Dept. of Health, Education
and Welfare, Rm. 524F2
200 Independence Ave., S.W.
Washington, D.C. 20201

M. Whitman Ridgway, Chief
Bureau of Power
Federal Power Commission
Rm. 5100
825 No. Capitol St., N.W.
Washington, D.C. 20426

Dr. Carl N. Schuster, Jr.
Federal Power Commission, Rm. 4016
825 No. Capitol St., N.W.
Washington, D.C. 20426

Mr. James T. Curtis, Jr.,
Director
Materials Transportation Bureau
2100 Second St., S.W.
Washington, D.C. 20590

Secretarial Representative
U.S. Dept. of Transportation
Suite 610
2 Embarcadero Center
San Francisco, California 94111

Chief, Energy Systems Analyses
Branch (AW-459)
Office of Radiation Programs
U.S. Environmental Protection
Agency
Rm. 645, East Tower
401 M. Street, S.W.
Washington, D.C. 20460

Chief, Environmental Evaluation
Branch (WH-548)
Office of Water and Hazardous
Materials
U.S. Environmental Protection
Agency
Rm. 2818, Waterside Mall
401 M St., S.W.
Washington, D.C. 20460

EIS Coordinator
Attn: Ms. Patricia Port
Environmental Protection Agency
100 California St.
San Francisco, California 94111

U.S. Dept. of the Army
Corps of Engineers
Box 2711
Los Angeles, California 90053

Mr. Robert Garvey, Executive
Director
Advisory Council on Historic
Preservation
1522 K St., N.W. Suite 430
Washington, D.C. 20005

Mr. H. E. Zittel, Manager
Environmental Statement Project
Oak Ridge Natl. Laboratory
Box X
Oak Ridge, Tennessee 37830

Regional Administrator
Dept. of Housing and Urban
Development
450 Golden Gate Ave.
Box 36003
San Francisco, California 94102

Librarian/Thermal Reactors
Safety Group
Building 130
Brookhaven Natl. Laboratory
Upton, L.I., New York 11973

Atomic Industrial Forum
1747 Pennsylvania Ave., N.W.
Washington, D.C. 20005

Chairman
Board of Supervisors
San Diego County
San Diego, California 92412

Mayor, City of San Clemente
San Clemente, California 92672

Mr. Frank Hahn, Director
Energy Facilities Siting Div.
Energy Resources Conservation
& Development Commission
1111 Howe Avenue
Sacramento, California 95825

California Dept. of Health
Attn: Chief, Environmental
Radiation Control Unit
Radiologic Health Section
714 P St., Room 498
Sacramento, California 95814

Energy Resources Conservation
and Development Commission
Attn: Librarian
1111 Howe Avenue
Sacramento, California 95825

Office of Intergovernmental
Management
State of California
1400 10th St., Rm 108
Sacramento, California 95814

Office of the Governor
Office of Planning & Research
1400 Tenth St.
Sacramento, California 95814

San Diego County Comprehensive
Planning Organization
Security Pacific Plaza
1200 Third Ave.
San Diego, California 92101

Chief, Div. of Ecological
Services
Bureau of Sport Fisheries &
Wildlife
U.S. Dept. of the Interior
18th & C Streets, N.W.
Washington, D.C. 20240

Mr. Joseph Canny
Office of Environmental Affairs
U.S. Dept. of Transportation
400 7th St., S.W., Rm 9422
Washington, D.C. 20590

Capt. Wm. R. Riedel
Water Resources Coordinator
W/S 73 USCG, Room 7306
U.S. Dept. of Transportation
400 7th St., S. W.
Washington, D.C. 20590

Director Dept. of Parks and
Recreation
State Resources Agency
Box 2390
Sacramento, California 95811

Mr. Richard H. Broun
Environmental Clearance Officer
Dept. of Housing and Urban
Development
451 7th St., S.W. Rm. 7258
Washington, D.C. 20410

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

Henry J. McGurren, Esq.
U.S. Nuclear Regulatory
Commission
Office of the Executive Legal
Director
Washington, D.C. 20555

Alan R. Watts, Esq.
Assistant City Attorney
City Hall
Anaheim, California

Lawrence Chandler, Esq.
U.S. Nuclear Regulatory
Commission
Office of the Executive Legal
Director
Washington, D.C. 20555

Richard J. Wharton, Esq.
4655 Cass St., Suite 304
San Diego, California 92109

Lloyd and Selma von Haden
2089 Foothill Drive
Vista, California 92083

Janice E. Kerr
J. Calvin Simpson
Andrew J. Skaff
Martin A. Mattes
California Public Utilities
Commission
5066 State Building
San Francisco, California 94102

John M. Frysiak, Esq., Chairman
Atomic Safety and Licensing
Board Panel
U.S. Nuclear Regulatory
Commission
Washington, D.C. 20555

Dr. Cadet H. Hand, Jr., Member
Director, Bodega Marine Laboratory
University of California
Box 247
Bodega Bay, California 94923

Mr. Lester Kornblith, Jr.,
Member
Atomic Safety and Licensing
Board Panel
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Mr. William L. Bedford
1061 Barsby Street
Vista, California 92083

Ms. Lyn Harris Hicks
Guard
3908 Calle Ariana
San Clemente, California 92672

JAMES A. BEOLETTO

James A. Beoletto

UNITED STATES OF AMERICA
BEFORE THE
NUCLEAR REGULATORY COMMISSION

8/8/77

In the Matter of the Application)
by SOUTHERN CALIFORNIA EDISON)
COMPANY and SAN DIEGO GAS AND)
ELECTRIC COMPANY for facility)
operating licenses for SAN ONOFRE)
NUCLEAR GENERATING STATION, Unit)
Nos. 2 and 3, in San Diego County,)
California.)

Dockets Nos. 50-361
50-362

PETITION OF THE PEOPLE
OF THE STATE OF CALIFORNIA AND
THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF CALIFORNIA
TO PARTICIPATE AS AN INTERESTED STATE

JANICE E. KERR
J. CALVIN SIMPSON
LAWRENCE Q. GARCIA

5066 State Building
San Francisco, California 94102

Attorneys for the People of the State
of California and the Public Utilities
Commission of the State of California

UNITED STATES OF AMERICA
BEFORE THE
NUCLEAR REGULATORY COMMISSION

In the Matter of the Application)
by SOUTHERN CALIFORNIA EDISON)
COMPANY and SAN DIEGO GAS AND)
ELECTRIC COMPANY for facility) Dockets Nos. 50-361
operating licenses for SAN ONOFRE) 50-362
NUCLEAR GENERATING STATION, Unit)
Nos. 2 and 3, in San Diego County,)
California.)

PETITION OF THE PEOPLE
OF THE STATE OF CALIFORNIA AND
THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF CALIFORNIA
TO PARTICIPATE AS AN INTERESTED STATE

Pursuant to the Rules of Practice of the Nuclear Regulatory Commission (NRC), Section 2.715(c) (10 CFR Section 2.715) and to Ruling No. 1 of Memorandum and Order of the Atomic Safety and Licensing Board dated July 22, 1977 in this proceeding, the People of the State of California and the Public Utilities Commission of the State of California (California) petition for leave to participate as an interested state in the above-entitled proceeding with respect to whether facility operating licenses should issue to Southern California Edison Company (SCE) and San Diego Gas and Electric Company (SDG&E) for the possession, use and operation of the San Onofre Nuclear Generating Station, Units 2 and 3 situated in San Diego County, California, and in support thereof allege:

I

The names, titles and mailing addresses of persons on whom service may be made are as follows:

Janice E. Kerr, Esquire
J. Calvin Simpson, Esquire
Lawrence Q. Garcia, Esquire
California Public Utilities Commission
5066 State Building
San Francisco CA 94102

Such persons are attorneys appearing in a representative capacity on behalf of petitioners and are admitted to practice before the Supreme Court of California.

II

The Public Utilities Commission of the State of California is an administrative agency created and existing under the Constitution and laws of the State of California.

III

By mandate of the Constitution of the State of California, Article 12, every public utility within this State is subject to the jurisdiction and regulation of the California Public Utilities Commission (CPUC). SCE and SDG&E are public utilities, and the project in this proceeding was subject to this Commission's determination that the present or future public convenience and necessity required such construction, operation and maintenance. California Public Utilities Code Section 1001, et seq., Section 1701, et seq.

The jurisdiction of the CPUC over the San Onofre Nuclear Generating Station included not only the initial approval and certification, but also the regulation of the health, security, environmental and convenience aspects of the ongoing operation. The purpose of such supervision is to protect the People of the State of California who are customers of SCE and SDG&E.

Section 307 of the Public Utilities Code imposes a duty upon the General Counsel of the CPUC to represent and appear for the People of the State of California and the CPUC in all actions and proceedings of this nature. In addition, under Section 5401 of the Public Utilities Code, the CPUC is empowered to appear and participate on behalf of the State of California in all matters before federal regulatory agencies which affect the energy needs of California.

The interest of the CPUC in this proceeding is clear, to carry out its constitutional and statutory mandate.

IV

The nature and extent of California's interest is amply demonstrated by the formidable efforts already expended with regard to this project. The construction, operation and maintenance of San Onofre Nuclear Generating Station Unit 1 was authorized by the CPUC in Decision No. 67810, issued May 5, 1964, and Decision No. 74182, issued May 28, 1968. The construction, operation and maintenance of Units 2 and 3 were authorized by the issuance of an interim certificate of public convenience and necessity by the CPUC in Decision No. 78410, issued March 9, 1971. This certificate is to be made final upon the establishment of evidence that final authority has been obtained from the NRC to construct and operate Units 2 and 3.^{1/} In reaching its decision to grant the interim certificate of public convenience and necessity, the CPUC considered the safety and environmental implications of the proposed project. The CPUC made independent findings relative to all of the pertinent issues, drew conclusions from the findings, and weighed these conclusions along with other important public interest considerations in deliberating its final decision. Chief among these considerations was this State's need for an adequate and economic supply of electrical energy. Just as is required of the NRC in considering the present application, the CPUC made a thorough analysis, balancing the environmental costs of the proposed facility against the other public interest values involved. Many of the issues to be considered in the instant proceeding are strikingly similar to those already considered by the CPUC. Thus, the essential nature of California's interest in this proceeding is to participate and aid in the development of a complete record.

^{1/} CPUC Decision No. 78410 was filed with the Nuclear Regulatory Commission on May 10, 1977, as an attachment to a petition filed by California on that date.

V

The anticipated generation of capacity of Units 2 and 3 have become an integral part of California's plans to meet its energy requirements. These energy requirements have assumed increasingly critical importance. Units 2 and 3, as well as future nuclear power plans, will be designed primarily to meet the power requirements of the State of California. California, through its various agencies, has a great responsibility for ascertaining and planning for the power needs of the State and for the thorough consideration of the impact of supplying those needs. To the extent that the resolution of issues in this proceeding may require that the operating licenses be in any way modified or conditioned, there may be a direct statewide impact on planning and coordination of present and future electric power generation, exchange, distribution and rates within California. Because of the energy crisis, the responsibilities and actions of the CPUC and other state agencies in this regard have assumed a position of critical importance. It is clear that California's interest extends to all of the issues involved in this proceeding and its concerns should be fully heard.

VI

The requirements of the California Environmental Quality Act of 1970 (CEQA), as amended, closely parallel those of the National Environmental Policy Act of 1969 (NEPA), as amended. The CPUC continues to perfect its procedures to implement those requirements. Participation in this proceeding will not only aid the CPUC and other agencies of the State in implementing its own procedures and in ascertaining the areas of environmental concern involved in the operation of nuclear power plants, but also help clarify the respective responsibilities of California and the NRC in the consideration of environmental values both in this and future proceedings.

VII

California has participated in the proceedings regarding whether construction permits for Unit 1, as well as Units 2 and 3, should be continued, modified or terminated, and whether an operating license for Unit 1 should be issued. In addition, California has intervened and participated in the licensing proceedings regarding Pacific Gas and Electric Company's Diablo Canyon Nuclear Power Plant, Units 1 and 2 at Dockets 50-275 and 50-323. The CPUC, by its participation, will be able to effectively continue to represent the statewide interests that should be considered. Such participation will not unnecessarily or unreasonably broaden the issues involved or delay any proceeding which may be held. However, this petition should not be construed as a request for a hearing and is not filed in opposition to the application of SCE and SDG&E.

WHEREFORE, Petitioners respectfully request leave to participate as an interested State in this instant proceeding.

Respectfully submitted,

/s/ JANICE E. KERR

Janice E. Kerr

/s/ J. CALVIN SIMPSON

J. Calvin Simpson

/s/ LAWRENCE Q. GARCIA

Lawrence Q. Garcia

5066 State Building
San Francisco, California 94102

Attorneys for the People of the State
of California and the Public Utilities
Commission of the State of California

CERTIFICATE OF SERVICE

I hereby certify that on the 8th day of August, 1977, copies of the foregoing Petition of the People of the State of California and the Public Utilities Commission of the State of California to Participate as an Interested State were served upon each of the following by deposit in the United States mail, postage prepaid, addressed as follows:

John M. Frysiak, Esq., Chairman
Atomic Safety and Licensing Board
U. S. Nuclear Regulatory Commission
Washington DC 20555

Dr. Cadet H. Hand, Jr., Member
Director, Bodega Marine Laboratory
University of California
P. O. Box 247
Bodega Bay CA 94923

Mr. Lester Kornblith, Jr., Member
Atomic Safety and Licensing Board
U. S. Nuclear Regulatory Commission
Washington DC 20555

Atomic Safety and Licensing Board
Panel
U. S. Nuclear Regulatory Commission
Washington DC 20555

Atomic Safety and Licensing Appeal
Panel
U. S. Nuclear Regulatory Commission
Washington DC 20555

Rollin E. Woodbury, General Counsel
David N. Barry III, Esq.
James A. Beoletto, Esq.
Southern California Edison Co.
2244 Walnut Grove Avenue
Rosemead CA 91770

David R. Pigott, Esq.
Chickering & Gregory
111 Sutter Street
San Francisco CA 94104

Alan R. Watts, Esq.
Assistant City Attorney
City Hall
Anaheim CA 92805

Richard J. Wharton, Esq.
4655 Cass Street
P. O. Box 9026
San Diego CA 92109

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

/s/ LAWRENCE Q. GARCIA

Lawrence Q. Garcia

5066 State Building
San Francisco, California 94102

Attorney for the People of the State
of California and the Public Utilities
Commission of the State of California

AUG 03 1977

Richard J. Wharton, Esq.
4655 Cass Street
San Diego, California 92109

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. Wharton:

As you requested during our meeting on July 28, 1977, enclosed is a copy of:

1. ALAB-390 (slip opinion) - Appeal Board decision in the Seabrook and NEP proceedings, jointly, which discusses the scope of emergency plans required by NRC regulations.
2. Standard Review Plan, Section 2.1.3, POPULATION DISTRIBUTION; Statement of Considerations accompanying the amendment of 10 CFR §100.11(a)(3), published in the Federal Register on June 24, 1975; and, Standard Format and Content of Safety Analysis Reports for Nuclear Power Plants (Regulatory Guide 1.70, Rev. 2), Section 2.1.3.5, Population Center; these reflect the population considerations and criteria applied by the Staff in evaluating the acceptability of a site for a nuclear power plant, particularly respecting population centers, in accordance with the guidance of 10 CFR Part 100.
3. The Safety Evaluation Report issued by the Staff in October 1972 in connection with the San Onofre 2 and 3 construction permit proceeding.
4. Commission denial of NRDC petition for rulemaking to determine "(1) ... whether radioactive wastes can be generated in nuclear power reactors and subsequently disposed of without undue risk to the public health and safety and (2) to refrain from acting finally to grant pending future requests for operating licenses until such time as this definitive finding of safety can be and is made." 42 Fed. Reg. 34391, July 5, 1977.

OFFICE						
SURNAME						
DATE						

In connection with your question whether the Staff's environmental impact statement would include consideration of (a) conservation of energy and (b) waste management, matters which were not required to be considered pursuant to regulations in effect at the construction permit stage, I am advised that both matters will be addressed in the Staff's review and will be reflected in the Draft and Final Environmental Statements.

Also, I am enclosing a copy of ALAB-422, the Appeal Board's recent decision in the Seabrook proceeding. Sections II and III, which address population and seismic considerations pursuant to 10 CFR Part 100, respectively, may be of interest to you.

Sincerely,

Lawrence J. Chandler
Counsel for NRC Staff

cc (w/o enclosures):

John M. Frysiak, Esq.
Dr. Cadet H. Hand, Jr.
Mr. Lester Kornblith, Jr.,
Lawrence Q. Garcia, Esq.
James A. Beoletto, Esq.
David R. Pigott, Esq.
Alan R. Watts, Esq.
Mrs. Lyn Harris Hicks
Mr. Lloyd von Haden
Atomic Safety and Licensing
Board Panel
Atomic Safety and Licensing
Appeal Panel
Docketing and Service Section

DISTRIBUTION

H. Rood
K. Kniel
O. Lynch
W. Regan
L. Chandler
H. McGurren
S. Treby
H. Shapar
T. Engelhardt
M. Grossman
ELD Formal File
NRC Central File
LPDR

OFFICE >	OELD <i>[Signature]</i>	OELD <i>[Signature]</i>			
SURNAME >	Chandler: ph	Treby			
DATE >	8/3/77	8/3/77			

6/21/77

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of the Application)
by SOUTHERN CALIFORNIA EDISON)
COMPANY and SAN DIEGO GAS AND)
ELECTRIC COMPANY for facility)
operating licenses for SAN ONOFRE)
NUCLEAR GENERATING STATION, Unit)
Nos. 2 and 3, in San Diego County,)
California.)
_____)

Docket Nos. 50-361
50-362

NOTICE OF APPEARANCE

Notice is hereby given that the undersigned attorney
herewith enters an appearance in the above-entitled matter.
In accordance with 10 CFR §2.713 the following information
is provided:

Name: Lawrence Q. Garcia
Address: 350 McAllister Street
San Francisco, CA 94102
Telephone: (415) 557-3345
Admission: State of California Bar

Mr. Garcia is appearing in place of Andrew J. Skaff, along
with Janice E. Kerr, and J. Calvin Simpson, on behalf of the
People of the State of California and the Public Utilities
Commission of the State of California.

/s/ LAWRENCE Q. GARCIA

June 21, 1977

Lawrence Q. Garcia
Principal Counsel

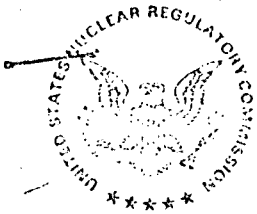
Lawrence J. Chandler, Esq.
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Richard J. Wharton, Esq.
4655 Cass Street
P. O. Box 9026
San Diego, CA 92109

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

/s/ LAWRENCE Q. GARCIA

Lawrence Q. Garcia
Principal Counsel

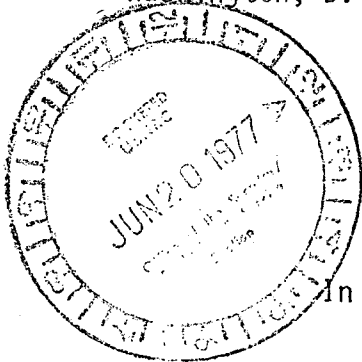


UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D. C. 20555

June 17, 1977

John M. Frysiak, Esq., Chairman
Atomic Safety and Licensing Board
U. S. Nuclear Regulatory Commission
Washington, D. C. 20555

Dr. Cadet H. Hand, Jr., Member
Director, Bodega Marine Laboratory
University of California
P. O. Box 247
Bodega Bay, California 94923



Mr. Lester Kornblith, Jr.
Member
Atomic Safety and Licensing Board
U. S. Nuclear Regulatory Commission
Washington, D. C. 20555

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~~

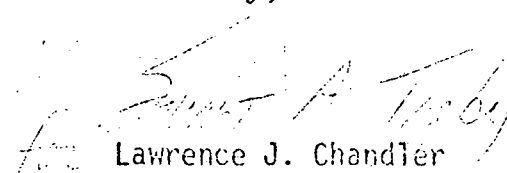
Gentlemen:

The NRC Staff has received a copy of a letter from Mr. Lloyd von Haden, dated June 4, 1977, to the Secretary of the Commission regarding the Applicants' reply to his May 6, 1977, petition for leave to intervene in the captioned proceeding. As in the case of his petition, Mr. von Haden did not serve a copy of his letter directly on the Office of the Executive Legal Director and the Staff received its copy on June 10, 1977 through service by the Commission Secretary's office.

While not alluded to in Mr. von Haden's letter, the Staff did reply to his May 6, 1977 petition for leave to intervene on May 27, 1977. We have reviewed Mr. von Haden's present letter and concluded that it does not raise any new matters requiring a response from the Staff.

Accordingly, the Staff at this time advises the Board that it does not wish to amend its earlier answer of May 27, 1977 to respond to any matters raised in Mr. von Haden's June 4, 1977, letter.

Sincerely,


Lawrence J. Chandler
Counsel for NRC Staff

cc: See next page

cc: Janice E. Kerr, Esq.
James A. Beoletto, Esq.
David R. Pigott, Esq.
Alan R. Watts, Esq.
Richard J. Wharton, Esq.
Mrs. Lyn Harris Hicks
Mr. Lloyd von Haden
Atomic Safety and Licensing Board Panel
Atomic Safety and Licensing Appeal Panel
Docketing and Service Section

June 4, 1977

Secretary, Nuclear Regulatory Commission
Docketing and Service Branch
Washington, D.C. 20555



Re: Southern California Edison Company
San Diego Gas and Electric Company
(San Onofre Nuclear Generating Stations,
Units 2 and 3)
Docket Nos. 50-361 and 50-362

Sir

I

Since my May 6, 1977 petition and affidavit for leave to intervene in the operating license proceedings for the above matter, I have received a copy of APPLICANTS' ANSWER TO PETITIONS TO INTERVENE, submitted by San Diego Gas and Electric Company, and Southern California Edison Company.

This statement declares that my petition should be denied because it was "not served in any fashion on either applicant as indicated should be done in the Notice."

Part I of this letter is a request for your Commission or the Atomic Safety and Licensing Board to waive the necessity of the service.

My first awareness of the licensing matter came from a short item in our local paper, THE VISTA PRESS, about the middle of April, 1977. This paper is a small daily with a circulation of 9,000. Nothing at all appeared in the Oceanside BLADE-TRIBUNE, another local paper, nor the SAN DIEGO UNION, which is the regional newspaper in San Diego County.

Further inquiry brought a press release (copy enclosed) from the United States Nuclear Regulatory Commission, Walnut Creek, California. Two telephone calls were made to Mr. Jim Hanchett, whose name appears on the release, for further information.

No mention whatsoever was made in the release of the notice in the Federal Register nor the requirements of 10 C.F.R.-2.714. I did, however, follow the instructions in paragraph three.

Ever since I appeared in the first public hearing concerned with Units 2 and 3 I have received a superabundance of printed material and notices from the AEC and the NRC, but nothing at all concerning this license to operate. This matter was well hidden.

If any rules of service were not observed, in the interest of safety they should be waived. Besides, the applicants received copies of all the petitions and affidavits, including mine, shortly after they were sent, so their interests were not jeopardized.

II

The APPLICANTS' ANSWER also states that "It is beyond the jurisdiction of the Nuclear Regulatory Commission to pass on the validity of an Act of Congress."

I did not make such a request nor will such action be necessary.

The NRC does, however, have jurisdiction over finding whether the application "complies with the requirements of the Atomic Energy Act of 1954, as amended...." and the prudent course still is to evaluate the impact of the Carolina ESG case.

III

The APPLICANTS' ANSWER further states I have "failed to state any specific contention...." concerning the environmental effects of Units 2 and 3.

They missed my point: the combined impact is the specific contention.

Their assumption is correct: I "disagree with the overall review procedure."

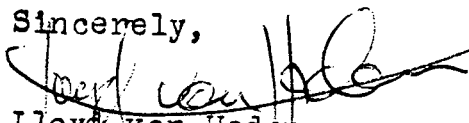
IV

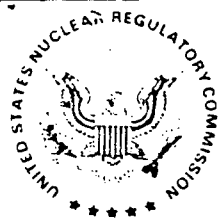
My conclusion is that my petition to intervene should be approved.

V

Today I sent copies of this letter to: Chickering and Gregory, attorneys for SAN DIEGO GAS & ELECTRIC COMPANY, 111 Sutter Street, San Francisco, California 94104; Mr. Rollin E. Woodbury, General Counsel, SOUTHERN CALIFORNIA EDISON COMPANY, Box 800, Rosemead, California 91770; and Mr. Richard Wharton, 4655 Cass Street, Suite 304, San Diego, California 92109

Sincerely,


Lloyd von Haden
2089 Foothill
Vista, California 92083



UNITED STATES NUCLEAR REGULATORY COMMISSION

OFFICE OF PUBLIC AFFAIRS, REGION V

1990 N. California Boulevard, Suite 202, Walnut Creek, Ca. 94596

1-1277

Contact: Jim Hanchett
Bus. (415) 486-3141
Home (415) 820-3840

FOR IMMEDIATE RELEASE
(Mailed - April 11, 1977)

NRC GIVES NOTICE OF PROPOSED LICENSING ACTION ON SAN ONOFRE NUCLEAR PLANTS IN CALIFORNIA

The Nuclear Regulatory Commission has accepted for review an application for operating licenses for Units 2 and 3 of the San Onofre Nuclear Generating Station being constructed near San Clemente, California, and is providing opportunity for a public hearing concerning issuance of the licenses. The license applicants are Southern California Edison Company and San Diego Gas and Electric Company.

Construction of Units 2 and 3 was authorized in October 1973. Each unit will use a pressurized water reactor and will have an electrical output of about 1140 megawatts. The Station is located in San Diego County in the northwest corner of the U.S. Marine Corps' Camp Pendleton. The companies expect to have Unit 2 ready for fuel loading by February 1980 and Unit 3 by May 1981.

Persons whose interest may be affected by issuance of the license may file a petition for leave to intervene. Each petition, accompanied by a supporting affidavit, must set forth the interest of the petitioner, how that interest may be affected and the bases for the petitioner's contentions with respect to the proposed licensing action. Petitions to intervene should be filed with the Secretary of the Commission, Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch, by May 9.

If a timely petition to intervene in the operating license proceedings is received, a notice of hearing or other appropriate order will be issued. In any event, the licenses would not be issued until after completion of NRC's safety and environmental reviews. Also a license for either plant would not be issued until it has been determined that the plant has been satisfactorily constructed and is ready for fuel loading.

Documents and correspondence relating to the licensing of the San Onofre Station are made available for public inspection at the Mission Viejo Branch Library, 24851 Chrisanta Drive, Mission Viejo, California, and at the NRC Public Document Room 1717 H Street, N.W., Washington, D.C.

Unit 1, located on the same site, has been licensed for operation since 1967. It uses a pressurized water reactor and has an electrical capacity of about 430 megawatts.

###

S.O (50)

5/19/77

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

ATOMIC SAFETY AND LICENSING BOARD

In The Matter Of)

SOUTHERN CALIFORNIA EDISON COMPANY)
SAN DIEGO GAS & ELECTRIC COMPANY)

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

DOCKET NOS. 50-361
AND 50-362

APPLICANTS' ANSWER TO PETITIONS
TO INTERVENE

Sherman Chickering
C. Hayden Ames
Frank S. Bayley, III
David R. Pigott
Chickering & Gregory
Attorneys for Applicant
SAN DIEGO GAS & ELECTRIC COMPANY

Rollin E. Woodbury
David N. Barry, III
James A. Beoletto
Attorneys for Applicant
SOUTHERN CALIFORNIA EDISON COMPANY

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

ATOMIC SAFETY AND LICENSING BOARD

In The Matter Of)
) DOCKET NOS. 50-361
) and 50-362
SOUTHERN CALIFORNIA EDISON COMPANY)
SAN DIEGO GAS & ELECTRIC COMPANY)
)
(San Onofre Nuclear Generating)
Station, Units Nos. 2 and 3))
_____)

APPLICANTS' ANSWER TO PETITIONS

TO INTERVENE

I

INTRODUCTION

On April 7, 1977 the Federal Register (Vol. 42, No. 67, at pages 18460-61) published "Receipt of Application for Facility Operating Licenses; Availability of Environmental Report; and Opportunity for Hearing (hereinafter "Notice"), with respect to the above captioned docket. Said Notice advised that persons whose interests may be affected by the proceeding could file a petition for leave to intervene and request a hearing with respect to issuance of the operating licenses. Petitions to intervene were to conform with the requirements of 10 C.F.R. § 2.714.

Southern California Edison Company and San Diego Gas & Electric Company ("applicants") are in receipt of various documents responding to the Notice. With the exception of intervention documents filed by the cities of Anaheim and Riverside, California, and The People of the State of California, and the California Public Utilities Commission (which are not opposed by applicants), none of the documents were served in any fashion on either applicant as indicated should be done in the Notice.

Pursuant to 10 C.F.R. § 2.714(c), applicants hereby submit "Applicants' Answer to Petitions to Intervene."

II

PETITIONERS HAVE FAILED TO PROVIDE
SUPPORTING AFFIDAVITS PARTICULARIZING
THEIR AREAS OF INTEREST AND THE BASIS
FOR THEIR CONTENTIONS

The Commission's Rules of Practice at § 2.714(a) require any person desiring to intervene to file a written petition under oath or affirmation. Such petition is to be accompanied by a supporting affidavit identifying the specific aspects of the proceeding on which they desire to intervene, stating with particularity the facts pertaining to their interest and the basis for the contention with regard to which they desire to intervene.

That such supporting affidavits are required is plainly set forth in 10 C.F.R. § 2.714(a) and was further referenced in the Notice of April 7, 1977. With the exception of the individual petition of Lloyd von Haden, not one of the individuals seeking intervention has attempted to comply with this requirement. In the absence of such supporting affidavits, intervention must be denied.

In addition to individuals seeking intervenor status, two organizations, Friends of the Earth and Environmental Coalition of Orange County, Inc., have filed petitions for intervention. Neither of said groups has submitted a supporting affidavit setting forth an interest of their members that would support intervention and the basis of their contentions. [Sierra Club v. Morton, 405 U.S. 727, 739, (1972); Pebble Springs Nuclear Plant, Units 1 and 2, Memorandum and Order, Nuclear Regulatory Commission, December 23, 1976, NRCI-76/12, p. 610].

It is respectfully submitted that the petitions to be considered in this Answer do not comply with the Commission's Rules of Practice, § 2.714 and must be denied.

III

THE PETITIONS FAIL TO ARTICULATE ISSUES
THAT WOULD REQUIRE A HEARING ON THE
OPERATING LICENSE APPLICATION

The subject proceeding is an application for operating licenses at San Onofre Nuclear Generating Station, Units 2 and

3. A formal hearing need not be granted on every application for an operating license. [Cincinnati Gas & Electric Company, et al. (William H. Zimmer Nuclear Power Station), ALAB-305, NRCI 76/1, p. 8; Gulf States Utilities Company (River Bend Station, Units 1 and 2), ALAB-183, RAI-74-3, p. 222].

In order to obtain intervenor status, in addition to showing the requisite standing, petitioners must articulate a triable contention and the basis for that contention. Applicants will address the interests and contentions alleged.

