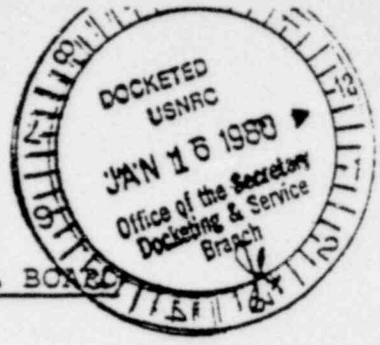

UNITED STATES OF AMERICA

NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING APPEAL BOARD

In the Matter of	
SACRAMENTO MUNICIPAL UTILITY DISTRICT	Docket No. 50-312 (SP)
(Rancho Seco Nuclear Generating Station)	

MOTION OF THE CALIFORNIA ENERGY COMMISSION TO TERMINATE ACTION ON REFERRAL

By its Order Accepting Referral, dated December 19, 1979, ("Order"), this Board accepted the referral of the Licensing Board's ruling that rejected the proposed issue on emergency planning of the California Energy Commission ("CEC"). In the Order, this Board specifically requested the parties to address the relevancy of the recent proposed rulemaking on emergency planning. See Order, pg. 2. After consideration of the Order and a review of the proposed rulemaking, the CEC, for the reasons set forth hereafter, now requests this Board to terminate action on the referred issue.

In August 1979, when the CEC submitted the energency planning issue to the Licensing Board, the Nuclear Regulatory Commission ("NRC") had not taken new steps to upgrade the emergency response capabilities of licensed facilities. In that context, we urged strongly that the issue was within the Licensing Board's jurisdiction and that the Douglas Point line of cases was inapplicable. After the Licensing Board ruled against the CEC on the Douglas Point issue, we sought this referral. Other parties supported

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referral of the Licensing Board's ruling that this issue was within the scope of the Licensing Board's jurisdiction absent the Douglas Point rule. Since that time, on December 19, 1979, the NRC commenced a proposed rulemaking on emergency planning and scheduled various regional meetings, including a meeting in San Francisco on January 17, 1980, to obtain comments from interested state and local agencies. In light of this new development, CEC now proposes to withdraw the emergency planning issue, subject to the right to resubmit this issue in the event that the NRC does not proceed with the new rulemaking proceeding.

While we continue to believe that the Douglas Point rationale would not preclude Licensing Board jurisdiction over this issue, we also believe that the specific facts before us do not require that we now press this matter further. Accordingly, we request that this Board terminate the referral proceeding.

Respectfully submitted,

CALIFORNIA ENERGY COMMISSION

Lawrence Coe Lanpher

Christopher Ellison
Lawrence Coe Lanpher

Attorneys for the California Energy Commission

January 14, 1980

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UNITED STATES OF AMERICA

NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING APPEAL BOARD

In the Matter of SACRAMENTO MUNICIPAL UTILITY DISTRICT (Rancho Seco Nuclear Generating Station)	Docket No. 50-312 (SP)

CERTIFICATE OF SERVICE

I hereby certify that a copy of the "Motion of the California Energy Commission to Terminate Action on Referral" was served this 14th day of January, 1980, upon the persons identified on the attached Service List by deposit in the U.S. mails, first class, postage prepaid.

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UNITED STATES OF AMERICA

NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING APPEAL BOARD

In the Matter of	)	
SACRAMENTO MUNICIPAL UTILITY DISTRICT	)	Docket No. 50-312 (SP)
(Rancho Seco Nuclear Generating Station)	)	

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