(a) Petition of William L. Bedford

By letter of May 8, 1977 from William L. Bedford to Secretary, Nuclear Regulatory Commission, Mr. Bedford appears to express an interest in intervention. Mr. Bedford requests ". . . that you [NRC] intervene to prevent the licensing and operation of San Onofre Units Two and Three." Applicants submit that if this letter is construed as a petition to intervene, it must be denied. Said letter fails to meet the formal requirements concerning affidavits of 10 C.F.R. § 2.714(a). Further, Mr. Bedford's letter fails to allege any basis in support of his allegation that operation of San Onofre Nuclear Generating Station Units 2 and 3 would be a violation of his rights, as required by 10 C.F.R. § 2.714(a).

(b) Petition and Affidavit of Lloyd von Haden

By letter of May 6, 1977 to Secretary of the Commission, Nuclear Regulatory Commission, Lloyd von Haden requested leave to intervene. Said letter was notarized. Applicants contend that Mr. von Haden has failed to state any contention that is subject to review in this proceeding. Mr. von Haden has expressed the following two contentions:

(1) That the effect of the decision in Carolina Environmental Study Group, Inc., et al. v. United States Atomic Energy Commission, (WD NC March 31, 1977, Docket No. C-C-73-139), should be evaluated in this proceeding prior to granting an operating license.

The Carolina Environmental Study Group decision cites with approval the U. S. Supreme Court case of Kennedy v. Mendoza-Martinez, 372 U.S. 144 (1963) for the proposition that ruling an Act of Congress unconstitutional by a single District Court judge does not act to disrupt application of the act. It was the intent of the District Court and the law that the statute remain in effect. The liability provision of the Price-Anderson Act remains in full force and effect pending Supreme Court review.

Applicants submit that the issue constitutes an attack on the validity of the Price-Anderson Act. It is beyond the jurisdiction of the Nuclear Regulatory Commission to pass on the validity of an Act of Congress. As stated in

the Notice of April 7, 1977, a petition setting forth contentions outside the Commission's jurisdiction will be denied.

(2) That it is in error to consider the environmental effects of Units 2 and 3 separately from those of Unit 1. Mr. von Haden does not allege any specific area of potential dispute with respect to any environmental issue. Mr. von Haden appears to disagree with the overall review procedure.

Applicants contend that Mr. von Haden has totally failed to state any specific contention or the basis for a contention and his petition to intervene should be denied.

(c) Petition to Intervene Filed by Richard J. Wharton on Behalf of Friends of the Earth, Environmental Coalition of Orange County, Inc., Mrs. Donif Dazey, Mr. and Mrs. August S. Carstens, Lloyd and Selma von Haden and Donald May.

This petition to intervene is not accompanied by an affidavit from each intervenor describing (1) some injury that has occurred or is likely to occur to them, and (2) a protectable interest that may be affected by the proceeding. In this instance the attorney for petitioners has submitted a very generalized pleading. Applicants submit that particularized supporting affidavits must be required from each petitioner showing the requisite standing to intervene.

In the absence of such affidavits as required by the provisions of 10 C.F.R. § 2.714(a), the petition to intervene and the demand for hearing included therein must be denied.

In addition to the above deficiencies in the petition to intervene, applicants do not consider the aspects of concern listed in the petition to intervene to be appropriate issues for hearing in this operating license proceeding. In addition to the rules of 10 C.F.R. § 2.714 the Commission has set forth its policy concerning the formulation of issues in operating license proceedings. (10 C.F.R. 2, Appendix A, Section VIII, Procedures Applicable to Operating License Proceedings). It is clear that the Commission policy does not envision a de novo review of whether or not the facilities should be built. Issues are to be formulated in the context of the fact that construction of the units at that site has been approved and the issues should now pertain to operation of the plant.

Applicants here address the various aspects raised in the petition to intervene:

1. Seismic Analysis: Petitioners have made the extremely general statement that earthquake danger at the site has been seriously underestimated. Applicants contend

that the general assertion that the original earthquake studies are in error, without definition of such errors or specification of the alleged "new studies" and their results, fails to meet the requirement of particularity with respect to the basis for a contention. [10 C.F.R. § 2.714(a)]. If petitioners are to be allowed intervention, applicants have a right to particularization of the allegations and the basis of such contentions. (Cincinnati Gas & Electric Company, et al. (William H. Zimmer Nuclear Power Station), Docket No. 50-358, ALAB-305, NRCI-76/1, p. 8). Unless such requirements are met, the petition to intervene must be denied.

2. Price-Anderson Act: Petitioners attempt to invoke the decision in the Carolina Environmental Study Group, Inc., et al. case as a bar to these proceedings. Applicants' position, which is as detailed in response to the individual petition to intervene of Lloyd von Haden, is that the District Court decision does not affect the operation of the Price-Anderson Act and cannot be applied in this proceeding. Petitioners' contention cannot be the basis for intervention.

3. Marine Environment: Petitioners allege that environmental studies to be conducted pursuant to California Coastal Commission proceedings have not been completed. Petitioners do not allege any violation or deficiency with respect to compliance with Nuclear Regulatory Commission

procedures or federal law. Studies conducted pursuant to another entity's proceedings are irrelevant to this proceeding and cannot be the basis for requiring a hearing on the operating license.

Petitioners have failed to particularize any issue with respect to meeting the requirements of Section 102(2)(A), (C), and (D) of the National Environmental Policy Act in accordance with 10 C.F.R. Part 50. Intervention based on this issue must be denied.

4. Evacuation Plans: Petitioners present the general assertion that present evacuation plans are "incomplete and inadequate." Petitioners do not provide so much as a hint as to the basis for the assertion. It is not sufficient to present mere accusations of deficiencies. There must be a specific contention and a clearly articulated basis for making that contention. Petitioners have failed to make particularized contentions with respect to the evacuation plan including the basis for such contentions. Intervention based on this issue must be denied.

5. Population Density: Petitioners have presented a very general statement in support of their alleged concern over population density. Population density in the vicinity of the site is an issue properly addressed at the construction permit rather than the operating license stage. In fact,

population density was extensively considered during the construction permit proceeding. (Decision, ALAB-248, RAI 74-12, p. 598, et seq.). The site was found to conform to 10 C.F.R. Part 100 criteria.

Petitioners' allegations of overall growth projections for the whole of San Diego County and Orange County do not constitute a basis for the proposed issue. The population of these counties is located in large part far from the site location and unrelated to the already determined issue of site suitability. Petitioners have failed to articulate a relevant contention or basis for contention that can be heard in this proceeding. The petition to intervene cannot be granted based on the issue as stated.

6. Low Level Radiation: In items 6 and 7 of the petition to intervene there are general references to a danger from "low level radiation." Petitioners contend that an additional study should be made of low level radiation before an operating license is granted. There is no contention that the San Onofre facilities will be constructed and operated in violation of NRC regulations concerning low level radiation.

Petitioners have failed to particularize any concern with the low level radiation that may be present as a result of operating the San Onofre units.

Petitioners appear to be concerned with the whole subject of low level radiation. Such a concern is not properly raised in an operating license proceeding. Intervention cannot be granted based on petitioners' general concerns.

7. Security: Petitioners raise the question of security in two items: "6", relating to the presence of the State park adjacent to the plant, and in item "11", wherein they allege that applicants do not meet the Nuclear Regulatory Commission's recently promulgated security regulations. Once again, petitioners have failed totally to set forth any basis for a generalized concern. The public park was adjacent to the site throughout the construction permit proceeding and all aspects of its presence were considered before the construction permit was granted. Reference to the mere existence of the public park cannot be construed as particularization of an issue that should be heard in this proceeding. Petitioners also fail to raise an issue with respect to the NRC's recently promulgated security regulations. Petitioners do not state any basis for the allegation that applicants cannot meet the standards of said regulations.

8. Spent Fuel Storage and Transportation: Petitioners allege they are "concerned about storage and transportation of spent fuel" and "want to know" about the security of spent fuel. Petitioners do not state any basis for requiring a hearing on either the transportation or storage of spent

fuel. In the absence of a basis for their contention, petitioners' application must be denied.

9. Uranium Supply: Petitioners allege they "would like to know" whether there is sufficient uranium to meet the projected life of the plant. Again, the generalized statement contains no basis other than apparent curiosity. Petitioners again fail to meet the requirements of 10 C.F.R. § 2.714.

10. Decommissioning of Plant and Economics of Operations: Petitioners have totally failed to articulate any basis for their request to include the subjects of cost of plant decommissioning and economics of operation as issues in this operating license proceeding. Such a failure to follow the requirements of 10 C.F.R. § 2.714(a) requires the denial of the petition.

11. Coastal Commission Permits: Petitioners allege in very general terms that the Nuclear Regulatory Commission has not determined that the public's access to the beach area is in conformity with the Coastal Commission permit. Petitioners do not give any factual basis for the proposed issue and on

that ground their petition to intervene must be denied. Further, there has been no showing that review of the Coastal Commission permit is in any way within the scope of an operating license proceeding. Petitioners attempt to raise an issue which is beyond the jurisdiction of the Nuclear Regulatory Commission and intervention must be denied on that basis.

IV

CONCLUSION

It is respectfully submitted that not one of the petitioners for intervention status have provided the supporting affidavits required to prove standing to intervene. Further, the petitions to intervene fail to set forth even one contention and its basis that would be a proper issue in this proceeding. For these reasons it is submitted that none of the petitions to intervene addressed herein meet the requirements of 10 C.F.R. § 2.714. The petitions to intervene and requests for hearing must be denied.

DATED: May 19, 1977.

Respectfully submitted,

SHERMAN CHICKERING
C. HAYDEN AMES
FRANK S. BAYLEY III
DAVID R. PIGOTT
CHICKERING & GREGORY

By Original Signed by David R. Pigott
David R. Pigott

Attorneys for Applicant
SAN DIEGO GAS & ELECTRIC COMPANY

ROLLIN E. WOODBURY
DAVID N. BARRY III
JAMES A. BEOLETTO

By Original Signed by James A. Beoletto
James A. Beoletto

Attorneys for Applicant
SOUTHERN CALIFORNIA EDISON COMPANY

CERTIFICATE OF SERVICE

I hereby certify that on the 19th day of May, 1977 copies of the foregoing APPLICANTS' ANSWER TO PETITIONS TO INTERVENE were served upon each of the following by deposit in the United States mail, postage prepaid, addressed as follows:

Dr. Sidney R. Galler
Deputy Assistant Secretary
for Environmental Affairs
U. S. Dept. of Commerce
14th & Constitution, N.W.
Room 3425
Washington, D.C. 20230

Mr. Robert Ochinerro, Director
National Oceanographic Data
Center
Environmental Data Service
Natl. Oceanic & Atmospheric
Administration
U.S. Dept. of Commerce
Washington, D.C. 20235

Mr. Bruce Blanchard, Director
Office of Environmental
Projects Review, Rm. 4239
U.S. Dept. of the Interior
18th & C Streets, N.W.
Washington, D.C. 20240

Mr. Charles Custard, Director
Office of Environmental
Affairs
U.S. Dept. of Health, Education
and Welfare, Rm. 524F2
200 Independence Ave., S.W.
Washington, D.C. 20201

M. Whitman Ridgway, Chief
Bureau of Power
Federal Power Commission
Rm. 5100
825 No. Capitol St., N.W.
Washington, D.C. 20426

Dr. Carl N. Schuster, Jr.
Federal Power Commission, Rm. 4016
825 No. Capitol St., N.W.
Washington, D.C. 20426

Mr. James T. Curtis, Jr., Director
Materials Transportation Bureau
2100 Second St., S.W.
Washington, D.C. 20590

Secretarial Representative
U.S. Dept. of Transportation
Suite 610
2 Embarcadero Center
San Francisco, Calif. 94111

Chief, Energy Systems Analyses
Branch (AW-459)
Office of Radiation Programs
U.S. Environmental Protection Agency
Rm. 645, East Tower
401 M Street, S.W.
Washington, D.C. 20460

Chief, Environmental Evaluation
Branch (WH-548)
Office of Water and Hazardous
Materials
U.S. Environmental Protection Agency
Rm. 2818, Waterside Mall
401 M St., S.W.
Washington, D.C. 20460

EIS Coordinator
ATTN: Ms. Patricia Port
Environmental Protection Agency
100 California St.
San Francisco, Calif. 94111

U. S. Dept. of the Army
Corps of Engineers
Box 2711
Los Angeles, California 90053

Mr. Robert Garvey, Executive
Director
Advisory Council on Historic
Preservation
1522 K St., N.W. Suite 430
Washington, D.C. 20005

Mr. H. E. Zittel, Manager
Environmental Statement Project
Oak Ridge Natl. Laboratory
Box X
Oak Ridge, Tennessee 37830

Regional Administrator
Dept. of Housing and Urban
Development
450 Golden Gate Ave.
Box 36003
San Francisco, Calif. 94102

Librarian/Thermal Reactors
Safety Group
Building 130
Brookhaven Natl. Laboratory
Upton, L. I., New York 11973

Atomic Industrial Forum
1747 Pennsylvania Ave., N.W.
Washington, D.C. 20005

Chairman
Board of Supervisors
San Diego County
San Diego, California 92412

Mayor, City of San Clemente
San Clemente, Calif. 92672

Mr. Frank Hahn, Director
Energy Facilities Siting Div.
Energy Resources Conservation
& Development Commission
1111 Howe Avenue
Sacramento, Calif. 95825

California Dept. of Health
Attn: Chief, Environmental
Radiation Control Unit
Radiologic Health Section
714 P St., Rm. 498
Sacramento, California 95814

Energy Resources Conservation
and Development Commission
ATTN: Librarian
1111 Howe Ave.
Sacramento, Calif. 95825

Office of Intergovernmental
Management
State of California
1400 10th St., Rm. 108
Sacramento, Calif. 95814

Office of the Governor
Office of Planning & Research
1400 Tenth St.
Sacramento, Calif. 95814

San Diego County Comprehensive
Planning Organization
Security Pacific Plaza
1200 Third Ave.
San Diego, Calif. 92101

Chief, Div. of Ecological Services
Bureau of Sport Fisheries &
Wildlife
U.S. Dept. of the Interior
18th & C Streets, N.W.
Washington, D.C. 20240

Mr. Joseph Canny
Office of Environmental Affairs
U. S. Dept. of Transportation
400 7th St., S.W., Rm. 9422
Washington, D.C. 20590

Capt. Wm. R. Riedel
Water Resources Coordinator
W/S 73 USCG, Room 7306
U.S. Dept. of Transportation
400 7th St., S.W.
Washington, D.C. 20590

Director Dept. of Parks and
Recreation
State Resources Agency
Box 2390
Sacramento, Calif. 95811

Mr. Richard H. Broun
Environmental Clearance Officer
Dept. of Housing and Urban
Development
451 7th St., S.W., Rm. 7258
Washington, D.C. 20410

Docketing and Service Section
Office of the Secretary
Nuclear Regulatory Commission
Washington, D.C. 20555
(Orig. + 20 copies)

David R. Pigott, Esq.
Chickering & Gregory
111 Sutter St.
San Francisco, Calif. 94104

Henry J. McGurran, Esq.
U. S. Nuclear Regulatory
Commission
Office of the Executive Legal
Director
Washington, D.C. 20555

Alan R. Watts, Esq.
Assistant City Attorney
City Hall
Anaheim, California

Lawrence Chandler, Esq.
U. S. Nuclear Regulatory
Commission
Office of the Executive Legal
Director
Washington, D.C. 20555

Richard J. Wharton, Esq.
4655 Cass St., Suite 304
San Diego, Calif. 92109

Lloyd and Selma von Haden
2089 Foothill Drive
Vista, California 92083

Janice E. Kerr
J. Calvin Simpson
Andrew J. Skaff
Martin A. Mattes
California Public Utilities
Commission
5066 State Building
San Francisco, Calif. 94102

John M. Frysiak, Esq., Chairman
Atomic Safety and Licensing
Board Panel
U. S. Nuclear Regulatory
Commission
Washington, D.C. 20555

Dr. Cadet H. Hand, Jr., Member
Director, Bodega Marine Laboratory
University of California
Box 247
Bodega Bay, Calif. 94923

Mr. Lester Kornblith, Jr., Member
Atomic Safety and Licensing
Board Panel
U. S. Nuclear Regulatory Commission
Washington, D.C. 20555

Mr. William L. Bedford
1061 Barsby Street
Vista, Calif. 92083

JAMES A. BEOLETTA

JAMES A. BEOLETTA



[Docket Nos. 50-361-OL and 50-362-OL]

5/12/77

SOUTHERN CALIFORNIA EDISON CO. AND
SAN DIEGO GAS & ELECTRIC CO.

ESTABLISHMENT OF ATOMIC SAFETY AND LICENSING
BOARD TO RULE ON PETITIONS

Pursuant to delegation by the Commission dated December 29, 1972, published in the Federal Register (37 F.R. 28710) and Sections 2.105, 2.700, 2.702, 2.714, 2.714a, 2.717 and 2.721 of the Commission's Regulations, all as amended, an Atomic Safety and Licensing Board is being established to rule on petitions and/or requests for leave to intervene in the following proceeding:

SOUTHERN CALIFORNIA EDISON CO. AND
SAN DIEGO GAS & ELECTRIC CO.

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

This action is in reference to a notice published by the Commission on April 7, 1977, in the Federal Register (42 F.R. 18460) entitled "Receipt of Application for Facility Operating Licenses; Availability of Environmental Report; and Opportunity for Hearing".

The members of the Board and addresses are as follows:

John M. Frysiak, Esq., Chairman
Atomic Safety and Licensing Board Panel
U. S. Nuclear Regulatory Commission
Washington, D. C. 20555

Dr. Cadet H. Hand, Jr., Member
Director, Bodega Marine Laboratory
University of California
P. O. Box 247
Bodega Bay, California 94923

Mr. Lester Kornblith, Jr., Member
Atomic Safety and Licensing Board Panel
U. S. Nuclear Regulatory Commission
Washington, D. C. 20555

ATOMIC SAFETY AND LICENSING
BOARD PANEL

James R. Yore
James R. Yore Chairman

Dated at Bethesda, Maryland

this 12th day of May 1977.



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

5/9/77

In the Matter of:

SOUTHERN CALIFORNIA EDISON COMPANY
and
SAN DIEGO GAS & ELECTRIC COMPANY
SAN ONOFRE NUCLEAR GENERATING
STATION, UNITS 2 and 3

) Docket Nos. 50-361 and
) 50-362

) AFFIDAVIT OF LYN HARRIS HICKS
) IN SUPPORT OF PETITION TO
) INTERVENE OF ORGANIZATION
) GUARD OF ENVIRONMENTAL
) COALITION OF ORANGE COUNTY,
) CALIFORNIA

State of California)
County of Orange) ss.

I

I, LYN HARRIS HICKS, state:

II

I am advocate for GUARD, subsidiary of Environmental
Coalition of Orange County, in the above-entitled proceeding;

III

This affidavit is in support of the GUARD petition to
Intervene in the above-entitled proceeding;

IV

GUARD members are resident of the immediate radius areas
of the San Onofre Nuclear Generating Station site.

As such, they are vitally interested in these licensing
proceedings, and have participated for many years as formal
interveners in the San Onofre proceedings.

The only means by which GUARD may currently protect its
members' interests is by appearing in this proceeding as
interveners. Therefore, GUARD respectfully requests that
the Petition to Intervene be granted.

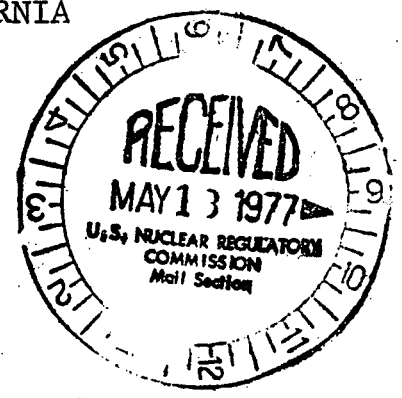
Dated: May 9, 1977.

Lyn Harris Hicks

Lyn Harris Hicks

Subscribed and sworn to before me this
9th day of May, 1977

Judy Lethine Halbach
Judy Halbach, Notary Public in and
for the State of California



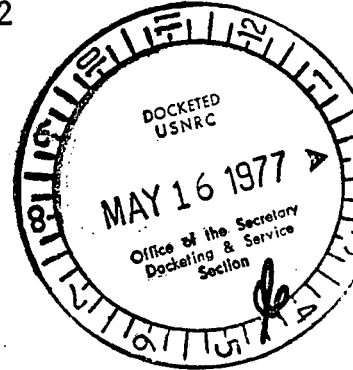
10203 Santa Monica Bl., Los Angeles, CA 90067

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

In the Matter of:

Docket Nos. 50-361 and
50-362

SOUTHERN CALIFORNIA EDISON COMPANY)
and
SAN DIEGO GAS & ELECTRIC COMPANY)
SAN ONOFRE NUCLEAR GENERATING)
STATION, UNITS 2 AND 3)



PETITION TO INTERVENE
of THE ORGANIZATION GUARD-ENVIRONMENTAL COALITION OF ORANGE COUNTY

I

The organization GUARD, subsidiary of Environmental Coalition of Orange County, is a volunteer, non-profit organization created and organized pursuant to the laws of the State of California.

II

The organization serves members resident in counties of the State of California in radius of San Onofre Nuclear Generating Station, within the station's hazard areas.

III

The organization did intervene, and is now intervener, in the construction license stage of these proceedings.

IV

The organization believes that its members' interests are threatened by proposed licensing of San Onofre Units 2 and 3, and further, that licensing would impose a major adverse impact on the environment and on the public health and safety.

V

The organization does request hearing, public and thorough.

VI

The organization does seek to broaden the issues involved in this proceeding, in the following particulars.

1. Environmental impact of normal and of abnormal operation and impingment, and of cumulative long-range effects of combined reactors units 1, 2 and 3.
2. Unique geographic constraints to effective evacuation of populations within 20 miles of San Onofre.

3. Inability of applicants, or of responsible governing agencies to provide a viable evacuation plan for populations within 20-25 miles.
4. Population burgeoning which has resulted in San Onofre becoming "a population center of 25,000 or more", thus invalidating the site, according to Federal Code 10-100 (AEC Bulletin TID 14844, Table VII)
5. Insufficient insurance coverage to protect the millions of residents of southern California.

VII

The names, titles, and mailing addresses of persons to whom correspondence or communication concerning this Petition are to be addressed are as follows:

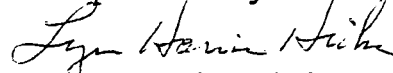
Lyn Harris Hicks
Advocate for GUARD
3908 Calle Ariana
San Clemente, California, 92672

Hal Thomas
Director
Environmental Coalition of Orange County
206 W. 4th Street
Santa Ana, California, 92701

WHEREFORE, GUARD respectfully requests that this petition to Intervene be granted.

Dated: May 9, 1977

Respectfully Submitted,



Lyn Harris Hicks
Advocate for GUARD,
Environmental Coalition of
Orange County

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)
)
SOUTHERN CALIFORNIA EDISON COMPANY)
SAN DIEGO GAS & ELECTRIC COMPANY)
)
(San Onofre Nuclear Generating)
Station, Units 2 and 3))
)

Docket Nos. 50-361
and ~~50-362~~

APPLICANTS' RESPONSE TO NRC STAFF'S POSITION
REGARDING ADMISSION OF EXHIBITS SCE-1,
SCE-2 AND SCE-3 AND LETTER ON DEPUTIZATION

On February 18, 1977, Southern California Edison Company and San Diego Gas & Electric Company ("Applicants") submitted "Applicants' Amplification of Citations Referenced During Oral Argument and Authenticating Affidavits." Said Documents had as attachments "Affidavit of James H. Drake," executed February 7, 1977, "Affidavit of Marsha Smith, dated February 17, 1977, and a letter dated February 7, 1977, from Donald R. Oliver, Undersheriff of the San Diego County Sheriff's Department, to David R. Pigott. Applicants hereby respond to "NRC Staff's Position Regarding Admission of Exhibits SCE-1, SCE-2 and SCE-3 and Letter on Deputization" dated March 8, 1977.

I

Applicants were requested by the Licensing Board to provide an affidavit by an officer of one of the ~~the~~

Applicants verifying that the material contained in the proposed exhibit SCE-1 is true and correct (TR 7, 10). It was stated at the hearing that the information contained in SCE-1 was gathered by security personnel at the San Onofre site (TR 15). Inasmuch as the security personnel actually making the observations and recording them were not officers of the corporation, it is not possible to meet the shortcomings pointed out by the Staff respecting Mr. Drake's lack of personal knowledge of facts contained in SCE-1 and, at the same time, meet the Board's requirement that an affidavit be executed by an officer. Applicants would submit that the Board did not contemplate an affidavit by a sponsoring witness, but rather a corporate assurance concerning the accuracy of the observations. Applicants submit that the Board's requirement has been met.

II

Applicants' position at the oral argument was that SCE-2 is a graphic display and interpretation of the facts contained in SCE-1 (TR 9). If the underlying data in SCE-1 is incorrect, then certainly SCE-2 will suffer parallel deficiencies. It is submitted that Mr. Drake's affidavit offers as much corporate assurance by the Applicants as can be submitted within the parameters of an oral argument and that SCE-2 should be admitted in evidence.

III

With respect to the letter of February 7, 1977, from Undersheriff Donald R. Oliver of the San Diego County Sheriff's Department, that letter was submitted by Applicants in support of counsel's statements during oral argument, and in response to the Board's request for documentation of that statement (TR 99).

In further explanation of the means by which the policy determination set forth in Mr. Oliver's letter was obtained, Applicants hereby advise that it was the result of requests by Applicants, including the undersigned of the Sheriff's Department that such deputization be granted. Said policy determination was arrived at after several telephone conversations and correspondence related to the jurisdiction and responsibility of the San Diego County Sheriff to enforce relevant statutory provisions within the tidal beach area and the way in which such responsibilities could best be met. Additionally, there was discussion concerning assurances to the Sheriff pursuant to California Government Code Section 1480*. It was ultimately determined that

*"Every officer, agent or employee not required by statute to give an official bond may be required to give an individual official bond, or other form of individual bond, in the amount to be fixed by the appointing power and such bond shall inure to the benefit of the appointing power, state, county or municipality, by whom such officer, employee, or agent is employed as well as the officer under whom the employee or agent serves.

* * * * "

Applicants herein would provide such assurance to the Sheriff in lieu of a bond.

The letter of February 7, 1977, was provided subsequent to notifying the Sheriff's Department that this Board desired some affirmation of its determination to deputize Applicants' security personnel. Said letter was submitted by counsel in a pleading signed pursuant to the provisions of 10 C.F.R. 2.708(c). The above information is also set forth in the attached "Affidavit of David R. Pigott."

IV

At oral argument it was specifically stated that the San Onofre State Beach attendance counts obtained by Applicants and submitted as SCE-3 were not subject to verification by Applicants (TR 8). Applicants have attempted to obtain verification of the Parks Department figures. The result of that attempt is the affidavit of Marsha Smith dated February 17, 1977. Applicants delayed their submittal of February 18, 1977, while attempting to obtain said affidavit. It is Applicants' understanding that the Parks Department does not maintain "official" attendance data. Applicants are advised that the attendance figures submitted in SCE-3 are actual physical counts made by Department personnel at the State Beach, but are maintained only for "working" purposes and not as official records.

It is submitted that SCE-3 should be admitted as evidence and accorded such weight as may be appropriate. The figures are actual counts relied upon by the Parks Department for operational purposes. That they do not reach the level of "official" figures does not mean they should be disregarded totally. At the very least, said figures tend to corroborate Applicants' contention that a small proportion of the persons using the San Onofre State Beach will use the tidal beach within the exclusion area.

Dated: March 18, 1977.

Respectfully submitted,

ROLLIN E. WOODBURY
DAVID N. BARRY, III
JAMES A. BEOLETTO

Attorneys for Applicant
SOUTHERN CALIFORNIA EDISON COMPANY

SHERMAN CHICKERING
DAVID R. PIGOTT
CHICKERING & GREGORY

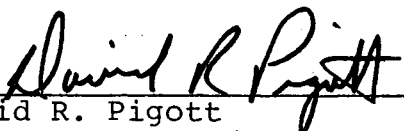
Attorneys for Applicant
SAN DIEGO GAS & ELECTRIC COMPANY

By David R. Pigott
David R. Pigott

be protected from personal liability arising out of the appointment of that Deputy Sheriff. It was agreed upon between the Sheriff and Applicants that a corporate assurance by Applicants would meet the requirements of Section 1480. On January 31, 1977, Donald R. Oliver, Undersheriff of San Diego County, orally advised the undersigned that the Sheriff had agreed to appoint reserve deputies as requested for the purpose of enforcing California Penal Code Section 409.5 during periods of emergency at the San Onofre site. Said determination was communicated to the Board during oral argument (RT 42-43).

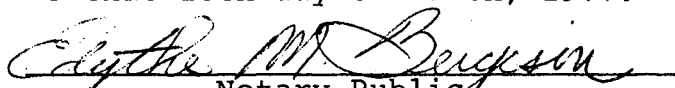
Pursuant to the Board's request, the undersigned solicited from the Sheriff's Department a letter confirming its policy determination. In response to that request, the Sheriff's Department forwarded that letter of February 7, 1977, from Donald R. Oliver to the undersigned.

Executed at San Francisco, California, this 18th day of March, 1977.



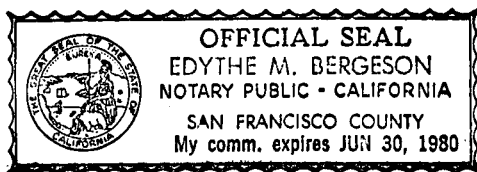
David R. Pigott

Subscribed and sworn to before me this 18th day of March, 1977.



Notary Public
in and for the City and County of
San Francisco, State of California

My Commission expires 6/30/80



CERTIFICATE OF SERVICE

I hereby certify that on the 18th day of March, 1977, copies of the foregoing "Applicants' Response to NRC Staff's Position Regarding Admission of Exhibits SCE-1, SCE-2 and SCE-3 and Letter on Deputization" were served upon each of the following by deposit in the United States mail, postage prepaid, addressed as follows:

Docketing and Service Section
Office of the Secretary
Nuclear Regulatory Commission
Washington, D.C. 20555
(Original + 20 copies)

Rollin E. Woodbury, Esq.
David N. Barry, Esq.
James A. Beoletto, Esq.
Southern California Edison Company
2244 Walnut Grove Avenue
Rosemead, California 91770

Michael Glaser, Esq.
1150 17th Street, N.W.
Washington, D.C. 20036

Mr. Lester Kornblith, Jr.
Atomic Safety and Licensing
Board
Nuclear Regulatory Commission
Washington, D.C. 20555

Dr. Franklin C. Daiber
Dept. of Biological Sciences
University of Delaware
Newark, Delaware 19711

George Spiegel, Esq.
2600 Virginia Avenue, N.W.
Washington, D.C.

Henry J. McGurren, Esq.
Office of the General Counsel
Nuclear Regulatory Commission
Washington, D.C. 20555

Larry E. Moss
Sierra Club
2410 W. Beverly Blvd., Suite 2
Los Angeles, California 90057

Alan R. Watts, Esq.
Assistant City Attorney
City Hall
Anaheim, California

Dr. Gerard A. Rohlich
Department of Civil Engineering
University of Texas
Austin, Texas 78712

Elizabeth S. Bowers, Esq.
Atomic Safety & Licensing Panel
Nuclear Regulatory Commission
Washington, D.C. 20555

Kenneth E. Carr, Esq.
City Manager
100 Avenida Presidia
San Clemente, California 92672

Atomic Safety & Licensing Board Panel
Nuclear Regulatory Commission
Washington, D.C. 20555

David Sakai
845 North Perry Avenue
Montebello, California 90640

Fredric P. Sutherland, Esq.
Center for Law in the Public
Interest
10203 Santa Monica Boulevard
Los Angeles, California 90067

Lawrence Q. Garcia, Esq.
California Public Utilities
Commission
5066 State Building
San Francisco, California 94136

Alan S. Rosenthal, Esq., Chairman
Atomic Safety & Licensing Appeal
Board
Nuclear Regulatory Commission
Washington, D.C. 20555

Michael C. Farrar, Esq.
Atomic Safety & Licensing Appeal
Board
Nuclear Regulatory Commission
Washington, D.C. 20555

Dr. John H. Buck
Atomic Safety & Licensing Appeal
Board
Nuclear Regulatory Commission
Washington, D.C. 20555

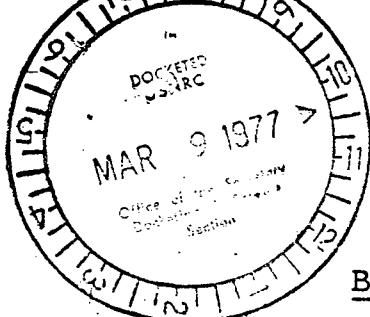
Lawrence Chandler, Esq.
Office of the General Counsel
Nuclear Regulatory Commission
Washington, D.C. 20555

Brent N. Rushforth, Esq.
Center for Law in the Public
Interest
10203 Santa Monica Boulevard
Los Angeles, California 90067

DATED at San Francisco, California this 18th day of March,
1977.



David R. Pigott



03/08/77

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)
)
SOUTHERN CALIFORNIA EDISON COMPANY)
SAN DIEGO GAS & ELECTRIC COMPANY)
)
(San Onofre Nuclear Generating Station,)
(Units 2 and 3))

Docket Nos. 50-361
50-362

NRC STAFF'S POSITION REGARDING ADMISSION
OF EXHIBITS SCE-1, SCE-2 AND SCE-3
AND LETTER ON DEPUTIZATION

At the February 1, 1977 Oral Argument in the above remanded proceeding, this Atomic Safety and Licensing Board ("Licensing Board") requested the Applicants to file, with respect to documents marked for identification as exhibits SCE-1, SCE-2 and SCE-3, a covering affidavit by an officer of the company verifying that the material in SCE-1 and SCE-2 is true and correct (Tr. 7, 10) and a covering affidavit indicating how and from whom the Applicants received the information in SCE-3 (Tr. 11) and its mode of preparation as well as the extent to which the information is inclusive (Tr. 96). The Licensing Board also requested that the Applicants transmit to the Board and parties, copies of documentation supporting its statement regarding deputization of plant security personnel by the San Diego County Sheriff's Department during emergencies, as well as a supporting affidavit (Tr. 99).

Hy

On February 18, 1977, the Applicants transmitted to the Licensing Board and parties, under cover of a document styled "Applicants' Amplification of Citations Referenced During Oral Argument and Authenticating Affidavits", the affidavits of James H. Drake in support of exhibits SCE-1 and SCE-2 and Marsha Smith in support of exhibit SCE-3 as well as a letter from Donald R. Oliver, Undersheriff, dated February 7, 1977, regarding deputization of plant security personnel.

For the reasons discussed below, the Staff does not object to the receipt into evidence of exhibits SCE-1 and SCE-2 but objects to the receipt of exhibit SCE-3. With respect to the letter from Undersheriff Oliver, the Staff notes that the affidavit requested by the Licensing Board has not been provided. Consequently, it is our position that, pending receipt of the affidavit no evidentiary weight be accorded that document but that the Board direct the Applicants to cure this deficiency.

I.

In regard to exhibit SCE-1, the Applicants have proffered the affidavit of James H. Drake. Mr. Drake has duly stated under oath, that he is a corporate officer of the Applicants and that, in connection with his responsibilities respecting San Onofre Nuclear Generating Station, Units 2 and 3, exhibit SCE-1 was prepared under his control and supervision. He further affirms that this exhibit "reflects true observations of persons located within the

exclusion area and adjacent beaches ... during the periods referenced ..."

The Staff considers the foregoing statements to be unsupported by the affidavit.

Mr. Drake has nowhere stated his personal knowledge regarding the making of the observations; e.g., was he present when they were made and is he aware of the criteria used by the observer to categorize the activities of the people observed? Such matters appear central to the conclusion expressed.

However, we recognize that Commission proceedings are not bound to a strict application of rules of evidence applicable in judicial proceedings.^{1/} Given the direction of this Licensing Board to the Applicants at the oral argument concerning the nature of the affidavit to be provided and the interest of all concerned in this proceeding to develop a complete record, as well as the essentially confirmatory nature of the information in exhibit SCE-1 vis-a-vis Amendment 22 of the Applicants' Preliminary Safety Analysis Report, we would not oppose the receipt into evidence of exhibit SCE-1.

II.

With respect to exhibit SCE-2, the Staff does not question the sufficiency of the supporting affidavit. However, it should be noted that to the extent there may be deficiencies in exhibit SCE-1, as indicated above, the analyses set forth in exhibit SCE-2 which are dependent on the data in SCE-1 are of limited value.

^{1/} See Appendix A to 10 CFR Part 2, Section V(d)(7).

For the reasons stated above with respect to exhibit SCE-1, the Staff does not object to receipt of exhibit SCE-2.

III.

In support of exhibit SCE-3, the Applicants have submitted the affidavit of Marsha Smith. Ms. Smith states that she is employed by the State of California, Department of Parks and Recreation, Systems Development Section and is responsible for handling such visitor attendance reports as are contained in exhibit SCE-3. She also states that she transmitted these reports contained in exhibit SCE-3 to the Applicants. Significantly, however, the affidavit does not attest to the manner in which the data contained in SCE-3 was obtained or its validity. Rather, the Applicant's Amplification states that the Department of Parks and Recreation, whose personnel collected the data, advised the Applicant that the data portions of SCE-3 are "'working figures' and therefore could not be verified as 'official records' of the Department". Additionally, Ms. Smith's affidavit states that she is unable to "verify the authenticity or the accuracy of the information contained in these reports."

Thus, while at first blush it might appear that the reports contained in exhibit SCE-3 might be treated as official records under 10 CFR § 2.743(h), it is our opinion that given Ms. Smith's express disclaimer, the Department of Parks and Recreation data contained in this exhibit cannot be considered "reliable" within the meaning of 10 CFR § 2.743(c) of the Commission's Rules of Practice. Consequently, exhibit SCE-3 should not be received in evidence without further

documentation of the regularity and reliability of the data and the method by which it was collected.

Regarding the first two pages of this exhibit which were prepared by the Applicants (Tr. 10-11), they similarly should not be received in evidence inasmuch as the data upon which they rest cannot be considered admissible for the reason discussed above.

The Staff, therefore, opposes the receipt of exhibit SCE-3 in its entirety.

IV.

The letter of Undersheriff Oliver presents a different consideration in that Applicants have not submitted it either with a supporting affidavit or duly notarized under oath. In view of the significance which we believe should be attached to the statements therein, the Staff urges that the Licensing Board direct the Applicants to resubmit this letter, either notarized or with a supporting affidavit, and, thereupon, that it be marked as an exhibit and received in evidence.

V.

In summary, therefore, the Staff, for the reasons discussed above, does not oppose receipt of exhibits SCE-1 and SCE-2, in evidence with due weight given to each, but does, however, object to receipt of exhibit SCE-3.

Regarding the letter from Undersheriff Oliver, the Staff recommends that

the Board order that Applicants cure the deficiency discussed above and, upon cure, that the letter be received in evidence.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Lawrence J. Chandler".

Lawrence J. Chandler
Counsel for NRC Staff

Dated at Bethesda, Maryland
this 8th day of March, 1977

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING APPEAL BOARD

In the Matter of)
)
SOUTHERN CALIFORNIA EDISON) Docket Nos. 50-361
COMPANY SAN DIEGO GAS &) 50-362
ELECTRIC COMPANY)
)
(San Onofre Nuclear Generating)
Station, Units 2 and 3))

CERTIFICATE OF SERVICE

I hereby certify that copies of "NRC STAFF'S POSITION REGARDING ADMISSION OF EXHIBITS SCE-1, SCE-2 AND SCE-3 AND LETTER ON DEPUTIZATION" in the above-captioned proceeding have been served on the following by deposit in the United States mail, first class or air mail, or as indicated by an asterisk, through deposit in the Nuclear Regulatory Commission's internal mail system, this 8th day of March:

Alan S. Rosenthal, Esq., Chairman*
Atomic Safety and Licensing
Appeal Board
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Michael C. Farrar, Esq.*
Atomic Safety and Licensing
Appeal Board
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Dr. John H. Buck*
Atomic Safety and Licensing
Appeal Board
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Michael L. Glaser, Esq.
1150 17th Street, N.W.
Washington, D.C. 20036

Mr. Lester Kornblith, Jr.*
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Dr. Franklin C. Daiber
Department of Biological Sciences
University of Delaware
Newark, Delaware 19711

David N. Barry III, Esq.
Southern California Edison Company
2244 Walnut Grove Avenue
Rosemead, California 91770

Mr. David Sakai
845 North Perry Avenue
Montebello, California 90640

Brent N. Rushforth, Esq.
Center for Law in the Public
Interest
10203 Santa Monica Boulevard
Los Angeles, California 90067

Mr. Kenneth E. Carr
City Manager
City of San Clemente
100 Avenida Presidio
San Clemente, California 92672

Alan R. Watts, Esq.
Assistant City Attorney
City Hall
Anaheim, California 92805

Lawrence Q. Garcia, Esq.
California Public Utilities
Commission
5066 State Building
San Francisco, California 94136

Dr. Gerard A. Rohlich
Department of Civil Engineering
University of Texas
Austin, Texas 78712

George Spiegel, Esq.
2600 Virginia Avenue, N.W.
Washington, D.C. 20036

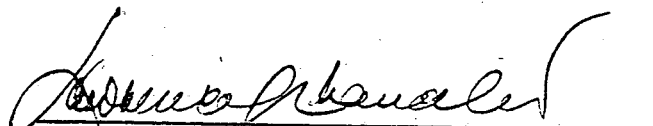
David R. Pigott, Esq.
Chickering & Gregory
111 Sutter Street
San Francisco, California 94104

Elizabeth S. Bowers, Esq.*
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

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

Atomic Safety and Licensing Appeal
Panel (5)*
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Docketing and Service Section (3)
Office of the Secretary
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555


Lawrence J. Chandler



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D. C. 20555

February 24, 1977



Ms. Ruth Bauman Yeilding
114 E. San Juan
San Clemente, Cal. 92672

Re: In the Matter of Southern California Edison Co.,
et al. (San Onofre Nuclear Generating Station,
Units 2 and 3), NRC Docket Nos. 50-361, 50-362

Dear Ms. Yeilding:

The Appeal Board assigned to the above-styled licensing proceeding has asked me to acknowledge receipt of the February 16, 1977 letter sent to it by Ms. Hicks and yourself.

The Appeal Board does not now have before it the matter of emergency plans for the evacuation of persons located in the vicinity of units 2 and 3 of the San Onofre facility in the event of an accident. The Board did address that matter, however, in its December 1974 decision which, with certain exceptions not relevant here, affirmed the Licensing Board's authorization of construction permits for those units. ALAB-248, 8 AEC 957. The Board there said:

3. The beach and other park areas within the modified low population zone remain a cause for concern, owing to the potentially large number of persons who might be located in those areas at the time of an accident. Among other things, it is far from clear that, as now constituted, the existing roads would be adequate for the purpose. Moreover, as part of its feasibility demonstration, the applicants indicated they could evacuate people from certain areas north of the facility by moving them on the "partially abandoned route 101" to safety south of the reactor. But that evacuation route would require that the evacuees travel closer to the reactor than their original locations in order eventually to reach safe ground. It strains credulity to expect that people will drive closer to a reactor in order to escape from an emergency generated by the reactor. In the vernacular, it might appear to them that they were jumping from the frying pan into the fire.

H4

In reaching our determination of overall feasibility, we place no reliance on that aspect of the applicants' preliminary plans. Instead, we rely on the fact that, as is apparent from the record (as well as from our observation of the site prior to the oral argument), other roads through Camp Pendleton are available. If widened, properly surfaced and clearly marked, they could be used for evacuation purposes. Thus, there is no reason for us to upset the Licensing Board's conclusion that evacuation of persons within the low population zone in a post-accident situation is feasible.

4. In reaching the conclusion that it is feasible to protect persons within the low population zone, we have considered only the preliminary plans of the applicants for furnishing that protection. The establishment of detailed plans can, quite properly, be deferred to the operating license stage. * * *

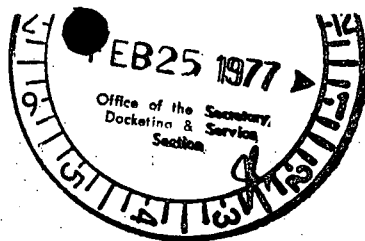
8 AEC at 963; footnotes omitted.

In the circumstances, the Board is not in a position to take any action at this point with regard to the matters discussed in your letter. But it has directed me to refer the letter to the attorney for the administrative staff of the Commission. He should be in a position to advise you respecting any action which the staff may have taken since December 1974 with regard to evacuation routes.

A copy of your letter, together with this response, is being included in the official docket for the proceeding.

Sincerely,

Margaret E. Du Flo
Margaret E. Du Flo
Secretary to the
Appeal Board



February 16, 1977

Atomic Safety and Licensing Appeal Board and
Nuclear Regulatory Commission
Washington, D. C. 2055

Dockets Number 50-361 and 50-362 Appeal 183-73 San Onofre

Dear Sirs:

The State of California's San Onofre State Beach Citizen Advisory Committee has been informed that the Nuclear Regulatory Commission, in a permit approval within the past year, required the utility company applicants to provide additional off-site roadways for evacuation of the public.

The Committee, in its meeting of January 27, mandated the following request recommended by its Emergency & Evacuation Planning Committee.

Due to the bottle-neck condition of roadways inadequate for evacuation of San Onofre State Beach, parcel 2, and due to one direction-out geography of the entire beach park, in event of a nuclear reactor accident, the State of California San Onofre Committee requests that the Nuclear Regulatory Commission Appeals Board require San Diego Gas and Electric and Edison Co. to provide northerly ingress and egress for parcel 2 which could also serve the new Trestles Parcel, and provide an inland ingress and egress for parcel 1 of San Onofre State Park.

The current emergency route from parcel 2 is via a double padlocked heavy chained military gate. Since our Parks Dept. personnel are on duty at this beach entrance area only the summer day-time hours, San Onofre Nuclear Plant personnel are authorized to unlock the gate. The gate is more than a mile from the reactors via the only road.

In an accident at San Onofre Reactors, beachgoers, alerted by loudspeaker, would be on the road attempting escape, within minutes, so that the plant official would face a flood of hundreds of evacuees whom he would have to buck a mile against traffic to unlock the gate.

Beachgoers who had struggled through 6/10 mile of beach parking area before embarking on the mile long access road which carries them in an "S" shape pattern twice toward the erupting reactor, could not be expected to evidence much patience with traffic. Only at the end of the "S" mile, where they arrive within a few hundred yards of the reactor, can they enter the mile and 8/10 escape route leading to the freeway. The panic which would be caused by such a circuitous and hazardous escape route could be expected to cause traffic congestion accidents or simple stalled vehicles which would block the narrow two lane road, causing additional delays of exit. Cont.

State of California San Onofre Committee Cont.

The freeway, Interstate 5, the only north-south coastal route, is often full during the summer days, bumper-to-bumper, stop and start, on weekends.

Recommendations by federal government officials in the recent State of California Energy Commission Hearings on evacuation of San Onofre area, that planning should be done for evacuation of 10-20 miles near reactors, have given us new consideration of the requests of San Clemente Police Chief Mel Portner and Fire Chief Ronald Coleman that State Park users be directed to alternate escape routes rather than Interstate 5. Since San Clemente is only 2½ miles from the reactor site, they would need Interstate 5 for tens of thousands of evacuees of San Clemente and adjacent communities, in event of an accident which sent a radiation plume to the north or northwest.

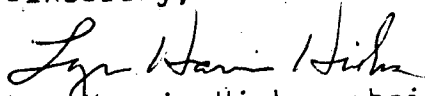
Our Emergency and Evacuation Planning Committee recommends that our thousands of State Park campers and beachgoers should be directed inland, under such circumstances, on a northeast or easterly route, which the utility companies should provide.

The State of California has not the authority to provide such accesses across Marine Corps controlled land, nor the funds to do so, were permission accorded. The utility companies should bear the responsibility for negotiation with the military and for cost of construction of roadways necessitated by their venture.

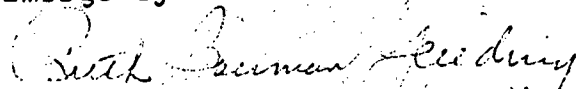
Paul Muspratt, our staff director of evacuation for southern California State Parks has advised us, "there is no way I can get the people off those beaches and out of the ocean and out of the danger area in the 15 minutes they gave me for the first quadrant. I just don't have the manpower nor the equipment to perform that kind of evacuation."

Adêquate off-site roadways would not solve the State Park evacuation dilemna, which includes problems of narrow trails up 80-100 feet bluffs from beach to parking areas of parcel 3, but they would measurably shorten the escape time and panic consequences.

Sincerely,



Lyn Harris Hicks, chairman
Emergency and Evacuation Planning Committee



Ruth Bauman Yeilding, coordinator
State of California San Onofre State Beach Citizen Advisory Committee

c.c. Herbert Rhodes, director
State of California Dept. of Parks and Recreation

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)

SOUTHERN CALIFORNIA EDISON COMPANY)
SAN DIEGO GAS & ELECTRIC COMPANY)

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

DOCKET NOS. 50-361
AND 50-362

APPLICANTS' CORRECTIONS OF TRANSCRIPT
OF ORAL ARGUMENT OF FEBRUARY 1, 1977

2-18-77

The following corrections should be made in the transcript of the Oral Argument held February 1, 1977:

Pg. 05, Lines 7 & 9 - "X" should be "10"

Pg. 18, Line 09 - "Unit 1" should be "Area I"

Pg. 23, Lines 21, 22, & 24 - In references to "Areas," numerals should be Roman rather than Arabic

Pg. 24, Lines 3, 4, & 7 - In reference to "Areas," numerals should be Roman rather than Arabic

Pg. 25, Line 05 - "PASR" should be "PSAR"

Pg. 25, Line 06 - "radway" should be "radwaste"

Pg. 27, Lines 07 & 17 - "PASR . . ." should be "PSAR . . ."

Pg. 27, Line 12 - "PASR at Section 14.5.1-1 . . ." should be "PSAR in Table 14.5.1-1 . . ."

114

Pg. 29, Line 21 "really" should be "only"

Pg. 34, Line 10, "PASR" should be "PSAR"

Pg. 39, Line 16 - "exclusionary" should be "exclusion area"

Pg. 40, Lines 2, 3, & 4 - In references to "Areas," numerals should be Roman rather than Arabic

Pg. 41, Line 12 - "PASR" should be "PSAR"

Pg. 98, Line 05 - "SEC" should be "SCE"

Pg. 99, Line 21 - "PASR" should be "PSAR"

DATED: February 18, 1977.

Respectfully submitted,

ROLLIN E. WOODBURY
DAVID N. BARRY III
JAMES A. BEOLETTO

Attorneys for Applicant
SOUTHERN CALIFORNIA EDISON COMPANY

SHERMAN CHICKERING
DAVID R. PIGOTT
CHICKERING & GREGORY

Attorneys for Applicant
SAN DIEGO GAS & ELECTRIC COMPANY

By DAVID R. PIGOTT
David R. Pigott

CERTIFICATE OF SERVICE

I hereby certify that on the 18th day of February, 1977 copies of the foregoing Applicants' Corrections of Transcript of Oral Argument of February 1, 1977 were served upon each of the following by deposit in the United States mail, postage prepaid, addressed as follows:

Docketing and Service Section
Office of the Secretary
Nuclear Regulatory Commission
Washington, D.C. 20555
(Original + 20 copies)

Rollin E. Woodbury, Esq.
David N. Barry, Esq.
James A. Beoletto, Esq.
Southern California Edison Company
2244 Walnut Grove Avenue
Rosemead, California 91770

Michael Glaser, Esq.
1150 17th Street, N.W.
Washington, D.C. 20036

Mr. Lester Kornblith, Jr.
Atomic Safety and Licensing
Board
Nuclear Regulatory Commission
Washington, D.C. 20555

Dr. Franklin C. Daiber
Dept. of Biological Sciences
University of Delaware
Newark, Delaware 19711

George Spiegel, Esq.
2600 Virginia Avenue, N.W.
Washington, D.C.

Henry J. McGurren, Esq.
Office of the General Counsel
Nuclear Regulatory Commission
Washington, D.C. 20555

Larry E. Moss
Sierra Club
2410 W. Beverly Blvd., Suite 2
Los Angeles, California 90057

Alan R. Watts, Esq.
Assistant City Attorney
City Hall
Anaheim, California

Dr. Gerard A. Rohlich
Department of Civil Engineering
University of Texas
Austin, Texas 78712

Elizabeth S. Bowers, Esq.
Atomic Safety & Licensing Panel
Nuclear Regulatory Commission
Washington, D.C. 20555

Kenneth E. Carr, Esq.
City Manager
100 Avenida Presidia
San Clemente, California 92672

Atomic Safety & Licensing Board Panel
Nuclear Regulatory Commission
Washington, D.C. 20555

David Sakai
845 North Perry Avenue
Montebello, California 90640

Fredric P. Sutherland, Esq.
Center for Law in the Public
Interest
10203 Santa Monica Boulevard
Los Angeles, California 90067

Lawrence Q. Garcia, Esq.
California Public Utilities
Commission
5066 State Building
San Francisco, California 94136

Alan S. Rosenthal, Esq., Chairman
Atomic Safety & Licensing Appeal
Board
Nuclear Regulatory Commission
Washington, D.C. 20555

Michael C. Farrar, Esq.
Atomic Safety & Licensing Appeal
Board
Nuclear Regulatory Commission
Washington, D.C. 20555

Dr. John H. Buck
Atomic Safety & Licensing Appeal
Board
Nuclear Regulatory Commission
Washington, D.C. 20555

Lawrence Chandler, Esq.
Office of the General Counsel
Nuclear Regulatory Commission
Washington, D.C. 20555

Brent N. Rushforth, Esq.
Center for Law in the Public
Interest
10203 Santa Monica Boulevard
Los Angeles, California 90067

DATED at San Francisco, California this 18th day of February,
1977.

DAVID R. PIGOTT

David R. Pigott

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)

SOUTHERN CALIFORNIA EDISON COMPANY)
SAN DIEGO GAS & ELECTRIC COMPANY)

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

DOCKET NOS. 50-361
AND 50-362

APPLICANTS' AMPLIFICATION OF CITATIONS
REFERENCED DURING ORAL ARGUMENT
AND AUTHENTICATING AFFIDAVITS

2-18-77

I

APPLICANTS' AMPLIFICATION OF CITATIONS
REFERENCED DURING ORAL ARGUMENT

Pursuant to request of the Board (TR 99-100)

Applicants hereby submit the following, more complete,
citations for certain references made by counsel during oral
argument:

Pg. 19, Line 15 - "57 percent" should be "57.55
percent"

Pg. 20, Line 06 - "Approximately 330" should be
"335"

Pg. 24, Line 25 - "Applicant's environmental re-
port" should be "Supplement to Applicant's Environmental
Report, Construction Permit Stage"

H4

Pg. 25, Line 01 - "3(a)" should be "3B and 3C"

Pg. 25, Lines 5 & 6 - "1(e)" should be "1F"

Pg. 25, Line 14 - "Staff Environmental Statement" should be "Staff Final Environmental Statement"

Pg. 28, Line 17 - "Section 7" should be "Section 7.2"

Pg. 41, Line 13 - "Applicant's Environmental Report . . ." should be ". . . Supplement to the Applicant's Environmental Report, Construction Permit Stage . . ."

Pg. 47, Line 18 - ". . . June 10 . . ." should be ". . . June 10, 1976"

Pg. 90, Lines 10, 11 & 12 - "proposed conclusion number 15" should be ". . . paragraph number 15, contained in Applicant's Reply to Consolidated Intervenors' Proposed Findings of Fact and Conclusions of Law, dated June 28, 1976."

Pg. 93, Lines 8 & 9 - ". . . findings in response to the Consolidated Intervenors" should be ". . . Applicant's Reply to Consolidated Intervenors' Proposed Findings of Fact and Conclusions of Law, dated June 28, 1976, . . ."

II

CORRECTION OF STATEMENT OF COUNSEL

In response to particular questions posed by the Board, counsel for the Applicants misstated facts of record. At Transcript page 91, lines 11-14, counsel stated that Mr. Sheppard's projections of the number of persons projected to be within the exclusion area was made assuming no controls over the beach within the exclusion area. Said statement is incorrect since Mr. Sheppard's projections did assume the controls proposed in Amendment No. 20.22 (KPB-1) page 1.8-2bzz, "Estimates of the number of persons within the reduced exclusion area reflect the assumption that no persons will be present between the walkway and mean high tide in light of the fences, signs, and enforcement measures described beginning on page 1.8-2bzn." Thus the observed peak of 108 persons is under less restrictive conditions than were assumed by Mr. Sheppard in making his projections.

III

AFFIDAVIT OF JAMES H. DRAKE
VERIFYING EXHIBITS SCE-1 AND SCE-2

Attached hereto is the Affidavit of James H. Drake verifying the documents submitted at oral argument and identified as:

SCE-1 - Supplemental Memorandum Concerning Actual Daily Counts of Persons Within Reduced Exclusion Area.

SCE-2 - Analysis of Exclusion Area Beach Survey
Data.

IV

AFFIDAVIT VERIFYING CONTENTS
OF SCE-3

Attached hereto is the Affidavit of Marsha Smith, an employee of the State of California, Department of Parks and Recreation. Said affidavit sets forth the source of the State Parks data submitted at oral argument as a portion of Exhibit No. SCE-3-Correlation of San Onofre State Beach, Daily Attendance Data, With Number of People in Exclusion Area.

The memoranda and figure which comprise the first two pages of SCE-3 were compiled by SCE based upon the data in SCE-1 and the Department of Parks and Recreation data submitted therewith. The weight to be accorded said memoranda and figures must be in accordance with the underlying Department of Parks and Recreation data.

The undersigned was advised by Department personnel that the Department of Parks and Recreation data reflect the physical counts made by Department personnel at San Onofre State Beach. Said counts are then forwarded to the Department's head office in Sacramento. Said figures were described to the undersigned as "working figures" rather than "official figures" and therefore could not be verified as official records of the Department.

V

VERIFICATION OF AGREEMENT TO
DEPUTIZE SECURITY PERSONNEL

In support of counsel's statement at Reporter's Transcript pages 42-43 that the San Diego County Sheriff's Department has agreed to deputize security personnel located at the San Onofre Nuclear Generating Station, there is attached hereto a letter dated February 7, 1977 from Donald R. Oliver, Undersheriff, to the undersigned. It is submitted that said letter supports counsel's statements of record.

DATED: February 18, 1977.

Respectfully submitted,

ROLLIN E. WOODBURY
DAVID N. BARRY III
JAMES A. BEOLETTA

Attorneys for Applicant
SOUTHERN CALIFORNIA EDISON COMPANY

SHERMAN CHICKERING
DAVID R. PIGOTT
CHICKERING & GREGORY

Attorneys for Applicant
SAN DIEGO GAS & ELECTRIC COMPANY

By DAVID R. PIGOTT
David R. Pigott

AFFIDAVIT OF JAMES H. DRAKE

STATE OF CALIFORNIA)
) ss.
COUNTY OF LOS ANGELES)

I, JAMES H. DRAKE, being duly sworn, say:

1. I am a vice President of Southern California Edison Company (hereinafter "Edison"), one of the applicants for construction permits for San Onofre Nuclear Generating Station, Units Nos. 2 and 3.

2. San Onofre Nuclear Generating Station, Units Nos. 2 and 3, is a joint project of Edison and San Diego Gas & Electric Company in connection with which Edison is Project Manager and Operating Agent for itself and on behalf of San Diego Gas & Electric Company.

3. I am responsible for Edison's engineering and construction activities, including the design, engineering, fabrication and construction of said Units Nos. 2 and 3 of the San Onofre Nuclear Generating Station.

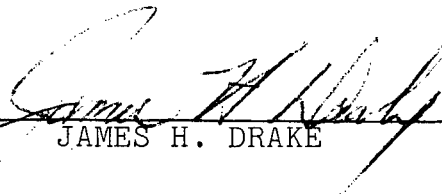
4. That the following documents, submitted at oral argument heard February 1, 1977 were prepared under my control and supervision:

SCE-1 - Supplemental Memorandum Concerning Actual Daily Counts of Persons Within Reduced Exclusion Area.

SCE-2 - Analysis of Exclusion Area Beach Survey Data.

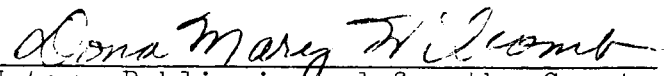
5. I hereby affirm that SCE-1 reflects true observations of persons located within the exclusion area and adjacent beaches at San Onofre Nuclear Generating Station, Units Nos. 2 and 3, during the periods referenced, and that the figures, graphs and memoranda analyzing said observations contained in SCE-2 are true and correct.

Executed this 7th day of February, 1977, at Rosemead, California.



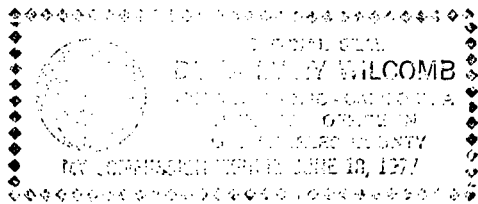
JAMES H. DRAKE

Subscribed and sworn to before me
this 7th day of February, 1977.



Notary Public in and for the County
of Los Angeles, State of California

My Commission Expires June 8, 1977



AFFIDAVIT

1
2
3 I, Marsha Smith, do declare as follows:

4 1. I was employed by the State of California, Depart-
5 ment of Parks and Recreation, in the Systems Development Section,
6 from January 7, 1977 to the date of this affidavit.

7 2. My duties in such employment included handling of
8 visitor attendance reports for the State Park System, which in-
9 cludes San Onofre State Beach.

10 3. On January 7, 1977, I received a telephone call
11 from Fred Briggs, who represented he was an employee of the
12 Southern California Edison Company, and who requested the infor-
13 mation regarding visitor attendance at San Onofre State Beach
14 as set forth in my letter dated January 7, 1977, a copy of which
15 is attached.

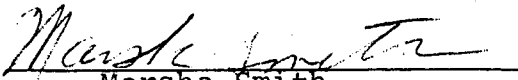
16 4. In response to a request of Fred Briggs on Jan-
17 uary 21, 1977, I sent to the Southern California Edison Company,
18 by mail, copies of the visitor attendance reports for San Onofre
19 State Beach for the period July 1975 to November 1976. I was
20 subsequently advised that these reports had not been received
21 by the Southern California Edison Company and, for that reason,
22 subsequently, visitor attendance reports for the months of
23 July 1975 to December 1976 were hand delivered to a person who
24 stated she had been sent to pick up the material for the
25 Southern California Edison Company. (Attached are true and
26 correct copies of the visitor attendance reports delivered to
27 this representative).

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

5. This latter representative was cautioned to read carefully the conversion factors stated on the reports and that I could not verify the authenticity or the accuracy of the information contained in these reports.

6. I certify (or declare) under penalty of perjury that the foregoing is true and correct.

Executed February 17, 1977 at Sacramento, California.


Marsha Smith

DEPARTMENT OF PARKS AND RECREATION

P.O. BOX 2390
SACRAMENTO 95811Fred Briggs
Nuclear Engineering Dept. Rm. 260
P.O. Box 800
22244 Walnut Grove Ave.
Rosemead Ca. 91770

January 7, 1977

The following are the visitor attendance totals for San Onofre SB from February 76 to November 76.

<u>Month</u>	<u>Day Use</u>	<u>Camping</u>
February	7,038	8,318
March	25,602	9,270
April	52,746	19,863
May	52,941	17,081
June	54,780	24,572
July	31,701	29,520
August	38,481	35,780
September	10,812	15,191
October	21,210	9,157
November	28,956	8,386

Marsha Smith
Systems Development
(916) 445-9720

MONTHLY VISITOR ATTENDANCE REPORT

UNIT NAME: San Onofre S.B.

DATE: 12 19 76

DAY	DAY USE							CAMPING				BOATS	MISCELLANEOUS			DAY
	Pd. (Cash/Pass)		Paid Group Use		Free		Twys	Sites Used	Twys Veh	Group Use		Boats Launched	For Park Use Only			
	Veh	Walk-in	Groups	Pers	Veh	Walkin	Pers			Groups	Pers					
01					172											01
02					157											02
03					282											03
04	136				213											04
05	52				369											05
06					132											06
07					97											07
08					118											08
09					152											09
10					80											10
11	57				566											11
12	95				295											12
13					84											13
14					157											14
15					198											15
16					183											16
17					174											17
18	164				231											18
19	190				229											19
20					484											20
21					322											21
22					404											22
23					279											23
24					310											24
25					231											25
26					462											26
27					401											27
28					657											28
29					425											29
30					197											30
31					178											31

Conversion Factors: 1.0 Pers Veh

130 Pers Veh

11 Pers Site

MONTHLY VISITOR ATTENDANCE REPORT

UNIT NAME: San Onofre S.B.

DATE: 12 19 76

DAY	DAY USE							CAMPING				BOATS	MISCELLANEOUS			DAY
	Pd. (Cash/Pass)		Paid Group Use		Free		Twys	Sites Used	Twys Veh	Group Use		Boats Launched	For Park Use Only			
	Veh	Walk-in	Groups	Pers	Veh	Walkin	Pers			Groups	Pers					
01					172											01
02					157											02
03					282											03
04	136				213											04
05	152				369											05
06					132											06
07					97											07
08					118											08
09					152											09
10					80											10
11	87				568											11
12	98				295											12
13					84											13
14					157											14
15					198											15
16					133											16
17					174											17
18	164				231											18
19	190				329											19
20					484											20
21					322											21
22					404											22
23					279											23
24					310											24
25					231											25
26					462											26
27					401											27
28					657											28
29					428											29
30					197											30
31					198											31

Conversion Factors: 1.0 Pers Veh

3.0 Pers Veh

1.0 Pers Site

MONTHLY VISITOR ATTENDANCE REPORT

UNIT NAME: San Onofre State Beach DATE: November 1976

DAY	DAY USE							CAMPING				BOATS	MISCELLANEOUS			DAY
	Pd. (Cash/Pass)		Paid Group Use		Free		Twys Pers	Sites Used	Twys Veh	Group Use		Boats Launched	For Park Use Only			
	Veh	Walk-in	Groups	Pers	Veh	Walk-in				Groups	Pers					
01					276			47								01
02	4				270			32								02
03					315			27								03
04	1				410			33								04
05	2				366			158								05
06	34				470			163								06
07	1				470			55								07
08					300			53								08
09					195			65								09
10					195			73								10
11					240			81								11
12	2				195			130								12
13	1				350			119								13
14					300			53								14
15					190			32								15
16					250			44								16
17					285			40								17
18					350			57								18
19					293			89								19
20	20				530			91								20
21					582			67								21
22					291			46								22
23					239			43								23
24					192			54								24
25					177			98								25
26	6				194			157								26
27	9				432			141								27
28					475			175								28
29					299			133								29
30					346			42								30
31																31

Conversion Factors 3.0 Pers Veh

3.0 Pers Veh

3.5 Pers Site

Signature: [Signature] Title: SPPIT

MONTHLY VISITOR ATTENDANCE REPORT

UNIT NAME: San Onofre S.B.

DATE: October 1976

DAY	DAY USE							CAMPING				BOATS	MISCELLANEOUS			DAY	
	Pd. (Cash/Pass)		Paid Group Use		Free		Twys	Sites Used	Twys Veh	Group Use		Boats Launched	For Park Use Only				
	Veh	Walk-in	Groups	Pers	Veh	Walkin	Pers			Groups	Pers						
01	4				108				200								01
02	1				334				205								02
03	12				250				53								03
04					157				50								04
05					127				32								05
06	2				181				35								06
07					160				42								07
08	22				113				213								08
09	131				242				215								09
10	475				392				44								10
11					172				43								11
12					129				35								12
13					136				38								13
14					158				51								14
15					117				300								15
16	38				306				202								16
17	44				348				55								17
18					204				38								18
19					105				35								19
20					124				34								20
21					147				36								21
22	3				131				146								22
23	31				303				211								23
24					382				33								24
25					125				32								25
26					137				33								26
27					110				39								27
28					127				33								28
29	2				114				45								29
30	2				332				102								30
31	50				342				30								31

Conversion Factors: 1.0 Veh

Pers Veh: 1.0

Pers Veh: 1.0

Pers Site: 1.5

Signature: J. M. ... Title: SPRIT

MONTHLY VISITOR ATTENDANCE REPORT

UNIT NAME: SAN ONOFRE STATE BEACH

DATE: SEPTEMBER 1972

DAY	DAY USE							CAMPING				BOATS	MISCELLANEOUS		DAY
	Free (Pass/Pass)		Paid Group Use		Free		Twys	Sites Used	Twys Veh	Group Use		Boats Launched	For Park Use Only		
	Veh	Walk-in	Groups	Pers	Veh	Walkin	Pers			Pers	Pers				
01								370	27	30					01
02	172							370	171	32					02
03	234							370	173	34					03
04	509							370	213	33					04
05								370	212	32					05
06	341							162		36					06
07	175							88		17					07
08	84							223	54	17					08
09	112							213		15					09
10	5							165		14					10
11	40							137		5					11
12	139							63		3					12
13	52							45		2					13
14	54							87		3					14
15	47							79		2					15
16	88							67		4					16
17	138							219		12					17
18	352							292		16					18
19	400							55		2					19
20	10						30	64		2					20
21	3						25	59		3					21
22	2						28	50		2					22
23	2						31	45		3					23
24	3						38	46		3					24
25	2						24	39		5					25
26	3						15	31		4					26
27	7						12	32		2					27
28	2						16	34		1					28
29	1						7	25		0					29
30	2						4	22		0					30
31															31

U.S. (cont) / P. 11

Conversion Factors: 10 Pers Veh 10 Pers Veh 15 Pers Site

MONTHLY VISITOR ATTENDANCE REPORT

UNIT NAME: San Geronimo S.B.

DATE: Aug 19 76

DAY	DAY USE							CAMPING				BOATS	MISCELLANEOUS			DAY
	Pd. (Cas)/Pass		Paid Group Use		Free		Twys	Sites Used	Twys Veh	Group Use		Boats Launched	For Park Use Only			
	Veh	Walk-in	Groups	Pers	Veh	Walkin	Pers			Groups	Pers					
01	755							195								01
02	286							202								02
03	250							212								03
04	432							242								04
05	252							342								05
06	215							370	205							06
07	671							370	249							07
08	523							370	170							08
09	303							370	98							09
10	272							370	28							10
11	335							370	33							11
12	491							370	56							12
13	562							370	267							13
14	229							370	359							14
15	500							364								15
16	174							359								16
17	142							367								17
18	237							370	19							18
19	503							370	56							19
20	570							370	212							20
21	425							370	223							21
22	533							300								22
23	159							325								23
24	156							312								24
25	200							235								25
26	223							340								26
27	226							370	133							27
28	371							370	32							28
29	534							300								29
30	362							275								30
31	437							290								31

Conversion Factors: Pers Veh

Pers Veh

Pers Site

MONTHLY VISITOR ATTENDANCE REPORT

UNIT NAME: San Diego State Beach

DATE: July 1976

Each Month

DAY	DAY USE							CAMPING				BOATS	MISCELLANEOUS			DAY
	Pd. (Cash/Pass)		Paid Group Use		31 Fee		Twys	Sites Used	Twys Veh	Group Use		Boats Launched	For Park Use Only			
	Veh	Walk-in	Groups	Pers	Veh	Walk-in	Pers			Groups	Pers					
01	75				200			370	185			28				01
02	140				210			370	140			28				02
03	300				325			370	160			32				03
04	315				260			370	120			33				04
05	80				175			175	-			19				05
06	70				135			110	-			19				06
07	75				140			116	-			14				07
08	85				210			130	-			19				08
09	131				190			370	100			27				09
10	370				165			370	130			32				10
11	338				340			195	-			33				11
12	73				160			195	-			18				12
13	61				120			210	-			22				13
14	65				170			208	-			32				14
15	62				120			221	-			27				15
16	86				352			370	130			29				16
17	183				165			370	126			33				17
18	217				385			225	-			26				18
19	162				420			255	-			26				19
20	50				144			289	-			27				20
21	51				152			286	-			23				21
22	50				133			251	-			21				22
23	53				142			370	107			30				23
24	74				162			265	-			29				24
25	80				350			254	-			27				25
26	95				152			250	-			25				26
27	105				179			300	-			27				27
28	120				133			198	-			37				28
29	140				167			240	-			30				29
30	205				185			370	127			26				30
31	305				210			370	115			31				31

Conversion Factors

Pers Veh	1.20	Pers Veh
----------	------	----------

Pers Site	3.5
-----------	-----

Signature: Judith Spurrill Title: SPR.I

MONTHLY VISITOR ATTENDANCE REPORT

File

UNIT NAME: San Onofre State Beach

DATE: June 19 76

Day	DAY USE								CAMPING				BOATS	MISCELLANEOUS			Day
	Pd. (Cash/Pass)		Paid Group Use		Free		Twys	Sites	Twys	Group Use		Boats	Per Park Use Only				
	Veh	Walk-in	Groups	Pers	Veh	Walk-in	Pers	Used	Veh	Groups	Pers	Launches					
01	-				251			69								01	
02	-				170			62								02	
03	-				204			79								03	
04	49				314			295								04	
05	289				279			362	87							05	
06	483				228			103								06	
07	30				759			66								07	
08	42				207			66								08	
09	18				236			104								09	
10	12				248			112								10	
11	60				568			354	146							11	
12	404				662			362	179							12	
13	654				-			240								13	
14	113				823			211								14	
15	235				389			236								15	
16	158				378			209								16	
17	174				361			263								17	
18	219				503			397	302							18	
19	644				882			366	251							19	
20	745				-			250								20	
21	121				362			235								21	
22	99				415			290								22	
23	191				539			296								23	
24	213				512			309								24	
25	707				142			366	218							25	
26	976				268			366	197							26	
27	463				181			281								27	
28	286				122			211								28	
29	214				165			240								29	
30	271				192			224								30	
31					1310			707	1270							31	

Conversion Factors: Pers/Veh

 Pers/Veh

 Pers/Site

MONTHLY VISITOR ATTENDANCE REPORT

UNIT NAME: SAN Onizhe State Beach

DATE: May 1976

DAY	DAY USE							CAMPING				BOATS	MISCELLANEOUS			DAY
	Pd. (Cas)/Pass		Paid Group Use		Free		Twys	Sites Used	Twys Veh	Group Use		Boats Launched	For Park Use Only			
	Veh	Walk-in	Groups	Pers	Veh	Walk in	Pers.			Groups	Pers					
01	333				295			344	87							01
02	452				625			35								02
03					783			40								03
04					318			34								04
05					284			26								05
06					234			28								06
07	8				334			176								07
08	261				483			240								08
09	254				179			35								09
10					551			39								10
11					364			33								11
12					394			46								12
13					686			72								13
14	7				670			341	76							14
15	361				386			411	128							15
16	554				475			61								16
17					353			54								17
18					710			40								18
19					318			60								19
20					223			329	91							20
21	6				635			347	121							21
22	321				293			357	102							22
23	466				562			59								23
24					242			62								24
25					201			63								25
26					253			76								26
27					414			200								27
28	63				332			397	327							28
29	458				0			393	283							29
30	564				636			399	126							30
31	642				664			81								31

Conversion Factors: Veh 2.0 Pers Veh 12,897 Veh 13.0 Pers Veh 13.5 Pers Site 13.5

Signature: [Signature] Title: SFRPI

MONTHLY VISITOR ATTENDANCE REPORT

UNIT NAME: Saw Onofre State Beach

DATE: April 19 76

DAY	DAY USE							CAMPING				BOATS	MISCELLANEOUS			DAY
	Pd. (Cash/Pass)		Paid Group Use		Free		Twys	Sites Used	Twys Veh	Group Use		Boats Launched	For Park Use Only			
	Veh	Walk-in	Groups	Pers	Veh	Walkin	Pers			Groups	Pers					
01					249				44							01
02	4				411				336							02
03	160				591				342							03
04	85				605				309							04
05	26				262				60							05
06	22				356				62							06
07					272				71							07
08					302				89							08
09	3				331				99							09
10	310				473				348							10
11	387				1286				341							11
12	203				688				346							12
13	86				599				346							13
14	249				632				349							14
15	82				421				344							15
16	69				401				310							16
17	230				587				287							17
18	161				600				280							18
19					476				47							19
20					426				69							20
21					417				63							21
22					569				47							22
23	4				476				43							23
24	264				430				220							24
25	257				730				347							25
26					640				47							26
27					346				40							27
28					663				39							28
29					236				46							29
30	11				494				302							30
31																31

Conversion Factors: 3.6 Pers Veh

3.0 Pers Veh

3.5 Pers Site

Signature: [Signature]

Title: SPR II

MONTHLY VISITOR ATTENDANCE REPORT

UNIT NAME: SAN ONOFE State Beach

DATE: MARCH 19 76

DAY	DAY USE <u>Surf Beach</u>							CAMPING				BOATS	MISCELLANEOUS			DAY
	Pd. (Cash/Pass)		Paid Group Use		Free		Twys	Sites	Twys	Group Use		Boats	For Park Use Only			
	Veh	Walk-in	Groups	Pers	Veh	Walk-in	Pers	Used	Veh	Groups	Pers	Launched				
01	3				35			19								01
02					28			17								02
03					29			29								03
04					42			29								04
05					51			89								05
06	73				176			176								06
07	41				188			25								07
08					46			27								08
09					38			22								09
10					50			17								10
11					190			26								11
12					265			77								12
13	19				125			227								13
14	132				39			45								14
15					87			66								15
16					93			38								16
17					187			40								17
18					205			38								18
19					143			243								19
20	148				583			370								20
21	172				1332			42								21
22					551			49								22
23					280			18								23
24					183			39								24
25					950			43								25
26					675			318								26
27					422			391								27
28					522			30								28
29					174			27								29
30					126			29								30
31					131			40								31

Conversion Factors 3.0 Pers Veh

3.0 Pers Veh

3.5 Pers Site

Signature: D.J. Craig

Title: S.P.R. I

MONTHLY VISITOR ATTENDANCE REPORT

UNIT NAME: SAN Onofre State Beach

DATE: Feb 1976

DAY	DAY USE							CAMPING				BOATS	MISCELLANEOUS			DAY	
	Pd. (Cash/Pass)		Paid Group Use		Free		Twys	Sites Used	Twys Veh	Group Use		Boats Launched	For Park Use Only				
	Veh	Walk-in	Groups	Pers	Veh	Walkin	Pers			Groups	Pers						
01					173				289								01
02					136				35								02
03					53				22								03
04					66				22								04
05					28				18								05
06					34				38								06
07					69				32								07
08					70				16								08
09					83				18								09
10					79				22								10
11					42				82								11
12					98				123								12
13					132				187								13
14					168				366								14
15					221				283								15
16					47				22								16
17					61				21								17
18					39				26								18
19					56				17								19
20					32				90								20
21					121				180								21
22					185				26								22
23					19				17								23
24					35				18								24
25					46				26								25
26					41				29								26
27					76				134								27
28					89				183								28
29					47				33								29
30																	30
TOTAL 31					2346				2375								31

Conversion Factors 3.0 Pers Veh

12.0 Pers Veh

3.5 Pers Site

Signature: John Cleary Title: SPRT

MONTHLY VISITOR ATTENDANCE REPORT

UNIT NAME: SAN ONOZARE STATE BEACH

DATE: Jan 1976

DAY	DAY USE							CAMPING				BOATS	MISCELLANEOUS			DAY
	Pd. (Cas)/Pass		Paid Group Use		Free		Twys	Sites	Twys	Group Use		Boats	For Park Use Only			
	Veh	Walk-in	Groups	Pers	Veh	Walk in	Pers	Used	Veh	Groups	Pers	Launched				
01					112			38								01
02					176			27								02
03					229			42								03
04					268			81								04
05					306			25								05
06					181			24								06
07					188			27								07
08					55			23								08
09					119			24								09
10					106			51								10
11					316			79								11
12					419			17								12
13					172			21								13
14					121			23								14
15					222			23								15
16					552			23								16
17					1332			193								17
18					603			256								18
19					181			22								19
20					457			23								20
21					343			28								21
22					197			30								22
23					331			88								23
24					265			81								24
25					227			176								25
26					443			34								26
27					165			32								27
28					280			31								28
29					131			37								29
30					227			238								30
31					487			293								31

Conversion Factors 3.0 Pers Veh

1.5 Pers Veh

1.5 Pers Site

Signature: D.J. Coigen

Title: S.P.R.I

DEPARTMENT OF PARKS AND RECREATION
MONTHLY VISITOR ATTENDANCE REPORT

UNIT NUMBER 4152
SUBUNIT

UNIT NAME: SAN ONOFRE STATE BEACH

DATE: December 19 75

DAY	DAY USE							CAMPING				BOATS	MISCELLANEOUS			DAY	
	P.L. (Cash/Pass)		Paid Group Use		Free		Twys	Sites Used	Twys Veh	Group Use		Boats Launched	For Park Use Only				
	Veh	Walk-in	Groups	Pers	Veh	Walk in	Pers			Groups	Pers						
01					482				26								01
02					213				45								02
03					93				39								03
04					121				35								04
05					124				50								05
06					187				56								06
07					199				24								07
08					152				22								08
09					163				28								09
10					23				27								10
11					22				27								11
12					76				31								12
13					132				39								13
14					178				27								14
15					92				22								15
16					41				28								16
17					43				23								17
18					53				20								18
19					134				22								19
20					157				39								20
21					103				46								21
22					166				22								22
23					306				27								23
24					195				19								24
25					144				17								25
26					147				21								26
27					148				85								27
28					102				76								28
29					170				61								29
30					175				42								30
31					100				37								31

Conversion Factors: 20 Pers Veh

310 Pers Veh

315 Pers Site

4441

Signature: David J. Cargen Title: S.P.R.I

MONTHLY VISITOR ATTENDANCE REPORT

UNIT NAME: SAN ONOFRE State Beach

DATE: NOVEMBER 19 75

DAY	DAY USE							CAMPING				BOATS	MISCELLANEOUS			DAY
	Pd. (Cash/Pass)		Paid Group Use		Free		Twys	Sites Used	Twys Veh	Group Use		Boats Launched	For Park Use Only			
	Veh	Walk-in	Groups	Pers	Veh	Walk in	Pers			Groups	Pers					
01	91				157			100								01
02	40				140			21								02
03	-				35			18								03
04	-				72			19								04
05	-				62			15								05
06	-				83			11								06
07	-				92			91								07
08	44				151			148								08
09	33				299			61								09
10	-				125			175								10
11	-				257			40								11
12	-				150			44								12
13	30				114			44								13
14	30				96			100								14
15	66				97			114								15
16	27				127			31								16
17	-				43			29								17
18	-				59			29								18
19	-				81			35								19
20	-				75			31								20
21	57				128			52								21
22	-				261			69								22
23	-				301			28								23
24	-				377			33								24
25	-				168			42								25
26	-				123			95								26
27	-				214			51								27
28	-				145			109								28
29	34				188			128								29
30	-				75			26								30
31																31

Conversion Factors 3.0 Pers Veh

3.0 Pers Veh

3.5 Pers Site

MONTHLY VISITOR ATTENDANCE REPORT

UNIT NAME: SAN ONOFRE State Beach

DATE: OCT 19 75

DAY	DAY USE							CAMPING				BOATS	MISCELLANEOUS			DAY
	Pd. (Cash/Pass)		Paid Group Use		Free		Twys	Sites Used	Twys Veh	Group Use		Boats Launched	For Park Use Only			
	Veh	Walk-in	Groups	Pers	Veh	Walk in	Pers			Groups	Pers					
01					191			43								01
02	12				112			48								02
03	5				113			227								03
04	142				422			272								04
05	61				327			33								05
06					172			28								06
07					127			34								07
08					181			38								08
09					160			37								09
10					60			133								10
11	29				190			187								11
12	32				364			36								12
13					157			23								13
14					129			34								14
15					136			37								15
16					158			22								16
17					117			149								17
18	53				170			169								18
19	38				248			22								19
20					204			28								20
21					105			30								21
22					124			29								22
23					147			36								23
24					131			203								24
25	127				198			62								25
26	127				370			25								26
27					125			15								27
28					137			21								28
29					110			34								29
30					127			29								30
31					146											31

Conversion Factors 3.0 Pers Veh

3.0 Pers Veh

3.5 Pers Site

Signature: DAVID J. COLEMAN Title: S.P.R. I

MONTHLY VISITOR ATTENDANCE REPORT

UNIT NAME: San Onofre SB DATE: 09 1975
Check here if park is closed

DAY	DAY USE							CAMPING				BOATS	MISCELLANEOUS			DAY
	Pd. (Cash/Pass)		Paid Group Use		Free		Twys	Sites	Twys	Group Use		Boats	For Park Use Only			
	Veh	Walk-in	Groups	Pers	Veh	Walk-in	Pers	Used	Veh	Groups	Pers	Launched				
01	585				466			370	50							01
02	105				276			161								02
03	139				221			182								03
04	237				271			242								04
05	219				446			370	63							05
06	416				326			370	31							06
07	548				342			160								07
08	34				191			102								08
09	31				190			97								09
10	18				190			77								10
11	24				190			91								11
12	31				190			207								12
13	204				383			288								13
14	288				216			46								14
15					210			42								15
16					207			39								16
17					207			48								17
18	165				207			61								18
19	41				207			262								19
20	335				302			370	40							20
21	615				287			71								21
22					402			42								22
23					402			31								23
24	60				462			52								24
25	5				402			53								25
26	48				402			283								26
27	477				246			370	39							27
28	423				209			44								28
29					158			39								29
30					167			33								30
31																31

Conversion Factors: 3.0 Pers Veh 3.0 Pers Veh 3.5 Pers Site



State of California - The Resources Agency
DEPARTMENT OF PARKS AND RECREATION

MONTHLY VISITOR ATTENDANCE REPORT

Aug 19 75

UNIT NAME SAN ONOFRE

UNIT NUMBER 663

SUBUNIT

DAY	DAY USE							CAMPING				BOATS	MISCELLANEOUS			DAY	
	Pd. (Cash/Pass)		Paid Group Use		Free		Twys Pers	Sites Used	Twys Veh	Group Use		Boats Launched					
	Veh	Walk-in	Groups	Pers	Veh	Walk-in				Groups	Pers						
01	312								370								01
02	318								370								02
03	604								256								03
04	119								268								04
05	144								243								05
06	134								370								06
07	235								370								07
08	272								370								08
09	327								370								09
10	278								327								10
11	199								370								11
12	271								370								12
13	306								370								13
14	276								370								14
15	251								370								15
16	690								370								16
17	743								370								17
18	247								363								18
19	427								370								19
20	562								370								20
21	627								370								21
22	487								370								22
23	597								347								23
24	674								243								24
25	232								267								25
26	772								341								26
27	371								296								27
28	301								370								28
29	247								386								29
30	528								381								30
31	587								370								31

Conversion Factors

3.0

Pers Veh

3.0

Pers Veh

3.5

Pers Site

Signature David J. Gargen S.P.R. I

State of California - The Resources Agency
DEPARTMENT OF PARKS AND RECREATION

MONTHLY VISITOR ATTENDANCE REPORT

July 19 75

UNIT NAME San Luis State Park UNIT NUMBER 6163 SUBUNIT

DAY	DAY USE							CAMPING				BOATS	MISCELLANEOUS			DAY
	Pd. (Cash/Pass)		Paid Group Use		Free		Twys	Sites Used	Twys Veh	Group Use		Boats Launched	Hike			
	Veh	Walk-in	Groups	Pers	Veh	Walk-in	Pers			Groups	Pers					
01	214							237								01
02	274							370								02
03	267							370								03
04	845							370								04
05	694							185								05
06	655							311								06
07	273							206								07
08	236							245								08
09	501							287								09
10	359							310								10
11	392							370								11
12	599							370								12
13	577							205								13
14	161							156								14
15	234							317								15
16	263							235								16
17	191							327								17
18	158							399								18
19	575							186								19
20	648							194								20
21	163							237								21
22	214							257								22
23	264							268								23
24	181							282								24
25	266							370								25
26	521							370								26
27	754							467								27
28	138							243								28
29	215							263								29
30	254							256								30
31	210							300								31
	6122							9362								

Conversion Factors 3.0 $\frac{\text{Pers}}{\text{Veh}}$

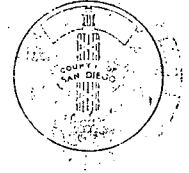
3.0 $\frac{\text{Pers}}{\text{Veh}}$

3.5 $\frac{\text{Pers}}{\text{Site}}$

SAN DIEGO COUNTY SHERIFF'S DEPARTMENT

POST OFFICE BOX 2991
SAN DIEGO, CALIFORNIA 92112

(714) 236-3028



JOHN F. DUFFY, Sheriff

DONALD R. OLIVER, Undersheriff

February 7, 1977

Mr. David R. Piggott
Chickering & Gregory
111 Sutter Street
San Francisco, CA 94104

Dear Dave:

San Onofre Nuclear Generating Station
Special Deputy Commissions for Security Personnel

Pursuant to our telephone conversation of January 31, I wish to inform you that Sheriff Duffy has approved your request to provide Special Deputy status to your security personnel stationed at the San Onofre Nuclear Generating Station, as outlined in your letter of January 21, 1977.

In essence, your security personnel will be authorized to enforce Penal Code Section 409.5 within the tidal beach area directly in front of the station only during such times as an emergency exists at that location. Further, at a future meeting we shall determine any other applicable Penal Code sections that your security personnel should be authorized to enforce. At that time we will finalize the necessary procedures for deputization, as well as any other agreements we may need to enter into.

Should you have any question, please feel free to contact me.

Sincerely,

JOHN F. DUFFY, SHERIFF

A handwritten signature in cursive script that reads "Donald R. Oliver".

Donald R. Oliver, Undersheriff

DRO/kjs

Santee Station

8211 Cuyamaca
Santee, CA 92071
236-3007

Vista Station

325 South Melrose
Vista, CA 92083
724-2104

Lemon Grove Station

7859 Broadway
Lemon Grove, CA 92045
236-2902

Encinitas Station

143 "D" Street
Encinitas, CA 92024
753-5591

CERTIFICATE OF SERVICE

I hereby certify that on the 18th day of February, 1977 copies of the foregoing "Applicants' Amplification of Citations Referenced During Oral Argument and Authenticating Affidavits" were served upon each of the following by deposit in the United States mail, postage prepaid, addressed as follows:

Docketing and Service Section
Office of the Secretary
Nuclear Regulatory Commission
Washington, D.C. 20555
(Original + 20 copies)

Rollin E. Woodbury, Esq.
David N. Barry, Esq.
James A. Beoletto, Esq.
Southern California Edison Company
2244 Walnut Grove Avenue
Rosemead, California 91770

Michael Glaser, Esq.
1150 17th Street, N.W.
Washington, D.C. 20036

Mr. Lester Kornblith, Jr.
Atomic Safety and Licensing
Board
Nuclear Regulatory Commission
Washington, D.C. 20555

Dr. Franklin C. Daiber
Dept. of Biological Sciences
University of Delaware
Newark, Delaware 19711

George Spiegel, Esq.
2600 Virginia Avenue, N.W.
Washington, D.C.

Henry J. McGurren, Esq.
Office of the General Counsel
Nuclear Regulatory Commission
Washington, D.C. 20555

Larry E. Moss
Sierra Club
2410 W. Beverly Blvd., Suite 2
Los Angeles, California 90057

Alan R. Watts, Esq.
Assistant City Attorney
City Hall
Anaheim, California

Dr. Gerard A. Rohlich
Department of Civil Engineering
University of Texas
Austin, Texas 78712

Elizabeth S. Bowers, Esq.
Atomic Safety & Licensing Panel
Nuclear Regulatory Commission
Washington, D.C. 20555

Kenneth E. Carr, Esq.
City Manager
100 Avenida Presidia
San Clemente, California 92672

Atomic Safety & Licensing Board Panel
Nuclear Regulatory Commission
Washington, D.C. 20555

David Sakai
845 North Perry Avenue
Montebello, California 90640

Fredric P. Sutherland, Esq.
Center for Law in the Public
Interest
10203 Santa Monica Boulevard
Los Angeles, California 90067

Lawrence Q. Garcia, Esq.
California Public Utilities
Commission
5066 State Building
San Francisco, California 94136

Alan S. Rosenthal, Esq., Chairman
Atomic Safety & Licensing Appeal
Board
Nuclear Regulatory Commission
Washington, D.C. 20555

Michael C. Farrar, Esq.
Atomic Safety & Licensing Appeal
Board
Nuclear Regulatory Commission
Washington, D.C. 20555

Dr. John H. Buck
Atomic Safety & Licensing Appeal
Board
Nuclear Regulatory Commission
Washington, D.C. 20555

Lawrence Chandler, Esq.
Office of the General Counsel
Nuclear Regulatory Commission
Washington, D.C. 20555

Brent N. Rushforth, Esq.
Center for Law in the Public
Interest
10203 Santa Monica Boulevard
Los Angeles, California 90067

DATED at San Francisco, California this 18th day of February,
1977.

DAVID R. PIGOTT

David R. Pigott



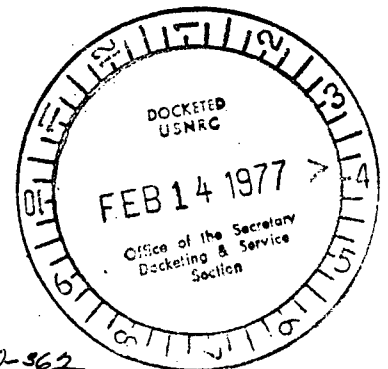
UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D. C. 20555

February 9, 1977

Alan S. Rosenthal, Esq., Chairman
Atomic Safety and Licensing
Appeal Board
U. S. Nuclear Regulatory Commission
Washington, D. C. 20555

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

Dr. John H. Buck
Atomic Safety and Licensing
Appeal Board
U. S. Nuclear Regulatory Commission
Washington, D. C. 20555



In the Matter of
Southern California Edison Company
San Diego Gas & Electric Company 50-362
(San Onofre Nuclear Generating Station, Units Nos. 2 and 3)

Gentlemen:

By letter dated December 27, 1976, the NRC Staff provided the Board and the parties a copy of "Staff Discussion of Fifteen Technical Issues Listed on Attachment to November 3, 1976 Memorandum from Director, NRR to NRR Staff" (NUREG-0138). The Staff is now enclosing for the further information of the Board and the parties a copy of the newly issued "Staff Discussion of Twelve Additional Technical Issues Raised by Responses to November 3, 1976 Memorandum from Director, NRR to NRR Staff" (NUREG-0153).

NUREG-0153, like NUREG-0138, discusses certain technical issues concerning nuclear reactor components and systems. Some of these issues, specifically, 16, 17, 18, 19, 21, 22, 23, 24, 25 and 27, relate to components and systems of the general type proposed for the San Onofre Nuclear Generating Station, Units Nos. 2 and 3. The Staff believes that the discussion in NUREG-0153 demonstrates, with respect to each of these items, that current facility design provides an acceptable level of safety. While further improvement of these systems or components may result from continuing expansion of operating experience and generic assessments, which can be left for future

generic action or plant-specific backfitting, the Staff believes that present designs provide adequate protection of the public health and safety. These items will be considered by the Staff in its review of the Final Safety Analysis Report, supporting the application for operating licenses recently tendered for pre-docketing acceptance review.

On the basis of the discussion contained in NUREG-0153, we do not believe that these issues require reopening of the record in this proceeding. Moreover, none of these items bears on the single issue remanded to and currently pending before the Atomic Safety and Licensing Board.

Further discussion of a number of the issues contained in NUREG-0138 and NUREG-0153 is set forth in the transcript of the ACRS subcommittee and ACRS full committee meetings of December 3, 4, and 8-11, 1976. A copy of the ACRS letter on matters considered at those meetings is enclosed. In addition, some of these matters were further discussed before the Senate Government Operations Committee on December 13, 1976. Future ACRS subcommittee and ACRS full committee meetings are scheduled at which the remaining issues contained in NUREG-0138 and NUREG-0153 will be discussed and the Staff shall keep the Board and parties advised of any subsequent events or correspondence from the ACRS.

Sincerely,



Lawrence J. Chandler
Counsel for NRC Staff

Enclosures:
NUREG-0153
ACRS Letter

cc: See next page

cc w/o enclosures:

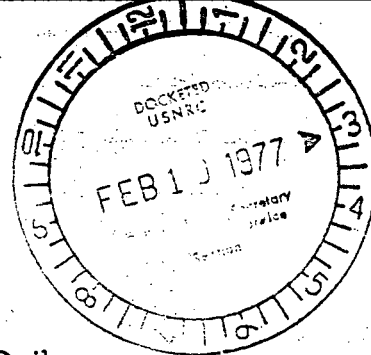
Michael L. Glaser, Esq.
Mr. Lester Kornblith, Jr.
Dr. Franklin C. Daiber
Mr. David Sakai
Mr. Kennety E. Carr
Allan R. Watts, Esq.
Lawrence Q. Garcia, Esq.
Dr. Gerard A. Rohlich
George Spiegel, Esq.
Elizabeth S. Bowers, Esq.
Atomic Safety and Licensing
Board Panel
Atomic Safety and Licensing
Appeal Panel
Docketing and Service Section

cc w/enclosures:

David N. Barry III, Esq.
David R. Pigott, Esq.
Brent N. Rushforth, Esq.



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D. C. 20555



February 9, 1977

Michael L. Glaser, Esq.
1150 17th Street, N.W.
Washington, D. C. 20036

Dr. Franklin C. Daiber
Department of Biological Sciences
University of Delaware
Newark, Delaware 19711


Mr. Lester Kornblith, Jr.
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
Washington, D. C. 20555

In the Matter of Southern California Edison Company
San Diego Gas & Electric Company
(San Onofre Nuclear Generating Station, Units 2 and 3)
Docket Nos. 50-361 and 50-362

Gentlemen:

Pursuant to Mr. Kornblith's request at the February 1, 1977 oral argument (Tr. 99 and 100), the Staff has reviewed the transcript for the purpose of verifying citations given by the Staff. All corrections noted are contained in the attached "NRC Staff's February 1, 1977 Oral Argument Transcript Corrections".

Sincerely,


Henry J. McGurran
Counsel for NRC Staff

Enclosure: As stated

361

114

cc w/enclosure:

Charles R. Kocher, Esq.
Elizabeth S. Bowers, Esq.
Mr. David Sakai
Frederic P. Sutherland, Esq.
Brent N. Rushforth, Esq.
Mr. Kenneth E. Carr
Alan R. Watts, Esq.
Lawrence Q. Garcia, Esq.

Dr. Gerard A. Rohlich
George Spiegel, Esq.
David R. Pigott, Esq.
Atomic Safety and Licensing
Board Panel
Atomic Safety and Licensing
Appeal Panel
Docketing and Service Section

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)	
)	
SOUTHERN CALIFORNIA EDISON COMPANY)	Docket Nos. 50-361
SAN DIEGO GAS & ELECTRIC COMPANY)	50-362
)	
(San Onofre Nuclear Generating Station,)	
Units 2 and 3))	

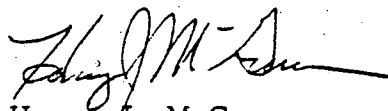
NRC STAFF'S FEBRUARY 1, 1977
ORAL ARGUMENT TRANSCRIPT CORRECTIONS

The following corrections should be made in the transcript of the February 1, 1977 oral argument in this remanded proceeding:

<u>Page</u>	<u>Line(s)</u>	<u>From</u>	<u>To</u>
77	18	basin	beach
79	2	Appendix C	Appendix E
79	24	would well	would be well
80	21	in presidings and	in presiding at
80	23	, it is the Commission they designate	as the Commission may designate,
83	2	this administrative law or agent, unless it is a board.	an Administrative Law Judge, an Atomic Safety and Licensing Board.
83	10	and this is the Atomic Energy Licensing and Appeal Board	that this includes the Atomic Safety and Licensing Board and the Atomic Safety and Licensing Appeal Board

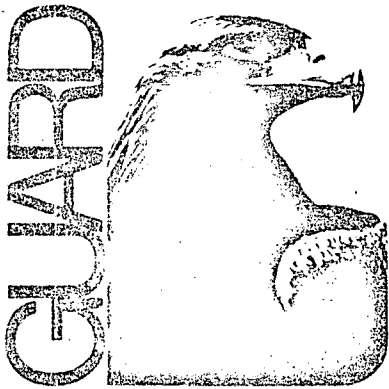
<u>Page</u>	<u>Line(s)</u>	<u>From</u>	<u>To</u>
85	21	milligrams	millirem
86	2	milligrams	millirem
86	3	S-9	5.9
86	3	5-59	5-49
86	17	milligrams	millirem
86	20	milligrams	millirem
86	21	7.5	7-5
87	1	Volume T-R	following Tr
87	11	a released	as a release from
88	6	Volume 1	following
88	13	in	and
88	17	at	above

Respectfully submitted,



Henry J. McGurren
Counsel for NRC Staff

Dated at Bethesda, Maryland
this 9th day of February, 1977



DOCKET NUMBER

PROD. & UTIL. FAC. 50-361,362

August 17, 1977

Nuclear Regulatory Commission
Atomic Safety and Licensing Board
Washington, D. C.



Dear Commissioners:

The enclosed documents and the following statement are addenda to GUARD's application for intervenor status in the license stage hearings on San Onofre Units 2 and 3. They are in response to information received by me, verbally, from a Nuclear Regulatory Commission attorney, that GUARD's Petition to Intervene was judged insufficient and that GUARD has been allowed to August 18 to dispatch an appropriate amendment.

Because neither GUARD nor its attorneys in the current construction stage permit proceedings received any notification of the forthcoming license stage proceedings, nor any requirements for Intervenor status in them, we have only the suggestions of NRC attorney Larry Chandler to enlighten us, and are grateful to him for bringing to our attention the following three insufficiencies.

1. An affidavit of a single spokesperson is not sufficient to represent the members of an entire organization: see enclosed affidavits of additional GUARD officers.
2. The position of Environmental Coalition of Orange County was not clear: see enclosed affidavit of Hal Thomas, Director of Environmental Coalition.
3. The contentions of GUARD were not specific enough: see following addenda to petition.

GUARD requests that its general phrasing of the contentions be allowed as a protection from the legal game-play of the construction stage hearings which prohibited GUARD's presentation of testimony essential to the protection of the public health and welfare...on the technical grounds that the wording of the contentions were too narrow. Our attorney was not even allowed to pose to the witnesses the questions which would have elicited the necessary testimony.

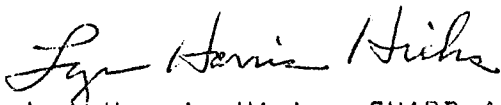
GUARD assumes that the full spectrum of issues and problems related to evacuation will be thoroughly reviewed in the license hearings. Essential testimony of earlier stage met with objections that the license stage was the appropriate time for such considerations.

Following are examples of the contentions we would like to raise as specifics within the general framework.

1. Time constraints have not been included in the evacuation planning, and without them, an evacuation plan cannot be "timely".
2. According to testimony of US Govt. officials in California Energy Commission hearings on Evacuation of the San Onofre Hazard Area, information specified as necessary in the utility company warning to responsible officials is not available, beyond "educated guesses".
3. Increases in freeway use in recent years, and unpredictability of traffic load due to transient use, invalidate the freeway Interstate 5 as a dependable evacuation route, invalidating evacuation plans.
4. Inability of the utility companies and of governing bodies, including the Nuclear Regulatory Commission, to prohibit influx of populations into the low-population zone and the high-hazard 20 mile zone, invalidate population number estimates on which evacuation planning is based.
5. The unique geographic constraints of the area within 10-15 miles of San Onofre, prohibit its effective evacuation... and block evacuation of the low-population zone.
6. The evacuation planning for the area of San Onofre does not estimate need, nor evaluate availability of manpower and equipment necessary to accomplish the responsibilities detailed... and without a realistic expectation of accomplishment, the plan is only a pipe-dream.
7. Growth and distribution of population in the high-hazard 20 mile zone of San Onofre has disqualified the site for nuclear energy production according to the constraints of Part 10-100 Federal Code of Regulations. The five-mile radius of San Onofre is itself a population center of 25,000 or more, and the distribution of those populations is in concentrated pockets of one-way-out evacuation potential, rather than spread over a large area with many egresses.

Please inform us of further addenda information which may be needed.

Sincerely,



Lyn Harris Hicks, GUARD Advocate

STATE OF CALIFORNIA
COUNTY OF Orange } SS.

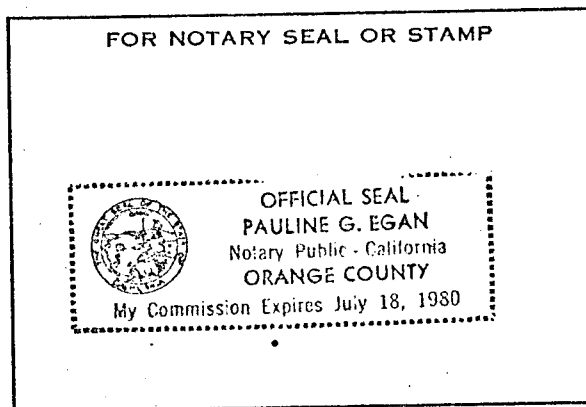


On August 18, 1977 before me,
the undersigned, a Notary Public in and for said County and State,
personally appeared

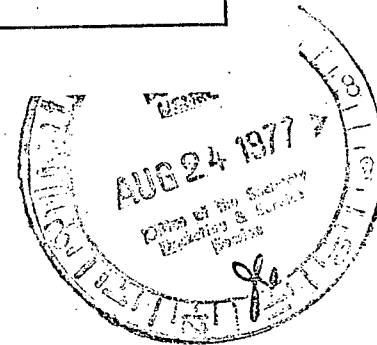
Hal Thomas

_____, known to me
to be the person whose name _____ subscribed to the
within instrument and acknowledged that he executed the
same.

Pauline G. Egan



State of California)
County of Orange } ss.



I, HAL THOMAS, state:

I

II

I am Director of Environmental Coalition of Orange County, California,
of which GUARD is an affiliate and a subsidiary organization, the two
entities being co-participants in the above-entitled proceeding;

III

This affidavit is in support of the GUARD Petition to Intervene
in the above-entitled proceeding;

IV

The Environmental Coalition membership includes persons who are
periodically vacation residents & persons who are permanent residents of
the immediate radius areas of the San Onofre Nuclear Generating Station
site.

As such, they are vitally interested in these licensing considerations,
and have participated for many years, in various proceedings, in opposition
to Units 2 and 3 of San Onofre.

Environmental Coalition seeks to preserve and enhance the environment
for the interests of its members and for the benefit of all life on this
planet, and has opposed San Onofre Units 2 and 3 as potentially destructive
of that which the coalition seeks to protect.

Since participation of Environmental Coalition in the forthcoming
license hearings through GUARD's appearance as intervener serves these
purposes, I respectfully request that the petition to intervene be
granted.

Dated: August 18, 1977

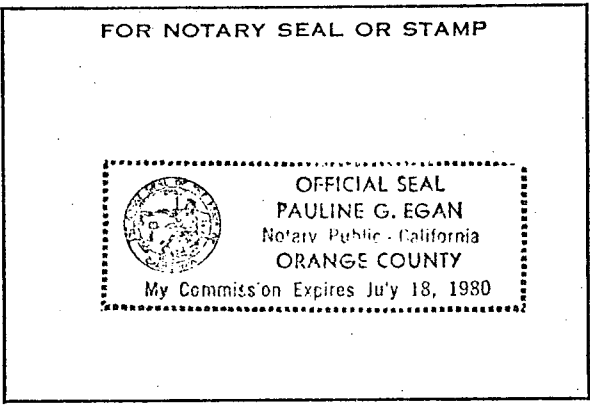
Hal Thomas

Hal Thomas

STATE OF CALIFORNIA }
COUNTY OF Orange } SS.
On August 18, 1977 before me,
the undersigned, a Notary Public in and for said County and State,
personally appeared _____



John Martino
_____, known to me
to be the person _____ whose name _____ subscribed to the
within instrument and acknowledged that he executed the
same.
Pauline G. Egan



I

I, JOHN MARTINO, state:

II

I am a vice-president of GUARD, subsidiary of Environmental Coalition of Orange County, in the above-entitled proceeding;

III

This affidavit is in support of the GUARD petition to intervene in the above-entitled proceeding;

IV

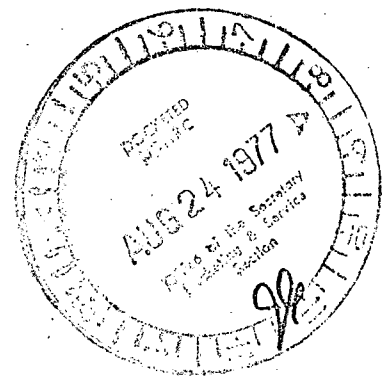
GUARD members are resident of the immediate radius areas of the San Onofre Nuclear Generating Station site, and thus live in constant jeopardy of their lives, health and property.

Guard members are thus vitally interested in these licensing processes, and have participated for many years as formal interveners in the San Onofre proceedings.

The only means by which GUARD may currently protect its members from unjustified multiplication of the hazard at San Onofre, the licensing of units 2 and 3, is to appear in this proceeding as interveners. Therefore, GUARD respectfully requests that the Petition to Intervene be granted.

Dated: August 16, 1977

John Martino
John Martino

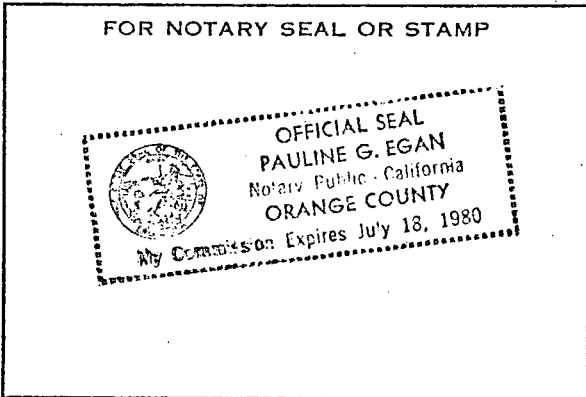


STATE OF CALIFORNIA
COUNTY OF Orange } SS.
On August 18, 1977 before me,
the undersigned, a Notary Public in and for said County and State,
personally appeared _____



_____, known to me
to be the person _____ whose name _____ subscribed to the
within instrument and acknowledged that she executed the
same.

Pauline G Egan



I

I, DOROTHY DRUMMOND, state:

II

I am secretary of GUARD, subsidiary of Environmental Coalition of Orange County, in the above-entitled proceeding:

III

This affidavit is in support of the GUARD petition to intervene in the above-entitled proceeding;

IV

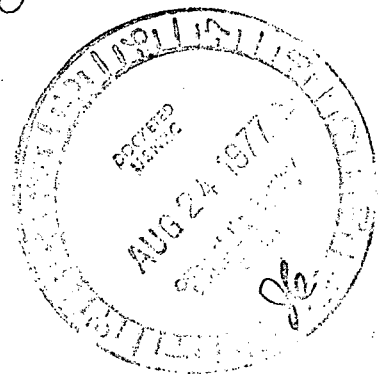
GUARD members are resident of the immediate radius areas of the San Onofre Nuclear Generating Station site, and thus live in constant jeopardy of their lives, health and property.

GUARD members are thus vitally interested in these licensing processes, and have participated for many years as formal interveners in the San Onofre proceedings.

The only means by which GUARD may currently protect its members from unjustified multiplication of the hazard at San Onofre, the licensing of Units 2 and 3, is to appear in this proceeding as interveners. Therefore, GUARD respectfully requests that the Petition to Intervene be granted.

Dated: August 18, 1977.

Dorothy Drummond
Dorothy Drummond



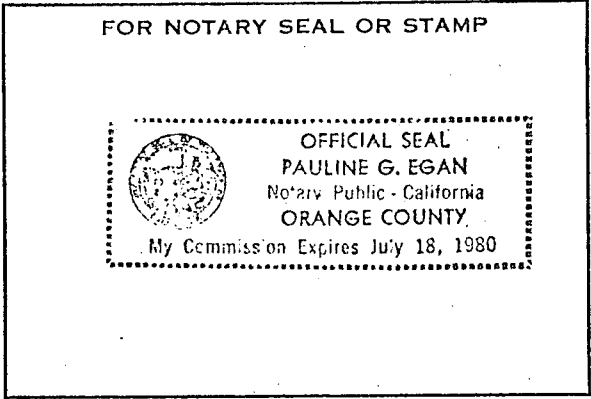
STATE OF CALIFORNIA }
COUNTY OF Orange } SS.



On August 16, 1977 before me,
the undersigned, a Notary Public in and for said County and State,
personally appeared Lee Steelman

_____, known to me
to be the person whose name _____ subscribed to the
within instrument and acknowledged that she executed the
same.

Pauline G. Egan



State of California)
County of Orange) ss.

I

I, LEE STEELMAN, state:

II

I am president of GUARD, subsidiary of Environmental Coalition of Orange County, in the above-entitled proceeding;

III

This affidavit is in support of the GUARD petition to intervene in the above-entitled proceeding;

IV

GUARD members are resident of the immediate radius areas of the San Onofre Nuclear Generating Station site, and thus live in constant jeopardy of their lives, health and property.

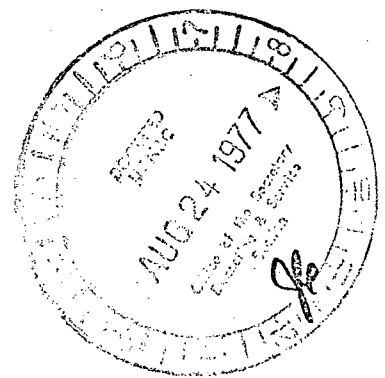
GUARD members are thus vitally interested in these licensing processes, and have participated for many years as formal interveners in the San Onofre proceedings.

The only means by which GUARD may currently protect its members from unjustified multiplication of the hazard at San Onofre, the licensing of units 2 and 3, is to appear in this proceeding as interveners. Therefore, GUARD respectfully requests that the Petition to Intervene be granted.

Dated: August 18, 1977

Lee Steelman
Lee Steelman

Subscribed and sworn to before me
this 18th day of August, 1977



AUG 16 1977

Honorable Alan Cranston
United States Senate
Washington, D.C. 20510

Dear Senator Cranston:

We have been asked to reply to your August 5 communication forwarding Mr. Alan Heiss' recent letter to you; we appreciate having the opportunity to comment on it.

As you probably know, Southern California Edison Company and San Diego Gas and Electric Company operate one power reactor and are building two others at the San Onofre Nuclear Power Station near San Clemente. In fact, the two companies recently applied for licenses to operate the two new units--expected to be completed in February 1980 and May 1981. The process we will use to review this application is described in the enclosed booklet "Licensing of Nuclear Power Reactors."

As part of the former Atomic Energy Commission staff's review of the application to build the two new power reactors at the San Onofre site, a detailed Final Environmental Statement was prepared; this statement goes into some detail on the effects of heated water on the marine environment of the Pacific Ocean; accordingly, we are enclosing a copy of the statement which you may wish to forward to Mr. Heiss. We also should point out, that the postulated effects of the return of heated cooling water to the Pacific Ocean at San Onofre are unique and are not necessarily representative of what the effects would be at other sites.

Since Mr. Heiss also expressed an interest in having a description of nuclear power plants, we are enclosing an excerpt from an Atomic Energy Commission publication which describes, in some detail, a pressurized water reactor. This is the kind of power reactor now being used at San Onofre, and the two units now under construction are pressurized water reactors. Included is a rather detailed description of the cooling systems for these facilities.

The disposal of low-level radioactive wastes from the San Onofre Nuclear Power Station is discussed in the Final Environmental Statement. As for the high-level radioactive wastes resulting from the "burning" of nuclear fuel in a reactor, it is contained in the "burned" fuel which is stored in specially-designed, water-filled basins at the San Onofre site. This method of storing high-level radioactive wastes has been used safely for many years and is described in more detail in the enclosed copy of Congressional testimony by our Executive Director for Operations.

H 2

Since the Nuclear Regulatory Commission is an independent agency established to assure that, if nuclear power is used to produce electricity, the public health and safety and the environment are protected, we do not have a policy role to play in determining how nuclear power should be used in helping to meet this country's need for electricity. However, the enclosed copy of "The National Energy Plan" prepared by The Office of Energy Policy and Planning in the Executive Office of the President should be useful in this regard.

We hope that this information will be helpful to you in replying to Mr. Heiss' letter; however, if you do need additional information, please let us know. In the meantime, as you requested, we are returning your correspondence.

Sincerely,

Winged Joseph J. Fouchard

Joseph J. Fouchard
Acting Director
Office of Public Affairs

Enclosures

bcc: SECY (3) 77-1251
CA

OFFICE >	PA	PA	CA		
SURNAME >	FINGRAM SC <i>(initials)</i>	JFOUCHARD	KKAMMERER <i>OK</i>		
DATE >	8-11-77	8- -77	8-16-77		

No. 77-1251

Logging Date 8/9/77

NRC SECRETARIAT

TO: Commissioner _____ Date _____
 Exec. Dir./Oper. _____ Gen. Counsel _____
 Cong. Liaison _____ Solicitor _____
 Public Affairs _____ Secretary _____

Incoming: Alan Cranston, USS
From: California

To: NRC's Date 8/5/77

Subject: Re: radioactive wastes & cooling water of the San Onofre Nuclear Power Plant.

- Prepare reply for signature of:
- Chairman _____
 - Commissioner _____
 - EDO, GC, CL, SOL, PA, SECY
 - Signature block omitted
 - _____
 - Return original of incoming with response

For direct reply* Susp. Aug. 22.

- For appropriate action
- For information
- For recommendation

Remarks: Cys to: EDO, OCA,

For the Commission: *Davis*

*Send three (3) copies of reply to Secy Mail Facility

United States Senate

WASHINGTON, D.C. 20510

August 5, 1977

1st Ack

To: Congressional Liaison
Nuclear Regulatory Commission
Washington, DC 20555

Enclosure from:

Mr. Alan Heiss
11371 Chapman Avenue
Garden Grove, CA 92640

Re:

Please comment on the radioactive wastes and cooling water
of the San Onofre Nuclear Power Plant.

I forward the attached for your consideration.

Your report, in duplicate, along with the return of the enclosure
will be appreciated.

Sincerely,


Alan Cranston

Please address envelope to:
Senator Alan Cranston
Senate Office Building
Washington, D.C. 20510

Att:

Jim Forcier

Alan Heiss
11371 Chapman Avenue
Garden Grove, CA 92640

Senator Alan Cranston
United States Senate
Washington, D.C. 20510

Dear Senator:

I am currently preparing for a research paper in my college environmental studies class.

My term paper will focus on the environmental effects of nuclear power plants, such as the one located in San Onofre, California. I plan on showing both sides of this issue in a report that is as unbiased as possible.

I would specifically like to know what is done with the radioactive wastes after they leave the nuclear reactor. and what is used to cool down the reactor. If ocean water is used, as I believe it is at the San Onofre plant, what is the effect of this warm water on the surrounding sea when it is returned?

In short, any information on nuclear power plants such as environmental impact reports, pamphlets, or publications would be greatly appreciated on my part. Also, any charts on how the typical nuclear power plant is put together and the role that nuclear energy will play in our future energy plans would be even more appreciated. Thank you very much for your time and concern.

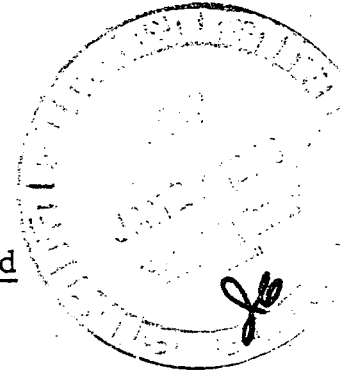
Sincerely,

Alan Heiss

Alan Heiss

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

Before the Atomic Safety and Licensing Board



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

MEMORANDUM AND ORDER

1-27-78

This Memorandum and Order pertains to the contentions of Intervenor Friends of the Earth, Mr. and Mrs. August Carstens, Mr. and Mrs. Lloyd von Haden, Mr. Donald May, and Mrs. Donis Davey (FOE, et al.), and Intervenor Groups United Against Radiation Danger (GUARD). It also deals with the question of consolidation of certain parties and a discovery time table.

CONTENTIONS OF FOE, ET AL.

By our Memorandum and Order of October 26, 1977, the Licensing Board Established to Rule on Petitions for Intervention (hereinafter referred to "Petition Board") found that FOE, et al., had a requisite interest in the environmental and health and safety aspects of the San Onofre facility. The Petition Board also held that of FOE, et al.'s eleven contentions, at least Contention 4 was set forth with sufficient particularity and basis so as to comply with 10 CFR § 2.714. Intervention was allowed.

H 1
GD

Subsequent to that Order this Licensing Board* was established and held a prehearing conference on December 6, 1977, to hear arguments on contentions not previously accepted. We consider first FOE, et al.'s and then GUARD's contentions seriatim.

FOE, ET AL., CONTENTION 1

"1) The seismic design basis for SONGS 2 & 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."

Intervenor FOE, et al., argued that recent earthquakes and new discoveries of a new fault made by the California Energy Resources Conservation and Development Commission indicate that a review of the seismic design basis for SONGS 2 & 3 is in order.

Applicants, Southern California Edison Company and San Diego Gas and Electric Company (Applicants) stated they would prefer the contention to read more narrowly and offered their own version of an acceptable contention.

Staff found FOE, et al.'s contention suitable for discovery purposes but suggested that it should be simplified and clarified at the close of discovery (Tr. 546-47).

* The Licensing Board is comprised of the same members that served on the Petition Board.

The Board finds Intervenor FOE, et al.'s contention suitable for discovery purposes. After discovery the Board will consider parties' suggestion to limit the scope of this contention.

In light of new evidence concerning dewatering and cavities discovered as a result of dewatering, Intervenor FOE, et al., Staff, and Applicants agreed that a contention in this regard should be adopted and presented the following stipulated contention (Tr. 552) which is also agreeable to the Board.

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

FOE, ET AL., CONTENTION 2

FOE, et al.'s Contention 2 has been withdrawn (Tr. 570).

FOE, ET AL., CONTENTION 3

3. "10 CFR 51.21 and 51.52(b) and NEPA require that the Applicants shall submit an Applicants' Environmental Report - Operating License stage and that such report contain the latest results of the ongoing marine study required under the coastal commission permit. Joint intervenors are entitled to review both the AER-OLS and the Marine study at the operating license stage and may take a position and offer evidence concerning them."

This contention does not raise any factual issue and for this reason is disallowed. FOE, et al., asserts that it only wants to preserve its right to challenge the adequacy of the Staff's FES should it fail to consider the California's Marine Review Committee Report (MRC) (Tr. 601). The Staff is required to consider all available information that is relevant and significant in preparing its Environmental Statement. Failure to do so would appear to be a reasonable basis for challenge when the Statement is issued.

FOE, ET AL., CONTENTION 4

4. "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 & 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."

The Board in its October 26, 1977, Order found that this contention was stated with sufficient particularity and basis to meet the requirements of 10 CFR § 2.714 and allowed intervention on this basis.

At the prehearing conference FOE, et al., offered a different wording of this contention. Applicants and the Staff countered with separate versions of their own.

The Board is of the opinion that the contention as stated in FOE, et al.'s petition is acceptable for discovery purposes. Parties will have an opportunity to ask for a refinement of this contention after discovery is completed.

FOE, ET AL., CONTENTION 5

FOE, et al.'s Contention 5 is withdrawn (Tr. 644-65).

FOE, ET AL., CONTENTION 6

6. "Joint intervenors contend that the public health and safety, and the spirit and intent of 10 CFR, Part 50, Appendix C (1.B) require, as matter of law, that the applicant, prior to the issuance of an operating license, set aside adequate funds to cover the costs of permanent shutdown and maintenance of the facility in a safe condition at the termination of operations; the applicant has not done so, and intervenors contend that an operating license should not be granted absent such an undertaking."

At the prehearing conference FOE, et al., proposed a new wording of this contention:

"Applicant has not shown that it possesses or has reasonable assurances of obtaining the funds to pay the estimated cost of operating the plant for the period of the license plus the estimated cost of permanently shutting down the facility and maintaining it in a safe condition."

FOE, et al., contends that

"the only thing that would satisfy (regulations) at the minimum would be in the form of an escrow account to assure that the money will be there at the end of the useful life of the plant so that either the state or the government or future ratepayers don't have to pay for it."

Section 50.33(f) deals with the financial qualifications of an applicant. It provides in pertinent part:

"If the application is for an operating license, such information shall show that the applicant possesses the funds necessary to cover estimated operating costs or that the applicant has reasonable assurance of obtaining the necessary funds, or a combination of the two."

The Regulation is amplified by Appendix C to 10 CFR Part 50 which sets forth guidance on the financial data required of license applicants. Appendix C reads in pertinent part:

" . . . it will ordinarily be sufficient to show at the time of the filing of the application, availability of resources sufficient to cover estimated operating costs for each of the first five years of operation plus the estimated costs of permanent shutdown and maintenance of the facility in safe condition. It is also expected that, in most cases, the applicant's annual financial statements contained in its published annual reports will enable the Commission to evaluate the applicant's financial capability to satisfy this requirement."

The Regulations do not require, as FOE, et al., asserts, the setting aside of funds for the ultimate decommissioning of the facility prior to the issuance of an operating license. Since there is no such requirement, FOE, et al., has failed to establish the basis for its contention that Applicants should be required to "set aside" decommissioning and maintenance funds. There is nothing unique about the San Onofre Nuclear Generating Station, Units 2 and 3 or of the Applicants, San Diego Gas and Electric Company and Southern California Edison Company which suggests that any different consideration should be given them than to other utilities. It is not uncommon for utilities to construct more than one unit at the same site and it is not at all unusual for there to be more than one Applicant.

The question of the escrowing of funds at the time of licensing for the decommissioning is the subject of a rule-making proceeding presently before the Commission. FOE, et al., has the option of participating in that proceeding. Contention 6 is disallowed.

FOE, ET AL., CONTENTION 7

FOE, et al.'s Contention 7 is withdrawn (Tr. 658).

FOE, ET AL., CONTENTION 8

8. "An operating license should not be granted for SONGS 2 & 3 because the National Environmental Policy Act, requires, as a matter of law, consideration at the construction permit stage of energy conservation as an alternative to nuclear power and such requirements have not yet been complied with."

FOE, et al., relies on Aeschliman v. U.S. NRC, 547 F2d 622, (1976), as interpreting Sections 102(c)(116) and 102(d) of NEPA to require as a matter of law, the consideration by NRC and the Applicants of energy conservation as an alternative to the proposed nuclear facility. That is not the holding of Aeschliman. Aeschliman merely addressed the propriety of a test that was imposed by the Commission in

a proceeding for a construction permit requiring a threshold showing by an intervenor before the issue could be brought up as an issue in controversy. It merely removed the threshold test criterion previously established by the Commission.

Need for power and alternatives to the nuclear facilities were extensively considered at the construction permit stage. Cf. Southern California Edison Company, et al., (San Onofre Units 2 & 3), LBP-73-36, RAI 73-10, pages 958-59, 964-67 (1973). Furthermore, the projected generating capacity of San Onofre 2 & 3 has been included in all power forecasts for Applicants' service area since the construction permit was issued more than four years ago. We take notice of the fact that the California Energy Commission has found need for at least one additional generating station (Sun Desert) for the area served by at least one of the utilities involved in this proceeding since the NRC's approval of the construction permit for San Onofre Units 2 & 3.

FOE, et al., has not stated any basis for consideration of conservation as an alternative to San Onofre, Units 2 & 3 in the operating license proceeding. FOE, et al.'s Contention 8 is disallowed.

FOE, ET AL., CONTENTION 9

9. "In light of accelerating costs of uranium, the decreased availability of domestic uranium and the lack of any guarantee that SONGS 2 & 3 will have a fuel supply, the cost-benefit analysis previously adopted for SONGS 2 & 3 is shown to be clearly erroneous and a proper cost-benefit analysis would now show that the costs outweigh the benefits and that the operation of SONGS 2 & 3 will not be in the best interest of the public and will not be in conformance with NEPA."

At the prehearing conference FOE, et al., reworded its contention to read:

"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." Tr. 658.

Staff supports the rephrased contention; Applicants opposed vigorously the original contention and stand on their original argument in spite of intervenors' new offer. The Board believes that the contention is adequate for discovery purposes, and therefore Contention 9 as rephrased (Tr. 658) is allowed.

FOE, ET AL., CONTENTION 10

10. "As a matter of law, the National Environmental Policy Act of 1969 requires that radioactive waste management, a matter not fully considered prior to issuance of the construction permit, be considered prior to issuance of an operating license for SONGS 2 & 3."

FOE, et al., contends that because San Onofre Units 2 and 3 are nuclear reactors that will generate nuclear waste materials, waste management procedures must be analyzed in detail before an operating license can be granted. FOE, et al., cites Natural Resources Defense Council v. NRC 547 F.2d (D.C. Cir., 1976) as the basis for its position.

Waste management is covered by 10 CFR § 51.20(c) as set forth in Table S-3. In NRDC v. NRC the court examined the requirements imposed by NEPA to consider environmental impacts associated with the uranium fuel cycle and reviewed the Commission's rulemaking proceeding which had developed a generic analysis of those impacts. With respect to the Commission's rulemaking the court approved the overall approach and methodology of the fuel cycle rule and found that, regarding most phases of the fuel cycle, the underlying Environmental

Survey of the Nuclear Fuel Cycle (November 1972) represented an adequate job of describing the impacts involved. The court, however, found that the rule was inadequately supported by the record insofar as it treated the impacts from reprocessing of spent fuel and the impacts from radioactive waste management.

The Commission, in response to the court's action, issued a General Statement of Policy, 41 Federal Register 34707, and announced an intent to reopen the rulemaking proceeding on the environmental effects of the fuel cycle to supplement the existing record on waste management and reprocessing impacts. The Commission indicated an intent to handle the question of the environmental impacts of waste management and reprocessing generically rather than in individual licensing proceedings. On March 14, 1977, the Commission published its effective interim rule governing the treatment of waste management and reprocessing, 42 Federal Register 13803. The interim rule is to be effective pending determination of a final rule to result from the rulemaking proceeding.

The appropriate forum to raise questions regarding generic matters of waste management procedures is in the Commission's rulemaking. FOE, et al.'s proposed Contention 10

is not a legitimate contention for consideration during the operating license proceeding. It is disallowed.

FOE, ET AL., CONTENTION 11

FOE, et al.'s Contention 11 is withdrawn (Tr. 664).

GUARD'S CONTENTIONS

The Petition Board considered and granted the intervention of the Groups United Against Radiation Danger (GUARD) in its Memorandum and Order of October 26, 1977. GUARD's addenda to its original petition was dated August 17, 1977, and set forth seven proposed contentions. Staff was of the view that collectively the seven contentions (each of which essentially addressed the same matter, evacuation planning) could be reduced to two contentions. The Petition Board agreed with Staff and accepted the two condensed contentions suggested by Staff.

They are:

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 arrangements 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 CFR § 100.3(a) or (b)."

At the prehearing conference GUARD offered a rewording of its evacuation contention listing some eleven different aspects. Of these eleven items, some are mere statements which raise no issue of fact; some are contentions without any supporting basis; some are contentions which challenge the Commission's Regulations; some, especially #11 are issues that were taken into account at the construction permit stage going directly to site suitability, population center, growth, and distribution of population. To the extent issues have been covered, they are res judicata, especially to this intervenor who participated as a party at the construction permit stage.

The Board is of the opinion that of the eleven items raised de novo at the prehearing conference the ones that are admissible are already embodied in the two contentions

previously found acceptable by the Board in its Order of October 26, 1977. The Board will permit discovery on these two contentions, subject to further refinement at the close of discovery.

In addition, Intervenor GUARD is entitled to conduct discovery on the issue of cavities which occurred as a result of dewatering. That contention is listed above as FOE, et al.'s Contention 1a.

GUARD also seeks intervention on FOE's Contention 2 which deals with the Price-Anderson Act. GUARD was of the opinion that it could take part in cross-examination on that issue, but now that FOE, et al., has withdrawn that contention, GUARD seeks to adopt it as its own. Putting aside the question of timeliness we consider the contention on its merits.

The argument is that the decision in Carolina Environmental Study Group v. United States Atomic Energy Commission, 431 F. Supp. 203 (W.D.N.C. 1977) declaring a portion of the Price-Anderson Act to be unconstitutional is grounds for staying the issuance of the San Onofre Units 2 and 3 operating license until a final judicial interpretation is obtained and any necessary legislative action is completed.

However, the Carolina Environmental Study Group v. AEC does not provide either a factual or legal basis for an issue in this proceeding. The case is not binding in this jurisdiction, and it has no impact whatsoever on the existing Price-Anderson Act statutory scheme. No injunctive relief was sought in that case and none was given. As recited by the Court (at page 226), a single federal district court judge is without the power to enjoin the operation of an Act of Congress. The court did not intend to impede the operation of the statutory scheme pending Supreme Court adjudication. The case is on direct appeal to the Supreme Court pursuant to 28 U.S.C. § 1252. Pending a judicial determination that actually impacts on the operation of the Price-Anderson Act the NRC licensing procedures remain unaffected, and should not be modified for purposes of this proceeding.

There is no basis for an issue in this proceeding as a result of the Carolina Environmental Study Group v. United States Atomic Energy Commission decision.

CONSOLIDATION

RE: GUARD

At the prehearing conference Applicants suggested that because GUARD has interests in this proceeding similar to FOE, et al., GUARD should be consolidated with FOE, et al. The Board feels that the better procedure is to allow GUARD to have discovery in its own right on the issues it raised and which were accepted by the Board. The Board will further consider the question of consolidation of intervenors at a subsequent prehearing conference.

RE: CITIES OF ANAHEIM AND RIVERSIDE

By its Memorandum and Order of October 26, 1977, the Petition Board consolidated the Cities of Anaheim and Riverside (Cities) with the Applicants because the interest of the Cities is essentially the same as the Applicants'. This similarity is based on the Cities' prospective co-ownership of the facilities as a result of its formal notice of intent to accept the Applicants' offer pursuant to the terms and conditions of a settlement agreement.

At the prehearing conference Applicants objected to the consolidation of the Cities. It appears that formal consummation of the agreement has not yet materialized (Tr. 531).

At the prehearing conference counsel for the Cities represented that only the question of investment tax credit remains; the agreements themselves have been negotiated and will likely be executed early in 1978 (Tr. 532). The investment tax credit matter involves a ruling by the U.S. Internal Revenue Service (IRS) which is expected by mid-1978 at latest (Tr. 533).

The thrust of Applicants' position appears to be that 10 CFR § 2.715a provides for consolidation of parties only and, since the Petition Board dismissed the Cities' petition for leave to intervene in its Order of October 26, 1977, they are not parties, hence, they cannot be consolidated.* The Applicants do suggest that at such time as the Cities become parties, they may be consolidated. The Applicants concede that when the Cities are formally co-owners, they would become parties and would be consolidated with Applicants (Tr. 575).

In light of the cloud which has been placed on the co-ownership question and the uncertainty of its resolution the Licensing Board is of the opinion that it should stay the

* This, in our view, is a distorted interpretation of the Petition Board's Order. Its dismissal of the Cities' petition was predicated on the consolidation of the parties.

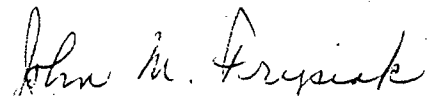
ruling consolidating the Cities with the Applicants until such time as the Applicants and/or Cities advise the Board of the outcome of the tax credit question and final resolution of the pending settlement agreement. In the meanwhile, the Cities may participate in discovery.

DISCOVERY

We have been advised that the Final Environmental Statement and the Safety Evaluation Report will not be available until mid-1978. It appears that there is more than adequate time for discovery. Discovery may begin on the accepted contentions and will continue until further notice of the Board. Each party shall submit a report to the Board on or before June 30, 1978, setting forth the status of its discovery and its proposed schedule for completing discovery.

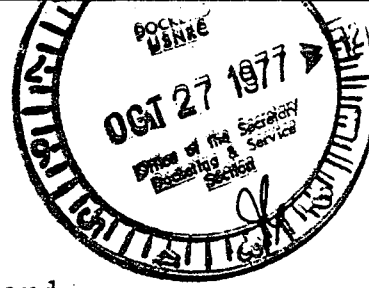
IT IS SO ORDERED.

FOR THE ATOMIC SAFETY AND
LICENSING BOARD



John M. Frysiak, Chairman

Dated at Bethesda, Maryland
This 27th day of January 1978.



UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

Before the Atomic Safety and Licensing Board

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

MEMORANDUM AND ORDER

The Licensing Board has before it the amended joint petition of the People of the State of California and the California Public Utilities Commission and the amended petition of GUARD and the amended joint petition filed on behalf of Friends of the Earth, Mr. and Mrs. August Carstens, Mr. and Mrs. Lloyd von Haden, Mr. Donald May, and Mrs. Donif Dazey for leave to intervene. The background is as follows:

On April 7, 1977, the U.S. Nuclear Regulatory Commission published in the Federal Register a notice of hearing on application for operating license in the above-captioned matter. Timely petitions for leave to intervene were filed pursuant to 10 CFR §2.714 by the Cities of Anaheim and Riverside, California (the Cities), and by the State of California (State) and the Public Utilities Commission of the State of California (PUC). In addition, a timely

H 1
60

petition was filed by one Lyn Harris Hicks as advocate for GUARD, subsidiary of Environmental Coalition of Orange County (GUARD). Also a petition was filed by Richard J. Wharton, an attorney, on behalf of Friends of the Earth (FOE), Environmental Coalition of Orange County, Inc., August S. Carstens, Rose M. Carstens, Lloyd and Selma von Haden, Donald May, and Donif Dazey (FOE, et al.). Also a separate petition was filed by Mr. Lloyd von Haden.

The petitions for GUARD, FOE, et al., and Mr. Lloyd von Haden were filed pursuant to 10 CFR §2.714. Applicants opposed the petitions of FOE, et al., GUARD, and Mr. Lloyd von Haden on the grounds that they did not meet the requirements of 10 CFR §2.714. Applicants did not oppose the petitions of State, PUC, and Cities. The Commission's Regulatory Staff opposed all of the petitions filed on the grounds that they did not meet the requirements of §2.714. However, Staff recommended that all of the various petitioners each be given additional time to amend so as to cure the alleged defects.

In its Order of July 22, 1977, the Board ruled that all of the above-named petitions were defective in the form submitted but granted each of the petitioners an opportunity to file amended petitions complying with the requirements of §2.714.

PETITION OF STATE OF CALIFORNIA AND
CALIFORNIA PUBLIC UTILITIES COMMISSION

In response to the Board's Order, the Public Utilities Commission of the State of California, on behalf of itself and the People of the State of California, filed an amended petition pursuant to 10 CFR §2.715(c) as an interested state.* Neither Staff nor Applicants oppose said amended joint petition.

Accordingly, the Public Utilities Commission of the State of California is admitted as a party in this proceeding in accordance with the provisions of 10 CFR §2.715(c).

PETITION OF THE CITIES OF
ANAHEIM, RIVERSIDE, CALIFORNIA

The Cities of Anaheim and Riverside, California, have not filed any amended petition. Neither their previously-filed petition nor its accompanying affidavit advanced any

* Previously they filed a joint petition under §2.714 and failed to allege therein any contentions.

contentions as required by the Commission's Regulations. This is a fatal defect. Furthermore, the Cities alleged that their interests in the San Onofre proceeding are, in general, the same as that of the Applicants by virtue of the Cities' accepting Southern California Edison Company's offer of an ownership interest. In our Order of July 22, 1977, after noting the similarity of interest between the Cities and the Applicants, we indicated that should the Cities fail to file an amended petition raising at least one viable contention, the Board would consolidate the Cities' interests with that of Applicants' for the purpose of this proceeding.

Accordingly, the petition of the Cities of Anaheim and Riverside, California, to intervene dated May 6, 1977, is dismissed and because the Cities of Anaheim and Riverside, California, are co-owners with Applicants, their standing in this proceeding is hereby consolidated with that of Applicants'.

PETITIONS OF GUARD, ENVIRONMENTAL
COALITION OF ORANGE COUNTY, CALIFORNIA

In response to our Order of July 22, 1977, the petitioner GUARD, Environmental Coalition of Orange County, filed an addenda to its original petition which consists

of (1) a two-page document listing a number of contentions, and (2) the affidavits of Hal Thomas, Director of Environmental Coalition of Orange County, California, Joe Maitino, Vice-President of GUARD, Dorothy Drummond, Secretary of GUARD, and Lee Steelman, President of GUARD.

Applicants oppose the August 18 filing on the grounds that petitioner (1) has again failed to make an adequate showing of interest as required by §2.714, and (2) has failed to submit an affidavit identifying its concerns and the basis of such concerns.

Staff on the other hand supports its intervention.

An organization may intervene on behalf of the members who have an interest that will be affected by the proceeding. Public Service Company of Indiana (Marble Hill Nuclear Generating Station, Units 1 and 2), ALAB-322, NRCI-76/4 328 (April 14, 1976).

Staff points out that although the petitioner GUARD has not strictly complied with the interest provisions of the Commission's Regulations, it was an intervenor in the construction permit proceeding pertaining to the same

San Onofre facilities, and, as such, demonstrated that its individual members do have a legal interest in this proceeding which may be affected. Staff suggests that based on past performance GUARD's participation in this proceeding "would likely result in a contribution to a decisional record." Staff points out further that Mrs. Lyn Harris Hicks who is styled as advocate for GUARD is chairman of the Emergency and Evacuation Planning Commission which allegedly is a subcommittee of the State of California San Onofre State Beach Citizen Advisory Committee (a lay group appointed by the Governor to advise on state park planning).

The Board notes that GUARD is a lay group untrained in legal matters. Although a totally deficient petition must be rejected, pro se petitioners are held to less rigid standards of clarity and precision with regard to a petition to intervene. Public Service Electric and Gas Company (Salem Nuclear Generating Station, Units 1 and 2), ALAB-136, 6 AEC 487, 489 (1973). The affidavits attached to the addenda do note that the interests of GUARD and the Environmental Coalition of Orange County are the same; that its members are residents of site environs and the various papers

submitted state that plant operation would adversely affect the environment and members' properties. Although the papers do not so state, it can be fairly inferred that the interests attributed to the members of GUARD can also be attributed to affiants who are officers and presumably members of GUARD as well.

Because of petitioner's legal inexperience and Staff's belief, based on petitioner's past performance, that the petitioner's participation will make a contribution to this proceeding and because of petitioner's participation as a full party in the construction hearing the Board feels that the petitioner has made an adequate showing of interest as required by the Commission's Regulations.

Of the seven contentions raised by the petitioner GUARD, Staff believes that two contentions have a sufficient basis advanced. Staff proposes that for the purpose of ruling on GUARD's petition to intervene the Board considers GUARD's petition as raising the following contentions:

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 arrangements 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 CFR §100.3(a) or (b).

The Staff believes that the basis for these contentions is implicit in Contention 2 of the addenda wherein reference is made to testimony before California Energy Commission hearings on the subject of emergency plans for the San Onofre facilities.

The Board agrees that the matters identified in the Staff's proposal, together with their bases, constitute contentions which comply with the requirements of 10 CFR §2.714. The precise wording of the contentions, not yet having been addressed by the other parties, will be specifically defined in future proceedings.

Accordingly, the petition of GUARD to intervene in the above-entitled proceeding is hereby granted.

PETITION OF FRIENDS OF THE EARTH (FOE),
AUGUST AND ROSE CARSTENS,
LLOYD AND SELMA VON HADEN,
DONALD MAY AND MRS. DONIF DAZEY

Under cover letter dated August 29, 1977, Richard J. Wharton, Esq., filed an amended petition to intervene on behalf of Friends of the Earth (FOE), Mr. and Mrs. August Carstens, Mr. and Mrs. Lloyd von Haden, Mr. Donald May, and Mrs. Donif Dazey (joint petitioners).^{*} Appended thereto are affidavits of Mr. and Mrs. Carstens, Mr. and Mrs. von Haden, Mr. and Mrs. Kenneth Capps, Mr. and Mrs. Clayton R. Wilson, and Mr. David Brower.

* The original petition listed the Environmental Coalition of Orange County as a joint petitioner. However, in his cover letter Mr. Wharton states that he no longer represents the Coalition. The Environmental Coalition of Orange County is the parent organization of GUARD. We have noted above the similarity of the interests of these organizations.

The Applicants oppose the joint petition on the grounds that the joint petitioners have failed to particularize an interest in these proceedings and failed to state an adequate basis for any of the contentions listed.

The Staff supports the amended petition of the joint petitioners.

In support of its petition FOE has submitted the affidavits of David Brower, President; Mr. and Mrs. Kenneth Capps; and Mr. and Mrs. Clayton R. Wilson. Mr. Brower states that he is authorized to speak for both the corporation and its members and that the members' use of park and beach areas surrounding the plant facilities for various recreational and aesthetic purposes will be adversely affected by the operation of said facilities. As noted above, an organization may intervene on behalf of members of the organization who are to have an interest that will be affected by the proceeding. FOE may properly represent its members if one or more of those members will be affected by the proceeding.

Mr. and Mrs. Capps state that they reside near the facilities and as members of FOE authorize the organization to represent their interests which are based on the

obstruction of their enjoyment of their surroundings by the operation of the facilities, as well as the potential hazards of nuclear accidents affecting evacuation. They allege that Interstate Highway 5 is the only major north-south highway in the area and is within one mile of the facilities.

Mr. and Mrs. Wilson each allege identical interests as the Capps and in addition allege the potential diminution of their property values because of the proximity of the facilities.

Joint petitioners Mr. and Mrs. Carstens each allege that they are residents of San Diego County and users of park facilities adjacent to the plant, that their use of same is diminished because of their fear of nuclear accidents and low-level radiation from routine operation of the plant and waste storage.

Joint petitioners Mr. and Mrs. von Haden each allege that they reside in San Diego County and regularly use Interstate Highway 5, and that they fear that nuclear accidents would affect evacuation through Highway 5. They also fear that they will be adversely affected by a release of low-level radiation from the plants.

Joint petitioners Donald May and Mrs. Donif Dazey have not submitted an affidavit with the amended petition. The attorney states in his cover letter that he believed each of them satisfied his and her interest requirements in the original petition. The Board notes that the original petition alleged that Mrs. Donif Dazey resides three miles north of the plant, that she uses the adjoining beach for therapeutic reasons and that the plants interfere with that use, that she fears being affected adversely by low-level radiation and by the storage and disposal of spent fuel, that she believes evacuation would not be possible in case of a nuclear accident and that her property values will be adversely affected because of the proximity of the plants. The original petition also alleged that Mr. Donald May uses the highway near the plants and would be affected if evacuation would be necessary, that he fishes off-shore and that the plants restrict this activity because of the exclusion area and thermal pollution and that as a user of the camp facilities south of the plants he fears he would be adversely affected by low-level radiation release.

Because of all the foregoing the Board believes that each of the individual petitioners, namely, the organization FOE, Mr. and Mrs. Carstens, Mr. and Mrs. von Haden, Mr. Donald May, and Mrs. Donif Dazey have satisfied the interest requirements of 10 CFR §2.714.

The amended joint petition sets forth eleven contentions. For the purposes of ruling on intervention petitions an Intervention Board need find only one viable contention with adequate basis supporting it. Staff allows that joint petitioners' Contention 4 is set forth with sufficient particularity and basis so as to comply with 10 CFR §2.714. This contention is set forth as follows:

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 findings [sic] and staffing, appropriate and coordinated emergency plans cannot be developed. An operating license should not be granted for

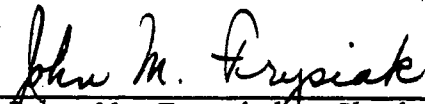
the San Onofre facilities, Units 2 and 3 because the various emergency response plans are so complex, overlapping the difficult to implement that in the event of a nuclear accident the safety of persons in the surrounding areas will be imperiled.

The Board agrees with the Staff and finds that joint petitioners' Contention 4 is stated with sufficient particularity and basis to meet the requirements of §2.714. Again, the precise wording of this and any other contentions admitted will be determined in subsequent proceedings before the Hearing Board.

Accordingly, the joint petition of FOE, August and Rose Carstens, Lloyd and Selma von Haden, Donald May, and Donif Dazey (FOE, et al.) is hereby granted.

In summary a hearing in the above-captioned proceeding is hereby directed and the following are admitted as parties: California Public Utilities Commission under 10 CFR §2.715(c) and GUARD and FOE, et al., under 10 CFR §2.714.

BY ORDER OF THE ATOMIC SAFETY AND LICENSING BOARD
ESTABLISHED TO RULE ON PETITIONS FOR INTERVENTION

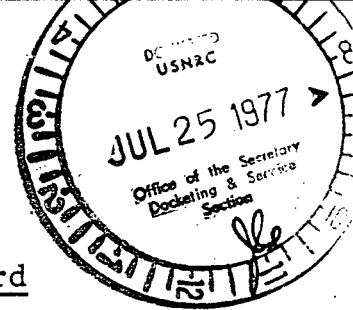


John M. Frysiak, Chairman

Dated this 26th day of October 1977,
At Bethesda, Maryland.

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

Before the Atomic Safety and Licensing Board



In the Matter of)

SOUTHERN CALIFORNIA EDISON COMPANY)
SAN DIEGO GAS & ELECTRIC COMPANY)

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

Docket Nos. 50-361 OL
50-362 OL

MEMORANDUM AND ORDER

7-22-77

On March 23, 1977, the U.S. Nuclear Regulatory Commission issued a notice that it had received an application from Southern California Edison Company and San Diego Gas and Electric Company (the Applicants) for facility operating licenses for San Onofre Nuclear Generating Station, Units 2 and 3, two pressurized nuclear water reactors located in San Diego County, California. This notice gave an opportunity for any interested party to file a petition for leave to intervene and to request a hearing on the application. The notice was published in the Federal Register on April 7, 1977, 42 F.R. 18460.

Timely petitions for leave to intervene each dated May 6, 1977, were filed pursuant to 10 CFR 2.714 by the Cities of Anaheim and Riverside, California (the Cities) and by the

H 1
GD

State of California (State) and the Public Utilities Commission of the State of California (PUC). These petitions expressly state that petitioners do not request a hearing but rather request they be granted intervention in the event a hearing should be granted. In addition, a petition dated May 9, 1977, was filed by one Lyn Harris Hicks as advocate for GUARD, Environmental Coalition of Orange County (GUARD). Also, a petition dated May 9, 1977, was filed by Richard J. Wharton, an attorney, on behalf of Friends of the Earth, Environmental Coalition of Orange County, Inc., August S. Carstens, Rose M. Carstens, Lloyd and Selma von Haden, Donald May, and Mrs. Donif Dazey (FOE, et al.). A separate petition dated May 6, 1977, was filed by Lloyd von Haden. These last three petitions were all filed pursuant to 10 CFR 2.714.

On May 12, 1977, the Atomic Safety and Licensing Board Panel established an Atomic Safety and Licensing Board (the Board) to rule on petitions and/or requests for leave to intervene in this proceeding. The members of the Board are Dr. Cadet H. Hand, Jr., Mr. Lester Kornblith, Jr., and Mr. John M. Frysiak, who was designated as chairman.

The Board has received replies from the Applicants in regard to all of the petitions mentioned above. The Applicants oppose the petitions of the FOE, et al., GUARD, and Lloyd von Haden in their present form. The Applicants do not oppose petitions of the State, PUC, and the Cities.

The Commission's Regulatory Staff (the Staff) opposes the joint petition of the State of California and PUC and the petition of the Cities in their present form, but suggests that the State, PUC, and the Cities be given additional time to amend the petition to cure the alleged defects.* Regarding the GUARD petition, the Staff also opposes it in its present form but recommends that GUARD be given additional time to cure the alleged defects.** Alternatively, the Staff points out that the organization of GUARD is a subsidiary of Environmental Coalition of Orange County, Inc., (ECOC) which has filed a joint petition in this proceeding and the Staff suggests that GUARD be permitted to consolidate with ECOC.

The Staff also opposes the joint petition of Friends of the Earth, et al., in its present form, but recommends that the joint petitioners be given additional time to cure the defects.

* Staff points out that State and PUC might well intervene pursuant to Section 2.715(c).

** GUARD was an intervenor at the construction permit hearings.

Finally, the Staff opposes the individual petition of Mr. Lloyd von Haden in its present form. The Staff recommends that Mr. von Haden's petition be dismissed without prejudice to allow Mr. von Haden to perfect his component part of the joint FOE, et al., petition and, assuming a satisfactory cure of the petition therein, to allow participation as a joint consolidated intervenor thereunder.

The Board has considered the five petitions to intervene and the responses, and makes the following rulings with regard thereto:

1. The joint petition of the State and PUC is defective in its present form in that neither the petition nor supporting affidavit advances any contentions.

Accordingly, the Board grants the State and PUC thirty (30) days from the date of service of this Memorandum and Order to file an amended petition complying with the Regulations of 10 CFR 2.714(a) regarding specificity and basis for contentions.

Alternatively, since it would seem the State and PUC qualify under 10 CFR 2.715(c) as an interested state (the same basis in which they participated in the construction permit hearing), they are free to file a petition under that Section.

2. The petition of the Cities is defective in its present form in that neither the petition nor the supporting affidavit advances any contentions, as required by 10 CFR 2.714(a). While the Cities may find it difficult to raise contentions because of similarity of interests with the Applicants, nonetheless the rules on intervention are clear. A party seeking intervention under 2.714 must state at least one viable contention.

Accordingly, the Board grants the Cities thirty (30) days from the date of service of this Memorandum and Order to file an amended petition complying with the requirements of 10 CFR 2.714(a) regarding specificity and basis for contentions. Should the Cities fail to file an amended petition, the Licensing Board will consolidate the Cities with the Applicants because of similarity of interests.

3. The petition of GUARD is defective in its present form in that neither the petition for leave to intervene nor the supporting affidavit adequately sets forth the factors pertaining to the interests asserted and identifies with particularity the basis upon which the contentions are found.

Accordingly, the Board grants GUARD thirty (30) days from the date of service of this Memorandum and Order to file an amended petition complying with the requirements of 10 CFR 2.714(a) regarding specificity and basis for contentions. In addition, GUARD is required to clarify how its interests differ from the interests of its parent organization, the ECOC, in the instant proceeding.

4. The joint petition of FOE, et al., is defective in its present form in that it does not contain the required supporting affidavit setting forth the facts pertaining to the interests asserted and identifying with particularity the basis upon which the contentions are founded.

Accordingly, the Board grants FOE, et al., thirty (30) days from the date of service of this Memorandum and Order to file an amended petition complying with the requirements of 10 CFR 2.714(a). The basis underlying the contentions advanced must be stated. This applies to all of the joint petitioners. Secondly, joint petitioner FOE must identify the members that will be affected by the facility and indicate how they will be affected. In addition, joint petitioner ECOC is also required to identify the members who will be affected by the proposed facility.

5. The petition of Lloyd von Haden is defective in its present form in that it does not contain a supporting affidavit identifying the specific aspect or aspects of the subject matter of the proceeding as to which he wishes to intervene and which he bases his request for hearing, nor does the petition set forth with particularity the basis for his contentions. Though

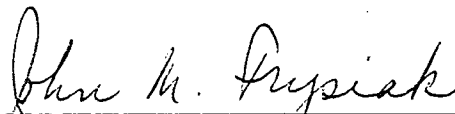
the petition is made under oath it does not meet the requirements of 10 CFR 2.714(a). The contentions alleged are conclusions advisory in nature.

Accordingly, the Board grants Mr. Lloyd von Haden thirty (30) days from the date of service of this Memorandum and Order to file an amended petition complying with the requirements of 10 CFR 2.714(a) in setting forth the basis for the contentions advanced. In addition, Mr. von Haden is required in any amended petition to clarify how his interest as an individual differs from his interest as a joint petitioner under the FOE et al., petition.

6. The Applicants and Staff will have the time permitted under 10 CFR 2.714(c) to respond to any amended petitions filed.

IT IS SO ORDERED.

FOR THE ATOMIC SAFETY AND
LICENSING BOARD



John M. Frysiak, Chairman

Dated at Bethesda, Maryland

This 22d day of July 1977.

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

ATOMIC SAFETY AND LICENSING APPEAL BOARD

Alan S. Rosenthal, Chairman
Dr. John H. Buck
Michael C. Farrar



In the Matter of)
)
)

SOUTHERN CALIFORNIA EDISON COMPANY)
SAN DIEGO GAS & ELECTRIC COMPANY)
)

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

Docket Nos. 50-361
50-362

ORDER

June 15, 1977

On May 20, 1977, the Licensing Board issued its initial decision on the exclusion area issue remanded to it in ALAB-308, 3 NRC 20 (1976). That decision was served on counsel for the several parties on May 24, 1977.

No party has filed exceptions to the initial decision within the period prescribed by 10 CFR 2.762(a). Accordingly, we are called upon to review it sua sponte. Other and more pressing matters now before each member of this Board will preclude the completion of that review within 45 days of the rendition of the decision (i.e., by July 5, 1977). ^{1/} For

1/ See 10 CFR 2.760(a).

this reason, it has become necessary to extend the review period. No finality shall attach to the initial decision pending our further order.

It is so ORDERED.

FOR THE ATOMIC SAFETY AND LICENSING
APPEAL BOARD

Margaret E. Du Flo

Margaret E. Du Flo
Secretary to the
Appeal Board

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD



In the Matter of)
)
SOUTHERN CALIFORNIA EDISON COMPANY)
SAN DIEGO GAS & ELECTRIC COMPANY)
)
(San Onofre Nuclear Generating Station,)
Units 2 and 3))

Docket Nos. 50-361
50-362

MEMORANDUM AND ORDER

5-20-77

This Board has before it a motion of Southern California Edison Company and San Diego Gas & Electric Company, Applicants in the above-captioned proceeding, requesting this Board to exercise its discretion to certify to the Nuclear Regulatory Commission for its determination, the following question:

"Whether, on the basis of the entire record of this proceeding, this Board may, in addition to ruling that applicant's lack of control over the tidal beach within their exclusion area is de minimus, rule that applicant's lack of control over the tidal beach within their exclusion area is entitled to exemption, pursuant to 10 CFR §50.12(a), from the requirements of the Commission's licensing regulations."

In support of its motion, Applicants argue that 10 CFR §50.12(a) constitutes a general exemption mechanism, and if this Board rules that Applicants' lack of control over the tidal beach within their exclusion

#1
GD


area is de minimus, then an exemption is also warranted, because of Applicants' established need for power.

The Staff opposes Applicants' motion, urging that the granting of an exemption is a function of the Commission which has also been delegated to the Commission's Director of Nuclear Reactor Regulation, and is not a matter for a Licensing Board.

The Board will deny Applicants' motion. We find no authority in the Atomic Energy Act or in any of the Commission's Regulations which empowers us to grant the exemption requested by Applicants. In the circumstances, we see no reason to certify the question of whether we can grant Applicants an exemption to the Commission for a determination.

IT IS SO ORDERED.

THE ATOMIC SAFETY AND
LICENSING BOARD


Michael L. Glaser, Chairman

Dated at Bethesda, Maryland
this 20th day of May 1977.



UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

Michael L. Glaser, Chairman
Lester Kornblith, Jr., Member
Franklin C. Daiber, Member

In the Matter of)
)
SOUTHERN CALIFORNIA EDISON COMPANY)
SAN DIEGO GAS & ELECTRIC COMPANY)
)
(San Onofre Nuclear Generating Station,)
Units 2 and 3))

Docket Nos. 50-361
50-362

May 20, 1977

INITIAL DECISION

Appearances

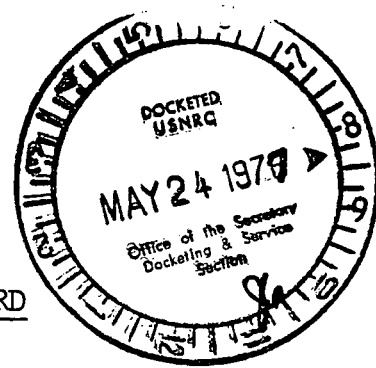
David R. Pigott, Esq., James A. Boeletto, Esq.,
and Charles R. Kocher, Esq., On Behalf of the
Applicants

Brent N. Rushforth, Esq. and James Geocaris, Esq.,
On Behalf of Consolidated Intervenors

Henry J. McGurren, Esq., Lawrence J. Chandler, Esq.,
and Robert J. Ross, Esq., On Behalf of the Nuclear
Regulatory Commission

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD



In the Matter of)
)
SOUTHERN CALIFORNIA EDISON COMPANY)
SAN DIEGO GAS & ELECTRIC COMPANY) Docket Nos. 50-361
) 50-362
(San Onofre Nuclear Generating Station,)
Units 2 and 3))

INITIAL DECISION

This proceeding arises from a decision^{1/} of the Atomic Safety and Licensing Appeal (Appeal Board) which resulted in an order remanding this construction permit case to this Atomic Safety and Licensing Board (Licensing Board) for further proceedings to determine whether the Applicants' (Southern California Edison Company and San Diego Gas and Electric Company) lack of full control over the tidal beach in front of the San Onofre Nuclear Station, Units 2 and 3, has no safety implications in terms of users on the beach, and, in addition, in terms of the nuclear facility itself. More specifically, the Appeal Board directed this Licensing Board to consider the question of whether a reduced exclusion area, proposed by Applicants for the San Onofre Nuclear Generating Station, Units 2 and 3, satisfies the requirements of Section 100.3(a)^{2/} of the regulations of the United States Nuclear Regulatory Commission. This

1/ ALAB-308, 8 NRC 20 (1976).

2/ 10 CFR §100.3(a) (1977).

regulation reads as follows:

" 'Exclusion area' means that area surrounding the reactor, in which the reactor licensee has the authority to determine all activities including exclusion or removal of personnel and property from the area. This area may be traversed by a highway, railroad, or waterway, provided these are not so close to the facility as to interfere with normal operations of the facility and provided appropriate and effective arrangements are made to control traffic on the highway, railroad, or waterway, in case of emergency, to protect the public health and safety. Residence within the exclusion area shall normally be prohibited. In any event, residents shall be subject to ready removal in case of necessity. Activities unrelated to operation of the reactor may be permitted in an exclusion area under appropriate limitations, provided that no significant hazards to the public health and safety will result."

Thus, this Licensing Board has been directed to determine, after ascertaining the facts, whether Applicants have met their burden of establishing that their lack of control over the tidal beach within the alternative exclusion area of the San Onofre Nuclear Generating Station, Units 2 and 3, is de minimus, so as to pose no significant hazards to the public health and safety.

This Licensing Board convened a prehearing conference on March 9, 1976, for the purpose of considering the manner in which the remanded proceedings would be conducted. In its decision remanding this case, the Appeal Board instructed us to decide whether an additional hearing

must be held or whether, instead, the questions pertaining to the tidal beach use are amenable to disposition upon the bases of affidavits. Applicants, the Consolidated Intervenors, and the Regulatory Staff (Staff) of the Nuclear Regulatory Commission entered appearances, and participated in the remanded proceedings. At the prehearing conference held on March 9, 1976, we determined that the questions relating to tidal beach use could not be resolved by affidavits, and that a further evidentiary hearing would be held.

We issued an Order on April 9, 1976, specifying the issues on which evidence would be taken at the hearing. The issues we specified are as follows:

- A. The anticipated size and characteristics from time to time of the tidal beach within the reduced exclusion area delineated by Applicants in Amendment No. 22 to their Preliminary Safety Analysis Report;
- B. The anticipated public use from time to time of the tidal beach within Applicants' exclusion area;
- C. The physical features and administrative controls proposed by Applicants to minimize public use of the tidal beach within Applicants' exclusion area; and
- D. The anticipated amount of radiation exposure that might be received by a user of the tidal beach within Applicants' exclusion area during occupancy and subsequent evacuation of the beach in the event of

an accident (a postulated fission product release as provided in 10 CFR §100.11).

Evidentiary hearings were held in Los Angeles, California, on May 19, 20 and 21, 1976, during which evidence was received on an issue by issue basis in the order in which the issues were specified in our April 9, 1976 Order.

This Licensing Board directed the Applicants, Consolidated Intervenors, and Staff to file proposed findings of fact and conclusions of law. Applicants timely filed their findings and conclusions on June 10, 1976,^{3/} Consolidated Intervenors timely filed their findings and conclusions on June 15, 1976, and the Staff filed its findings and conclusions on June 21, 1976. Applicants filed Reply to Consolidated Intervenor's findings and conclusions on June 28, 1976.

On January 6, 1977 we issued an Order scheduling oral argument in this remanded proceeding in Los Angeles, California on February 1, 1977. We also directed the parties to this remanded proceeding to address several subjects outlined in our Order during the course of oral argument. Such oral argument was held on the specified date.

^{3/} On the same date, Applicants also filed a Motion with a memorandum of points and authorities in support attached, requesting this Licensing Board to certify to the Commission the question of whether Applicants are entitled to an exemption, pursuant to 10 CFR §50.12(a), from the requirements of the Commission's licensing regulations. By Memorandum and Order released simultaneously with this Initial Decision, we have denied Applicant's Motion.

This Licensing Board has fully considered all of the evidence of record. We conclude on the basis of such evidence that Applicants have met their burden of establishing that their lack of control over the tidal beach within their proposed reduced exclusion area of the San Onofre Generating Station, Units 2 and 3, is de minimus, so as to pose no significant hazards to the public health and safety. Our findings of fact and conclusions drawn from these findings follow.

FINDINGS OF FACT

- A. The Anticipated Size and Characteristics From Time to Time of the Tidal Beach Within the Reduced Exclusion Area Delineated By Applicants in Amendment No. 22 to the Preliminary Safety Analysis Report

Applicants and Staff offered witnesses to give testimony on the anticipated size and characteristics from time to time of the tidal beach within the reduced exclusion area as delineated by Applicants in Amendment No. 22 to their Preliminary Safety Analysis Report for San Onofre Nuclear Generating Station, Units 2 and 3. The Consolidated Intervenors did not offer any witnesses on this issue.

The evidence shows that at the present time, a temporary sheetpiling lay down area has been constructed in front of the site of the San Onofre Nuclear Generating Station, Units 2 and 3. The beach in front of the San Onofre Nuclear Generating Station is divided into areas which are north

and south of the temporary sheetpiling construction laydown area.^{4/} The natural configuration of the beach has been changed due to littoral drift which has caused accretion of sand to the north and erosion of sand to the south of the temporary construction laydown area.^{5/} Consequently, the beach to the north of the Generating Station has been widened due to sand accretion, and the beach to the south has narrowed due to sand erosion. The accretion of sand to the north of the construction laydown area has displaced the mean high water line in this area by approximately 100 feet seaward of the mean high water line as it was established in a January 1963 survey conducted by Applicants.^{6/}

Mr. Omar J. Lillevang, a civil engineer who specializes in coastal processes, harbors, cooling water systems and breakwaters, beach preservation, and wave phenomena, offered expert testimony on behalf of Applicants as to the anticipated size and characteristics of the tidal beach within Applicants' reduced exclusion area. Mr. Lillevang testified that within two to three years after removal of the temporary sheetpiling construction laydown area presently in front of the Generating Station, the alignment of the shoreline at the San Onofre site will be substantially as it was prior to the construction of the temporary sea wall and placement of excavated sand on the beach, which occurred in 1964. This work was undertaken in connection with Applicants' construction of the San Onofre

^{4/} Testimony of Lillevang, p. 7 following Tr. 85; Testimony of Hawkins, pp. 1-2, following Tr. 155.

^{5/} Id.

^{6/} Testimony of Hawkins, p. 2 following Tr. 155, Tr. 168.

Nuclear Generating Station, Unit 1. Mr. Lillevang also expressed his opinion that at the end of this two to three year period the shoreline would lie somewhat seaward but generally parallel with the shoreline's location prior to 1964. Mr. Lillevang further testified that within four to five years, the beach area north of the San Onofre site would return to substantially the same condition as existed prior to the construction of the temporary sheetpiling construction laydown area in front of Units 2 and 3, and that the rest of the beach area would return to its natural configuration over an additional period of approximately 7/ five years.

Mr. Edward F. Hawkins, a hydraulic engineer on the Staff of the Commission, testified that the beach in front of San Onofre, Units 2 and 3, would return to its pre-construction configuration within one to two years following removal of the temporary construction laydown area, assuming normal sea and wave conditions, and that the beach area north of the construction laydown area would return to its natural configuration within four to five 8/ years.

The tidal beach at the San Onofre site consists of the area seaward of the mean high water line to the mean lower low water line. This tidal beach is characterized by relatively flat slopes during the summer and fall seasons of the year, and by steeper slopes in the winter and spring

7/ Testimony of Lillevang, pp. 8-9, following Tr. 85.

8/ Testimony of Hawkins, p. 5, following Tr. 155.

seasons of the year. During the winter months, the tidal beach has exposed areas covered by cobbles, some of which are quite large, particularly south of the construction laydown area. A thick blanket of sand covers the cobbles during the summer and fall months.^{9/}

Mr. Lillevang made observations of the width of the tidal beach at a location south of Units 2 and 3 on March 15, 1976. These observations consisted of surveys of the beach profiles at various times during the day and, concurrently, twelve hours of continuous time-lapse photography. From the measured profiles, Mr. Lillevang calculated that the width of the tidal beach, whether washed by waves or not, between mean high tide and the still water level of the lower low tide predicted for that day (a range of 6.4 feet) was 35 feet. From the photography, he determined that at the lowest tide stage the width not intermittently washed by waves was 30 feet and that the average width unwashed by waves during the five hours that the wave runup did not reach the mean high tide line was 18.5 feet. (During the remaining hours of the tidal cycle the entire tidal beach was washed by waves). Further, Mr. Lillevang determined that the sand below mean high tide was wet during the entire time.^{10/}

Mr. Hawkins estimated the width of the tidal beach based upon beach profiles at four different locations which were taken at quarterly intervals for Applicants by Marine Advisors, Inc. between the years

^{9/} Testimony of Hawkins, p. 2, following Tr. 155.

^{10/} Testimony of Lillevang, pp. 9-10, Exhibits OJLJ-4, -5, and -6, following Rep. Tr. 85.

1964 and 1970, and at infrequent intervals thereafter. Mr. Hawkins found that the average width of the tidal beach ranged from a minimum of 50 feet to a maximum of 180 feet during the winter months, and from a minimum of 100 feet to a maximum of 220 feet during the summer months.^{11/} Mr. Hawkins indicated that his estimates of the average tidal beach width did not consider or include the effects of the waves washing the beach. If wave action were considered, Mr. Hawkins estimated that the average width of the tidal beach would be reduced by approximately one-half of the estimates which he made without regard to wave action.^{12/}

Mr. Hawkins opined that the width of the tidal beach in front of a sea wall which will eventually be constructed^{13/} at the San Onofre site would be somewhat narrower than the average width of the tidal beach which he estimated based on the beach profiles taken by Marine Advisors,^{14/} Inc.

The Licensing Board finds that the tidal beach within the reduced exclusion area now proposed by Applicants has a minimum average width of approximately 50 feet and a maximum average width of approximately 220 feet, depending on the time of year, but that natural action of the waves washing the beach reduces these widths by approximately one-half, or a minimum average width of 25 feet and a maximum average width of

^{11/} Testimony of Hawkins, pp. 5-6, following Rep. Tr. 155; Tr. 163.

^{12/} Testimony of Hawkins, p. 7, following Rep. Tr. 155; Tr. 175.

^{13/} Applicants' Exhibit KPB-1, Figure 1.8-B; See also Amendment No. 22 to Preliminary Safety Analysis Report, Figure 1.8-B, following p. 1.8-2by.

^{14/} Tr. 166-167.

100 feet. We further find that it is not possible to predict with precision the width of the tidal beach because of constantly changing circumstances such as tides, size of waves, and weather conditions.

The Licensing Board notes, however, that the figures above can be misleading. The relevant area with respect to the number of people who might have to be evacuated is, for most occupants, the dry area upon which beach users may repose. The width of this dry area will be substantially less. The figures cited above are the distances measured from the mean high tide line to the mean lower low water line. This entire distance, in the event of still water, would be exposed for only a few minutes during each tidal cycle. Even during this few minutes, the unwashed width, as stated above, would be only about half of the total. Since the implications of this phenomena for a full tidal cycle are not immediately obvious, we consider a specific example. Assume that on a particular day the distance from lower lower water to the mean high tide line is a typical distance of one hundred feet and that the waves are normal and result in a runup of 50 feet above the line at which the still water intersects the beach, as suggested by Mr. Hawkins. At low tide, then, the width of unwashed beach below the high tide line would be about 50 feet. At a time about half way between low and high tides (about three hours after low tide) the still water level would have risen so that it would intersect the shore at about 50 feet from

the high tide line, the runup would wash that 50 feet of beach and there would be no unwashed beach below the high tide line. This situation would exist for the next six hours while the tide continued to rise and then fell back to the half way point. Then for the remaining three hours of the tidal cycle, some or all of the first 50 feet below the high tide line would be unwashed. Summarizing then for the whole tidal cycle, during half of the cycle there would be no unwashed tidal beach; during the other half of the cycle there would be a width of unwashed beach ranging from zero to half of the total tidal beach width. Averaged over the cycle, then, the average unwashed width would only be about one-sixth (assuming a sinusoidal tidal pattern) of the tidal beach width. Although these calculations are idealized, they represent reasonable expectations and ignore the wetness of the portions of beach that have recently been awash.

B. The Anticipated Public Use From
Time To Time of the Tidal Beach
Within Applicants' Exclusion Area

The tidal beach within Applicants' exclusion area is surrounded by the San Onofre State Beach, a recreation facility maintained by the State of California. The State Beach consists of three parcels of land within the United States Marine Corps Base, Camp Pendleton, California, which have been leased by the State of California from the United States Navy,

for development. Parcel 1 is located north of, and not contiguous to, the San Onofre site and extends inland from U. S. Interstate Highway 5. This highway runs to, parallel and eastward of, the Generating Station site. Parcel 2 is located immediately northwest of the Generating Station site between the Pacific Ocean and Interstate Highway 5. Parcel 3 is located immediately southeast of the Generating Station site between the Pacific Ocean and Interstate Highway 5.^{15/} The tidal beach within the Applicants' exclusion area is bounded on the north by Parcel 2 of the San Onofre State Beach, and is bounded on the south by Parcel 3 of the San Onofre State Beach.^{16/} The tidal beach is .8 of a mile long.

Parcel 2 has been described in the environmental impact statement of the California Department of Parks and Recreation Plan for the San Onofre State Beach, dated September 22, 1972, as being rocky in character which causes better than average surfing conditions. Parcel 2 in the past has been used primarily for surfboarding, and the California Department of Parks and Recreation proposes to restrict this area for use by surfers in the future. The nearest access path to the State Beach from the north is approximately 2,500 feet north of San Onofre Nuclear Generating Station, Unit 2.^{17/}

15/ Exhibit KPB-1, Fig. 1.8-A.

16/ Exhibit KPB-1, p. 1.8-2u; testimony of Sears, p. 1-2, following Tr. 263.

17/ Testimony of Sears, pp. 1-2, following Tr. 263.

Parcel 3 is located immediately adjacent to the southern boundary of Applicants' reduced exclusion area. This parcel will have a camp store and day-use parking spaces which will be located on abandoned Highway 101 south of the Generating Station site. The nearest access path to the State Beach from the south is approximately 4,100 feet south of the San Onofre Nuclear Generating Station, Unit 2.^{18/}

On Parcel 2, the California Department of Parks and Recreation plans a maximum overnight camping use of 525 people, and a maximum day use of 1,050. The total number of automobiles which would be parked in Parcel 2 for people using the beach would be 450. The total number of people expected to use the Parcel 2 for overnight camping and day use is 1,575.^{19/}

The California Department of Parks and Recreation has designed Parcel 3 to contain a maximum of 1,150 people for overnight stay, and a maximum of 2,290 for day use of the facilities. Parcel 3 will have a parking capacity of 1,000 automobiles. The total number of people expected to use Parcel 3 would be 3,440. The maximum capacity of Parcels 2 and 3, including overnight campers and day use is 5,015 people, and the capacity for automobiles parked in Parcels 2 and 3 is 1,450.^{20/}

Applicants proffered two witnesses on the issue of the anticipated public use from time to time of the tidal beach within Applicants' exclu-

18/ Id.

19/ Tr. 57.

20/ Id.

sion area. Applicants' first witness was Dr. Donald F. Simm, who holds a Doctorate in education and is an expert in recreation and park planning and management. Dr. Simm is a professor of recreation and leisure studies at California State University at San Jose. Dr. Simm also serves as a consultant to the firm of Ellis, Arndt & Truesdell, Inc. of Flint, Michigan. This firm specializes in recreation and park planning and management. Applicants also proffered Mr. William V. Sheppard, a principal in the firm Wilbur, Smith & Associates, Inc. Mr. Sheppard is an expert in traffic planning and analysis, and has substantial experience in projecting the number of persons within public areas.

Dr. Simm conducted an investigation to identify and project the nature and extent of recreational activities occurring within the beach areas in the vicinity of the San Onofre Nuclear Generating Station. His investigation included an analysis of activities at beaches in the vicinity of the San Onofre Nuclear Generating and at other southern California beaches; consultation with federal, state and local agency personnel and business and recreational professionals concerning factors affecting beach activities in the vicinity of the San Onofre Nuclear Generating Station; and review of literature and other studies related to factors affecting beach activity in the vicinity of the San Onofre Nuclear Generating Station.^{21/} Dr. Simm also observed the beach and its use in front of the Generating Station

21/ Testimony of Simm, pp. 1-3, following Tr. 180.

site, the beach in front of the nearby United States Marine Corps Enlisted Men's Club, and beach areas north of the Station site. He interviewed a number of persons using these beaches to determine the activities, habits, use patterns, attitudes and extent of movement of beach users. In addition, Dr. Simm photographed the beach areas, bluffs, trails, barrancas, parking facilities and beach users, and consulted with staff and management personnel of the San Onofre State Beach Park.^{22/}

As a result of his investigation, Dr. Simm reached three basic conclusions with respect to the activities within the beach areas in the vicinity of the San Onofre Nuclear Generating Station. First, Dr. Simm concluded that distances from parking and beach access points to the area in front of the Generating Station are such that there will be a low level of activity on beaches within the reduced exclusion area as compared to other beach areas in the San Onofre State Beach. This conclusion is premised on Dr. Simm's determination that the level of activity on a beach decreases with the distance from parking and beach access points. Dr. Simm observed that beach users attempt to drive and park as close as possible to areas of their planned recreation. Dr. Simm stated that beach users select a fixed location for blankets, gear and the like, close to their vehicles for security of their property and to limit the distance to carry beach gear. Moreover, Dr. Simm testified that the distance to

^{22/} Testimony of Simm, pp. 3-4, following Tr. 180.

restrooms and drinking water, especially for families with children, is also a factor which limits the distribution of persons on a beach. Dr. Simm concluded that at San Onofre, beach users who have entered the beach by the trails down the bluff will tend to remain relatively close to their point of beach access.^{23/}

Secondly, Dr. Simm concluded that restriction of access to the dry-sand beach in front of the San Onofre Generating Station will result in a relatively lower level of activity in the wet sand and water areas in front of the Generating Station than on other beach areas in the vicinity of the Generating Station. Dr. Simm's conclusion is founded on his determination that the level of beach activity in wet sand and water areas of a beach is dependent upon the availability of an adjacent dry sand beach. Dr. Simm pointed out that beach users do not choose wet sand areas for the location of beach stays as a matter of personal comfort. Because wet sand areas are colder and less comfortable, they are not normally chosen as the location of beach stay. As a result, beach users generally select a dry sand area for the location of their beach stay. Dr. Simm's stated that beach users tend to engage in wet sand and water recreational activities only in close proximity to the point chosen for the beach stay. This results from a desire to remain relatively near beach gear for convenience and security purposes and the desire to remain close to other persons,

^{23/} Testimony of Simm, pp. 7-8, following Tr. 180.

particularly children, in the same party.^{24/}

Finally, Dr. Simm concluded that beach areas within Applicants' reduced exclusion area do not offer any particular attraction for any recreational activities. Dr. Simm, in the course of his investigation, identified the predominant, as well as the less predominant, beach activities in the vicinity of the San Onofre Nuclear Generating Station. He found the principal activities consist of general beach use, including sun bathing and beach play and surfing. Dr. Simm concluded that restricted access to the dry sand beach within the Applicants' reduced exclusion area would limit, if not completely eliminate, general beach use there because beach users prefer dry sand areas for their beach stay and because beach users engage in recreation in close proximity to their selected area. Dr. Simm further found that good surfing conditions do not exist in the areas off shore from the beach in front of the Generating Station, whereas better surfing conditions are found outside the reduced exclusion area beginning in Parcel 2 north of the Station site. Dr. Simm found, however, that other beach uses in the reduced exclusion area include swimming and fishing, and clamming. Dr. Simm pointed out, however, that beach conditions would not be particularly attractive for swimming after completion of San Onofre Units 2 and 3, because of the existence of cobble beds in shallow water, and because the beach slopes in shallow water areas are steep. Dr. Simm

^{24/} Testimony of Simm, pp. 7-9, following Tr. 180.

did admit that surf fishing along San Onofre State Beach is considered good. Dr. Simm noted that better clamming areas are located north of the reduced exclusion area.^{25/}

On behalf of Applicants, Mr. Sheppard statistically projected the number of persons who might occupy the beaches within Applicants' reduced exclusion area. Mr. Sheppard considered the nature, size, location, and capacity of the facilities planned by the California Department of Parks and Recreation in the development of San Onofre State Beach in making his statistical projections. In his projections Mr. Sheppard assumed that the total number of persons who could be accommodated by all facilities developed to their maximum capacity would be present and would occupy the beach and the facilities at one time. Mr. Sheppard then modeled the distribution of such persons on the beach based upon the Poisson probability distribution function. Mr. Sheppard used this function to predict the probability of finding a given number of persons on a given segment of the beach predicated upon an assumed average walking distance. In the model, persons were distributed on the beach beginning with segments closest to the beach access points until a maximum density was achieved. Additional persons were then located in adjacent segments of the beach. The maximum density used in the model of 1 person per 400 square feet of beach results in the distribution of persons on the beach further from

^{25/} Testimony of Simm, p. 10, following Tr. 180.

the points of access, and therefore, closer to Applicants' reduced exclusion area.^{26/} The maximum density is much greater on other California beaches. At San Monica Beach, for example, Mr. Sheppard indicated that the density is 1 person per 75 square feet.^{27/}

Mr. Sheppard also evaluated information developed by the California Department of Parks and Recreation concerning the use of the San Onofre State Beach Park in order to predict the maximum and average use of the facilities by persons in the vicinity of the reduced exclusion area.^{28/}

Mr. Sheppard projected a capacity use within the reduced exclusion area of 35 people assuming camp sites are not developed within Parcel 2, and a capacity use within the reduced exclusion area of 100 people with the development of the camp sites. The maximum and average use predicted by Mr. Sheppard without camp sites being developed were 31 and 7 persons, respectively, and with the development of camp sites in Parcel 2, the capacities were 89 persons and 17 persons, respectively.^{29/}

Mr. Sheppard's projections were based on park development plans which have since been revised. Mr. Sheppard testified that had he considered the most recent revisions to the plans for the development of the San Onofre State Beach, which were described for the record by Dr. Marvin H.

^{26/} Testimony of Sheppard, pp. 3-7, following Tr. 231.

^{27/} Tr. 247.

^{28/} Testimony of Sheppard, pp. 9-10, following Rep. Tr. 231.

^{29/} Testimony of Sheppard, pp. 7-8 and 10; Exhibit WWS-2.

Hampton, an associate civil engineer employed by the California Department of Parks and Recreation and project manager and project engineer for the San Onofre State Beach project, the estimates of the beach capacity and maximum and average use of the state beach facilities within the reduced exclusion area would have been smaller by about ten percent. The most recent revisions to park development plans reduced the number of camp sites and the number of vehicle parking spaces in both Parcels 2 and 3, which, in turn, reduced the capacity use of the beach facilities within the reduced exclusion area. Mr. Sheppard's estimates in his testimony were predicated on park plans as of March 1976, whereas the most recent revisions were made after that date.^{30/}

As indicated above, Mr. Sheppard's projections of the number of persons occupying the beach assumed a maximum density of 1 person per 400 square feet, rather than the density of 1 person per 100 square feet which is normally used by the California Department of Parks and Recreation for planning of beach development. Mr. Sheppard stated he would not have statistically projected any persons to occupy the beach facilities within Applicants' reduced exclusion area if he had used the density of 1 person per 100 square feet.^{31/} Mr. Sheppard testified that assuming a density of 1 person per 100 square feet rather than 1 person per 400 square feet, the distribution of persons along the beach would not extend as far from points

^{30/} Tr. 232-233; 241-242; Exhibit MHH-1A-1E.

^{31/} Testimony of Sheppard, pp. 8-9, following Rep. Tr. 231.

of access to the beach. Consequently, Mr. Sheppard would not expect to project any persons to be found within the reduced exclusion area using a density of 1 person per 100 square feet.^{32/}

Applicant also conducted daily counts of persons within the beach area and bluff portions of the reduced exclusion area, beginning on February 6, 1976 and ending on September 29, 1976.^{33/} The count data were not submitted in evidence at the hearing, but were ordered produced by the Board prior to oral argument on February 1, 1977. The daily counts represent observations made by security personnel at San Onofre Unit 1 at 10:00 a.m. and 3:00 p.m. of the number of persons and their activities within the reduced exclusion area and adjacent areas. For purposes of making these observations, the reduced exclusion area and adjacent area were divided into seven designated areas; only five fall within the reduced exclusion area.^{34/} The activities observed were classified as stationary, transit, swimming and surfing.^{35/} The observations consist of the number of persons and their activity for each of the seven designated areas.

The daily count data show that the peak number of persons actually in the reduced exclusion area occurred on Sunday, June 13, 1976, at 3:00 p.m. when 108 persons were observed. Of these 108 persons, 43 were observed as stationary, 20 were observed in transit, 22 were seen swimming and 23 were surfing.^{36/}

^{32/} Testimony of Sheppard, pp. 8-9, following Rep. Tr. 231.

^{33/} Exhibit SCE-1; Exhibit SCE-2.

^{34/} Exhibit SCE-1, figure 1.

^{35/} Exhibit SCE-1.

^{36/} Exhibit SCE-1, Attachment 1, (p. 9).

The count data also show for in excess of one half of the observations between February 6 and September 29, 1976 less than 10 persons were observed in the reduced exclusion area. The observations establish that public use of the tidal beach is insignificant.^{37/} Most persons were seen in the area adjacent to the reduced exclusion area.^{38/} The Licensing Board finds the count data to be reflective of the anticipated public use from time to time of the tidal beach within the reduced exclusion area.

The Staff contends that the users of the tidal beach in front of the San Onofre Nuclear Generating Station will consist of occasional beach visitors and surfers who will park their cars south of the exclusion area and who will walk along the exclusion area beach to reach the good surf area in Parcel 2 north of the Generating Station. The Staff's inspection of the site has indicated that the beach immediately north of the plant is cluttered with rock, whereas south of the plant the beach is relatively free of rock. The Staff believes that the area directly in front of the Generating Station is the least desirable area, from an asthetic point of view and for swimming, surfing or sun bathing. The Staff also asserts that beach users will congregate relatively close to the access paths to the San Onofre State Beach, and for this reason will be discouraged from migrating up and down the beach, and entering the tidal beach area. Thus, the Staff ultimately concludes that the anticipated use of the tidal

^{37/} Exhibit SCE-1; Exhibit SCE-2.

^{38/} Exhibit SCE-1, Attachment 1.

beach within the Applicants' reduced exclusion area will be primarily as a beach passageway between Parcels 2 and ^{39/}3.

C. The Physical Features and Administrative Controls Proposed by Applicants to Minimize Public Use Of The Tidal Beach Within Applicants' Exclusion Area

Applicants plan to install various physical features and administrative controls to improve their ability to exercise control over the landward portion of the reduced exclusion area. Applicants have obtained an amendment to their grant of easement from the United States for use of the San Onofre site, which is located on the grounds of the United States Marine Corps Base, Camp Pendelton. The amendment reduces the size of the original exclusion area and delineates more clearly Applicants' authority to determine all activities within the area. The amendment was entered into in late September 1975, and actually grants to Applicants the authority to determine all activities in the reduced exclusion area, including exclusion or removal of personnel and property.^{40/}

The physical features proposed by Applicants include the following:

(1) a walkway adjacent to the seawall which will be constructed in front of Units 2 and 3. The walkway is intended to facilitate pedestrian transit between the open beach areas on either side of Applicants' reduced

^{39/} Testimony of Sears, pp. 2-3, following Tr. 263.

^{40/} Applicants' Exhibit KPB-1, p. 1.8.2hzzk - 1.8-2hzzn; testimony of Baskin, following Tr. 275, p. 5.

exclusion area, and will be wide enough to accommodate emergency vehicle and pedestrian traffic simultaneously; (2) an eight foot chain link fence along the seaward side of the walkway and extending to the mean high tide line along the northern and southern ends of the reduced exclusion area. A chain link fence will also be provided along the northern, eastern and southern site perimeters; and (3) signs warning that access to the beach area within the reduced exclusion area is restricted to passage between the beach areas up-coast and down-coast of the San Onofre Nuclear Generating Station. The signs will be posted along the beach and on the walkway within the reduced exclusion area.^{41/}

The administrative controls planned by Applicants include installation of remotely operated television cameras to permit surveillance of beach use, periodic patrols of the beach area by Applicants' security personnel, and a public address system capable of communicating instructions to persons in the reduced exclusion area.^{42/}

In addition, Applicants propose to dispatch plant security personnel and/or enlist the assistance of United States Marine Corps personnel at Camp Pendelton, as may be necessary, to disperse people within the reduced exclusion area in the event their activities are observed not to be substantially transient in character.^{43/} The public address system will also be

^{41/} Testimony of Baskin, following Tr. 275, pp. 6-8; testimony of Sears, following Tr. 289, p. 2.

^{42/} Testimony of Sears following Tr. 289, p. 2; testimony of Baskin following Tr. 275, pp. 8-9.

^{43/} Testimony of Baskin following Tr. 275, pp. 8-9; Applicants' Exhibit KPB-1, pp. 1.8-2bzb-bzq.

equipped with an emergency siren which will be automatically sounded when the containment pressure in the San Onofre Nuclear Generating Station, Units 2 and 3, becomes high enough to activate the safety injection system and before the release of any radioactive material.^{44/}

The walkway will be concrete or hard surfaced. Applicants plan to have signs along the walkway and at its northern and southern boundaries, as well as in the beach area indicating that the walkway is for access only and that the area is an exclusion area. The walkway will be between the seawall and the mean high tide line in the reduced exclusion area.^{45/} It is estimated that the walkway will be approximately a few feet to about 50 feet from the mean high tide line.^{46/}

Applicants tentatively propose to place the following language on the signs posted along the improved walkway:

^{44/} Testimony of Baskin, p. 10 following Tr. 275; testimony of Sears, p. 3 following Tr. 289. Applicants' testimony claims that its security personnel and/or the United States Marine Corps will also remove persons from the tidal beach in the reduced exclusion area. The Board finds, however, that neither Applicants' security personnel nor the Marine Corps can effect removal of persons on the tidal beach in the event their activities are observed to be substantially non-transit in character. The California Public Resources Code, Section 6302, only empowers the State Lands Commission to effect removal of persons from the tidal beach, except in emergency circumstances.

^{45/} Tr. 278.

^{46/} Id.

"Use of this walkway is limited to passage between open beach areas north and south of the nuclear power plant." 47/

Applicants propose to place the following language on the signs to be posted at the northern and southern ends of the improved walkway:

"Please use walkway for access to south (north) San Onofre State Beach." 48/

In addition, Applicants propose to post signs in the area of approximately 5 acres in the southwest corner of the Generating Station site which will indicate the following:

"Access to this area is permitted for the purpose of viewing the scenic bluffs and barrancas." 49/

At the present time Applicants have not made a decision as to the precise number of signs which would be posted.

Applicants have had discussions with the United States Marine Corps regarding the availability of their personnel to assist Applicants in the event it were necessary to remove persons in the reduced exclusion area, including the tidal beach. ^{50/} In addition, the Staff has had discussions with the Legal Coordinator for the Office of Emergency Service, State of California, located in Sacramento, about the legality of Applicants

47/ Applicants' Exhibit KPB-1, pp. 1.8-2AZO.

48/ Id.

49/ Id.

50/ Tr. 283.

removing persons from the exclusion area in the event of an emergency.^{51/}

The Legal Coordinator indicated to the Staff that, under Section 409.5 of the California Penal Code,^{52/} in the event of an emergency, a peace officer, including a State Park Ranger, has authority to close an area and prevent persons from entering or remaining within that area. The Staff has concluded that this provision will allow Applicants to summon sufficient aid to remove the beach users from the tidal beach in the event of an emergency. Section 409.5 of the California Penal Code is not operative in the event of non-emergencies.

Applicants have also arranged to have their security personnel provided with Special Deputy status by the San Diego County Sheriff's Department, which will authorize the security personnel to enforce Section 409.5 of the California Penal Code within the tidal beach in the reduced exclusion area during emergencies.^{53/}

- D. The Anticipated Amount Of Radiation Exposure That Might Be Received By A User Of The Tidal Beach Within Applicants' Exclusion Area During Occupancy And Subsequent Evacuation Of The Beach In the Event Of An Accident (A Postulated Fission Release Product As Provided In 10 CFR Section 100.11).

^{51/} Tr. 292-293.

^{52/} California Penal Code Section 409.5.

^{53/} Tr. 42-43 (oral argument, February 1, 1977). Applicants' amplification of Citations Referenced During Oral Argument And Authenticating Affidavits, dated February 18, 1977, Section V, letters dated February 7, 1977 from San Diego County Sheriff's Department to Mr. David R. Piggott.

Doctor Morton I. Goldman, Senior Vice President and Technical Director of NUS Corporation, Rockville, Maryland, and an expert in nuclear reactor siting, safeguards, radioactive waste disposal and environmental surveillance and monitoring programs for nuclear facilities, testified on behalf of Applicants respecting the anticipated amount of radiation exposure which might be received by a user of the tidal beach in the exclusion area during occupancy and subsequent evacuation in the event of a postulated fission product release.^{54/} Testimony on the same issue was presented for the Staff by John T. Goll and Earl H. Markee, Jr.^{55/} on meteorological aspects and by Charles M. Ferrell^{56/} and Delbert F. Bunch on radiological aspects. Consolidated Intervenors' testimony was presented by Dr. Roland A. Finston, Acting Director of the Health Physics, Safety and Health Office and Lecturer in Nuclear Medicine, Department of Radiology, School of Medicine, Stanford University.^{57/} Applicants' and Staff's witnesses presented calculations of the anticipated amount of radiation exposure which might be received by a user of the tidal beach

54/ Testimony of Goldman, following Tr. 300.

55/ Testimony of Markee and Goll, following Tr. 414.

56/ Testimony of Ferrell, following Tr. 419.

57/ Testimony of Finston, following Tr. 360.

in the exclusion area in the event of a postulated fission product release, both during an evacuation and while remaining stationary on the beach. Consolidated Intervenors' witness commented on the calculations by the other parties, but presented no independent calculations.

The principal difference between the bases used for dose estimation now and during earlier phases of this hearing is that the current calculations, both by Applicants and by Staff, are based on meteorological data (primarily turbulence values) obtained from smoke tracer tests conducted at San Onofre Nuclear Generating Station in January and February 1976.^{58/} These smoke tracer tests, which were undertaken primarily to determine the effect of the bluffs on dispersion, showed the turbulence wake factor to be approximately three times what it would be based solely on Regulatory Guide 1.4 type calculations. The Staff agreed with the Applicants that the tracer test-derived meteorological parameters provided a suitable basis for evaluating the radiation doses on the beach.^{59/}

A comparison of the dispersion calculation results of Staff and Applicant is in general difficult because of the differences in the ways probabilities were calculated (we discuss these differences below), but we can make a comparison on the basis of the comparative calculations of plume centerline exposures of stationary receptors. Although even in this case some small differences in methodologies remain, they are

^{58/} Testimony of Goldman at 3-5; Testimony of Markee and Goll at 2-3.

^{59/} Testimony of Markee and Goll at 2.

relatively insignificant. From Figure 5 of Dr. Goldman's testimony, we find that the five minute thyroid dose to a stationary individual 100 meters down wind would be about 58 rem for the fifth percentile meteorology and 27 rem for the 25th percentile meteorology. The doses calculated from the Staff testimony^{60/} for the same situation are 51 and 21 rems, respectively. Considering the methodological differences, the Board considers the agreement to be excellent. A more detailed examination of the calculations by the Board, the inclusion of which here would serve no useful purpose, indicates that this agreement is not fortuitous.

The principal difference in the ways the Applicants and Staff calculated the doses to individuals crossing the plume was in the application of meteorological probabilities. Take as an example the fifth percentile case. The Staff calculated concentration factors that would not be exceeded on the beach five percent of the time during which the wind was offshore (the wind is offshore 42% of the time)^{61/}. Applicants, on the other hand, divided the beach area into sixteen 22 1/2 degree sectors (centered on the cardinal directions) and calculated the fifth percentile concentration factors for each offshore sector individually. They made such calculations both for all hours combined and for only daylight hours (7 a.m. to 8 p.m.). In the first case (all hours) two sectors (SW and SSW) virtually perpendicular to the shoreline had wind direction fre-

^{60/} Testimony of Charles E. Ferrell, following Tr. 419, at Table 2.

^{61/} Testimony of Markee and Goll, following Tr. 414, at 3-4.

quencies of 9.0% and 14.7% respectively and all others were less than five percent. For the second case, one sector (SE) along the beach had a direction frequency of 6.1% and the others were all less than 5.0%.^{62/}

Thus, Applicants' and Staff's results cannot be directly compared. In essence, the Staff's analysis determines that "x" percent (95 in our example) of the time, the maximum dose received by anyone on the beach crossing the plume would be less than "a" rems, while the Applicants' analysis determines that "y" percent of the time the maximum dose received by anyone in a particular sector crossing the plume would be less than "b" rems. Crudely averaging the wind data indicates that the doses ("a") resulting from the Staff's 5th percentile (1-"x") calculation should fall between the Applicants' calculated doses ("b") for the first and 0.2 percentile cases. They do. The Staff's analysis for the 5% case shows doses ranging from about 15 rems at 100 meters to about 12 1/2 rems at 200 meters.^{63/} Applicants' analysis shows doses ranging from 12 to 26 rems in the various sectors (average - 15 1/2) for the first percentile and ranging from 21 to 65 rems (averaging 36) for the 0.2 percentile.^{64/} Applicants did not make separate calculations for different distances because their model showed this effect to be small.^{65/} As a result of this comparison, the Board finds that the results of the Applicants' and Staff's dose calculations are consistent.^{66/}

^{62/} Goldman Testimony at 7-8.

^{63/} Ferrell Testimony at Figure 2.

^{64/} Goldman Testimony at Table'2.

^{65/} Goldman Testimony at 11.

^{66/} See also Exhibit MIG-2.

Having established the general equivalence of the Staff's and Applicants' results, the Board will use the Staff's testimony in the rest of its considerations of this issue. This course is justified because the accuracy of either set of results does not warrant a detailed discussion or comparison of the minutiae of the very complex calculations. The assumptions used by the two parties are essentially the same in all important aspects, except where we point out differences in our discussion.

The two important results of the Staff calculations are the following:^{67/}

(1) The maximum thyroid dose received by a standard man walking at a speed of one meter per second across the plume at the seawall^{68/} during meteorological conditions which would exist 95% or more of the time would be about 15 rems;

(2) The maximum thyroid dose that a standard man might receive if he remained stationary on the plume centerline at a point on the seawall closest to the reactors for a two-hour period following the postulated accident, under the same meteorological conditions, would be about 190 rems.

^{67/} Testimony of Ferrell at 5-6.

^{68/} The Staff chose to make its calculations at the seawall, to maximize the exposure. Actually, the seawall is closer to the reactors than the tidal beach under consideration here. Doses on the tidal beach would be slightly less. Testimony of Ferrell at Figure 1.

These doses are within the guidelines of 10 CFR Part 100.^{69/}

One of the assumptions used by both Staff and Applicants was the walking speed used during crossing of the plume and subsequent phases of the evacuation. Applicants used a speed of 2 miles per hour;^{70/} the Staff used 2.2 miles per hour (1 meter per second);^{71/} Consolidated Intervenors' witness Finston testified that this was unrealistic and that experience shows that, for evacuations of one mile or less, evacuation speeds are one half mile per hour.^{72/} On cross-examination, however, it was shown that his data were not applicable to this case.^{73/} The validity of the speed used was supported by testimony of other witnesses of all three parties.^{74/}

Another assumption challenged by Witness Finston was the use by Applicants and Staff of the Regulatory Guide 1.4 breathing rates for the so-called "standard man". He asserted that these breathing rates were inappropriate for the types of activities associated with beach users and that the Regulatory Guide dose conversion factors were inappropriate for 5- and 10-year old children. He asserted that proper use of these factors would increase the calculated doses received by adults by

^{69/} Testimony of Ferrell at 7.

^{70/} Testimony of Goldman at 12.

^{71/} Testimony of Ferrell at 5.

^{72/} Testimony of Finston at 6-7.

^{73/} Tr. 393-402.

^{74/} Tr. 233-234, 331; Testimony of Sears at 4.

about a factor of five and by children about a factor of eight.^{75/} Subsequent examination and testimony indicated that the breathing rates selected by the witness from ICRP 23^{76/} were not properly selected.^{77/} The Board finds that there are indeed variations in doses that would be calculated depending on age and activity of the individual involved, but that these are not nearly as large as claimed by Dr. Finston. In fact, they are smaller than a factor of two.^{78/}

Dr. Finston also testified that in the event of exposure of a pregnant beach user, the fetal thyroid dose would be five times greater than the maternal thyroid dose.^{79/} A Staff witness testified a reasonable estimate for this factor, based on reported literature, was 2, rather than 5, and that this was only applicable during the third trimester of the pregnancy, the factor being lower during the first two-thirds of the pregnancy.^{80/}

In summary, the Board finds that the anticipated amount of radiation exposure that might be received by a user, regardless of age or sex, of the tidal beach within Applicants' exclusion area during occupancy and subsequent evacuation of the beach in the event of an

^{75/} Testimony of Finston at 2-5.

^{76/} Applicants' Exhibit MIG-4.

^{77/} Tr. 363-372, 457-458.

^{78/} Tr. 434.

^{79/} Testimony of Finston at 5.

^{80/} Tr. 493-494.

accident involving a fission product release as provided in 10 CFR §100.11 is significantly less than the guidelines set forth in 10 CFR §100.11.^{81/}

CONCLUSIONS

The Licensing Board concludes that Applicants have met their burden of establishing that their lack of full control over the tidal beach has no safety implications with respect to users of the tidal beach as well as the San Onofre Nuclear Generating Station. The record evidence persuades us that the size and characteristics of the tidal beach do not lend the tidal beach to use by a significant and unmanageable number of people. The tidal beach for the most part will be awash with waves, leaving very little in the way of dry sand to attract users. In addition, the tidal beach within the reduced exclusion area does not appear to offer any particular recreational attraction for users. Finally, the data in the record showing the number of users of the tidal beach clearly establish that its use will be insubstantial. Applicant proposes a number of physical features and administrative control to minimize public use of the tidal beach within the reduced exclusion area. The Board is satisfied that these physical features and administrative controls will discourage recreational activities beyond the limit shown to be taking place on the tidal beach at the present time. In any event, users of the tidal beach

^{81/} Furthermore, although we need not consider it here, evidence in the record indicates that with the use of more realistic assumptions, the estimated evacuation doses would be less than those discussed herein.

will not experience any dangerous or harmful radiation exposure if an accident were to occur at the San Onofre facilities.

In all of the circumstances, we conclude that the non-controlled segment of the reduced exclusion area -- the tidal beach -- will be used sparingly because of its size and character, and that such limited use will pose no threat to the health and safety of the public, either during normal operation of the San Onofre reactors or in the event of an accident. The Licensing Board, therefore, orders that Applicants' construction permits for San Onofre Nuclear Generating Station, Units 1 and 2, shall be continued in effect.^{82/}

IT IS SO ORDERED.

THE ATOMIC SAFETY AND
LICENSING BOARD

Lester Kornblith, Jr.
Lester Kornblith, Jr., Member

Michael L. Glaser
Michael L. Glaser, Chairman

Dated at Bethesda, Maryland
this 20th day of May 1977.

^{82/} Dr. Franklin C. Daiber; a member of this Licensing Board, did not participate in this decision.

Applicants may reserve a reasonable portion of their time allotment for rebuttal, and should notify the Board at the beginning of oral argument of the amount of time reserved for such purpose.

Consolidated Intervenors 45 minutes

Regulatory Staff 45 minutes

If necessary, the Board will take a luncheon recess before conclusion of oral argument.

All parties are free to address any matter encompassed by the hearing record on remand or in their proposed Findings of Fact and Conclusions of Law.

The Board will expect, however, Counsel to address at some point during the course of their respective arguments, each of the following specific subjects:

1. Whether users of the tidal beach within Applicants' reduced exclusion area of the San Onofre Generating Station are subjected to significant hazards to their health and safety during normal operation of the San Onofre Units 2 and 3 reactors. If so, in what circumstance and under what conditions.

2. Whether there are circumstances other than a major fission product release that would make evacuation of users of the tidal beach in the reduced exclusion area either necessary or desirable.
3. Whether users of the tidal beach within Applicants' reduced exclusion area of the San Onofre Generating Station threaten the safety of the plant during normal reactor operation. If so, in what circumstance and under what conditions.
4. Whether Applicants have the power under the laws of the State of California to remove persons using the tidal beach in front of the San Onofre Generating Station in (a) emergencies, including a postulated fission product release, and (b) during normal reactor operation.
5. Whether the Board has the jurisdiction to rule that Applicants are entitled to an exemption, pursuant to 10 CFR § 50.12(a), from the requirements of the Commission's site regulations in 10 CFR § 100.3(a).

Applicants are ordered to provide the Board and all other parties to this remand proceeding, all data collected since March 14, 1976, reflecting the actual daily count of persons using the beach within Applicants' reduced exclusion area, including the tidal beach. This material should be in the hands of the Board and the parties no later than January 27, 1977. The Board wishes to be apprised of the dates and times when actual daily counts of beach users were made, by whom, and by what means. The parties should be fully prepared at oral argument to address the significance, if any, of the actual daily count data provided by Applicants pursuant to this Order, on the question of whether Applicants' lack of control over the tidal beach at San Onofre is de minimus.

The Board expects Counsel to be fully conversant with the hearing record developed during the hearings on remand.

IT IS SO ORDERED.

ATOMIC SAFETY AND LICENSING
BOARD

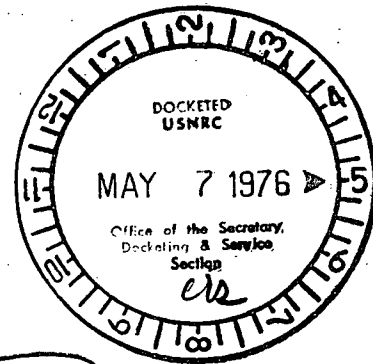

Michael L. Glaser, Chairman

Dated this 6th day of January 1977

At Bethesda, Maryland.

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD



In the Matter of)
)
SOUTHERN CALIFORNIA EDISON)
COMPANY SAN DIEGO GAS &)
ELECTRIC COMPANY)
)
(San Onofre Nuclear Generating)
Station, Units 2 and 3))

Docket Nos. 50-361
50-362

5/5/76

MEMORANDUM AND ORDER

Before the Board is the Staff's "Motion For Order Extending Time For Discovery And Requiring Response To Staff Interrogatories And Request For Production Of Documents," filed April 26, 1976. In this motion, the Staff requests the Board to extend our previously established date of April 16, 1976, for completion of discovery, and to direct the Consolidated Intervenors to respond to the Staff's Interrogatories and Request for Production of Documents, which were filed in this proceeding on April 9, 1976.

In support of this motion, the Staff states it filed its Interrogatories and Request for Production of Documents addressed to the Consolidated Intervenors one month after the pre-hearing conference was held in this proceeding on March 9, 1976. The Staff further states that the Consolidated Intervenors have advised the Staff they would not respond to the Staff's discovery requests since they were not timely.

The Staff argues that the April 16 deadline for completion of discovery should be extended because, as the Staff

puts it:

"[s]election of this date was premised on the understanding that there was party agreement on the issues in controversy (TR. 6 and 7) and all that need be done was circulation of a party stipulation to be filed with an appropriate Board Order indicating those issues." 1/

The staff points out that the stipulation of the issues in controversy was not executed by the parties because of a disagreement over certain language. As a result, the Board on April 9 issued a pre-hearing conference order settling the matter by specifying the issues in controversy. Thus, the Staff claims that discovery could only begin at this posture since, under Section 2.740 of the Commission's Rules of Practice, 2/ the matters in controversy had not been identified by the presiding officer in a pre-hearing conference order entered at the conclusion of the pre-hearing conference prior to April 9.

The Staff apparently overlooks the fact that at the March 9 pre-hearing conference counsel for Applicants succinctly set for the issues which appeared to be in controversy. 3/ Upon inquiry of the Board, counsel for the Consolidated Intervenors and counsel for the Staff concurred 4/ with applicants statement of these issues. On the basis of these concurrences, the Board

1/ Staff Motion, pp. 2-3.

2/ 10 C.F.R. 2.740.

3/ Tr. 6.

4/ Tr. 7-8.

directed counsel for Applicant to circulate a written stipulation commemorating these issues by March 12, 1976. The record shows that counsel for Applicant complied with the Board's direction. Thereafter, a disagreement ensued between Applicant and Consolidated Intervenors respecting the language of the proposed stipulation. After several versions of the stipulation had been circulated among the parties without an agreement having been reached, the Board was forced to settle the dispute by defining the issues itself. Accordingly, the Board issued a separate Order on April 9, 1976, setting forth the precise language of the stipulation. The only substantial dispute centered on the language of one of the issues -- that involving anticipated amount of radiation exposure in the event of an accident -- which the Board redrafted with minor changes from that which the parties had included in their versions.

Thus, for all practical purposes, the Staff knew and understood the matters in controversy on the day of the pre-hearing conference. The Staff offers no reason why it could not have initiated its discovery requests promptly after the pre-hearing conference was concluded, or indeed, provides any valid explanation as to why it waited one month before filing its interrogatories and request for production of documents. In these circumstances, we are not persuaded the requested extension of time for completion of discovery is warranted. The Staff may, of course, seek to elicit from the Consolidated Intervenors the information requested in its interrogatories, and may obtain the

documents requested to be produced, either during the course of the hearing which is now scheduled to commence on May 19, or on an informal basis prior to the hearing through discussions with the Consolidated Intervenors. The Consolidated Intervenors have indicated their willingness to cooperate with the Staff in respect to the discovery requests to the extent possible even though the requests were untimely, and we assume that such cooperation will be given as indicated.

The requested extension of time is denied.

it is so ORDERED.

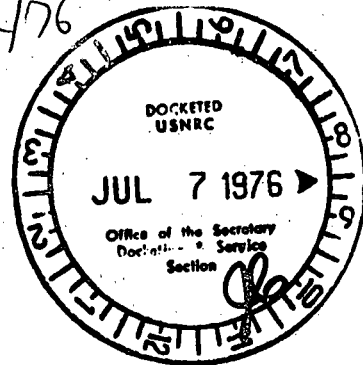
ATOMIC SAFETY AND LICENSING BOARD

By: 

Michael L. Glaser
Chairman

May 5, 1976

7/2/76



UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION
ATOMIC SAFETY AND LICENSING BOARD

In The Matter Of)
SOUTHERN CALIFORNIA EDISON COMPANY)
SAN DIEGO GAS & ELECTRIC COMPANY)
(San Onofre Nuclear Generating)
Station, Units 2 and 3)

DOCKET NOS. 50-361
AND 50-362

Applicants' Transcript Corrections

The following corrections relate to the transcript of the evidentiary hearings in the above proceeding on May 19, 20, and 21, 1976:

1. Page 51, line 17: Change "OMAS" to "OMAR".
2. Page 82, line 19: Change "time" to "tide".
3. Page 95, line 18: Change "oceanside" to "Oceanside".
4. Page 95, line 19: Change "oceanside" to "Oceanside".
5. Page 99, line 15: Change "slipping" to "sloping".
6. Page 224, line 4: Change "climbers" to "clammers".
7. Page 238, line 19: Change "provided in paovided" to "accommodated".

8. Page 240, line 24: Change "B" to "But".
9. Page 255, line 23: Change "fire" to "parks".
10. Page 302, line 3: Change "about" to "above".
11. Page 303, line 6: Change "50" to "fifth".
12. Page 305, line 24: Delete "Q".
13. Page 306, line 10: Change "system" to
"assessment".
14. Page 381, line 18: Change "6" to "VI".
15. Page 382, line 2: Add "A".
16. Page 398, line 1: Change "plane" to "plan".
17. Page 404, lines 6 and 7: Change "movements"
to "motivations" and delete
"that may be made".
18. Page 405, line 3: Change "models" to "monitors".
19. Page 460, line 23: Change "two" to "new".
20. Page 461, line 14: Change "transient" to
"transect".
21. Page 462, line 10: Change "radioiodone" to
"radioiodine".

///

///

///

///

///

DATED: July 2, 1976.

Respectfully submitted,

SHERMAN CHICKERING
C. HAYDEN AMES
FRANK S. BAYLEY, III
DAVID R. PIGOTT
CHICKERING & GREGORY
111 Sutter Street
San Francisco, California 94104

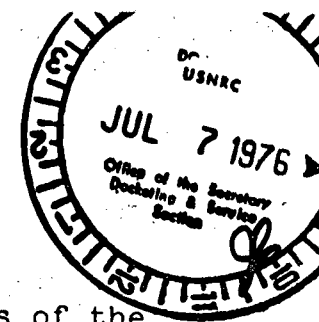
Attorneys for Applicant
SAN DIEGO GAS & ELECTRIC COMPANY

ROLLIN E. WOODBURY
ROBERT J. CAHALL
DAVID N. BARRY, III
CHARLES R. KOCHER
JAMES A. BEOLETTA

Attorneys for Applicant
SOUTHERN CALIFORNIA EDISON COMPANY

By CHARLES R. KOCHER
Charles R. Kocher
Assistant Counsel
Southern California Edison Company
2244 Walnut Grove Avenue
Rosemead, California 91770

CERTIFICATE OF SERVICE



I hereby certify that on the 2nd day of July, 1976 copies of the foregoing APPLICANTS' TRANSCRIPT CORRECTIONS were served upon each of the following by deposit in the United States mail, postage prepaid, addressed as follows:

Docketing and Service Section
Office of the Secretary
Nuclear Regulatory Commission
Washington, D.C. 20555
(Original + 20 copies)

David R. Pigott, Esq.
Chickering & Gregory
111 Sutter Street
San Francisco, Calif. 94104

Michael Glaser, Esq.
1150 17th St., N.W.
Washington, D.C. 20036

Mr. Lester Kornblith, Jr.
Atomic Safety and Licensing
Board
Nuclear Regulatory Commission
Washington, D.C. 20555

Dr. Franklin C. Daiber
Dept. of Biological Sciences
University of Delaware
Newark, Delaware 19711

George Spiegel, Esq.
2600 Virginia Ave., N.W.
Washington, D.C.

Henry J. McGurren, Esq.
Office of the General Counsel
Nuclear Regulatory Commission
Washington, D.C. 20555

Larry E. Moss
Sierra Club
2410 W. Beverly Blvd., Suite 2
Los Angeles, California 90057

San Clemente Public Library
Attn: Mrs. Phyllis Rauch
233 Granada St.
San Clemente, Calif. 92672

Alan R. Watts, Esq.
Assistant City Attorney
City Hall
Anaheim, California

Dr. Gerard A. Rohlich
Dept. of Civil Engineering
University of Texas
Austin, Texas 78712

Elizabeth S. Bowers, Esq.
Atomic Safety & Licensing Panel
Nuclear Regulatory Commission
Washington, D.C. 20555

Kenneth E. Carr, Esq.
City Manager
100 Avenida Presidia
San Clemente, Calif. 92672

Atomic Safety & Licensing
Board Panel
Nuclear Regulatory Commission
Washington, D.C. 20555

David Sakai
845 North Perry Avenue
Montebello, Calif. 90640

Fredric P. Sutherland, Esq.
Center for Law in the Public
Interest
10203 Santa Monica Boulevard
Los Angeles, Calif. 90067

Lawrence Q. Garcia, Esq.
California Public Utilities
Commission
5066 State Building
San Francisco, Calif. 94136

Alan S. Rosenthal, Esq., Chairman
Atomic Safety & Licensing Appeal
Board
Nuclear Regulatory Commission
Washington, D.C. 20555

Michael C. Farrar, Esq.
Atomic Safety & Licensing Appeal
Board
Nuclear Regulatory Commission
Washington, D.C. 20555

Dr. John H. Buck
Atomic Safety & Licensing Appeal
Board
Nuclear Regulatory Commission
Washington, D.C. 20555

CHARLES R. KOCHER

Charles R. Kocher
Assistant Counsel
SOUTHERN CALIFORNIA EDISON COMPANY
2244 Walnut Grove Avenue
Rosemead, California 91770