# UNITED STATES OF AMERICA

# NUCLEAR REGULATORY COMMISSION

# BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of

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Docket Nos. 50-361 OL 50-362 OL

SOUTHERN CALIFORNIA EDISON COMPANY, ET AL.

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

> APPLICANTS PROPOSED FINDINGS OF FACT AND CONCLUSIONS OF LAW ON ALTERNATIVE MOTION FOR AN OPERATING LICENSE FOR FUEL LOADING AND LOW POWER TESTING

> > DAVID R. PIGOTT EDWARD B. ROGIN SAMUEL B. CASEY JOHN A. MENDEZ Of ORRICK, HERRINGTON & SUTCLIFFE A Professional Corporation 600 Montgomery Street San Francisco, California 94111 Telephone: (\$15) 392-1122

CHARLES R. KOCHER JAMES A. BEOLETTO SOUTHERN CALIFORNIA EDISON COMPANY P.O. Box 800 2244 Walnut Grove Avenue Rosemead, California 91770 Telephone: (213) 572-1900

Attorneys for Applicants, Southern California Edison Company Dated: October 12, 1981 and San Diego Gas & Electric Company

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DAVID R. PIGOTT EDWARD B. ROGIN SAMUEL B. CASEY JOHN A. MENDEZ Of ORRICK, HERRINGTON & SUTCLIFFE A Professional Corporation 600 Montgomery Street San Francisco, California 94111 Telephone: (415) 392-1122

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CHARLES R. KOCHER JAMES A. BEOLETTO SOUTHERN CALIFORNIA EDISON COMPANY P.O. Box 800 2244 Walnut Grove Avenue Rosemead, California 91770 Telephone: (213) 572-1900

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> APPLICANTS PROPOSED FINDINGS OF FACT AND CONCLUSIONS OF LAW ON ALTERNATIVE MOTION FOR AN OPERATING LICENSE FOR FUEL LOADING AND LOW POWER TESTING

Southern California Edison Company, San Diego Gas & Electric Company, City of Anaheim, California and City of Riverside, California hereby submit their proposed findings of fact and conclusions of law in support of "Alternative Motion of Applicants Southern California Edison Company, <u>et</u> <u>al</u>. for an Operating License for Fuel Loading and Low Power Testing." ("Low Power Motion".) The following proposed findings and conclusions are filed pursuant to stipulation of the parties confirmed by Order of the Atomic Safety and Licensing Board ("Board"). (TR. 11,357-59.)

## Ι.

#### INTRODUCTION

 Southern California Edison Company, San Diego
Gas & Electric Company, City of Anaheim and City of Riverside ("Applicants") are co-owners of San Onofre Nuclear Generating
Station, Units 2 & 3 ("SONGS 2 & 3"). Applicants were
granted Construction Permits for those two units on or about
October 18, 1973.

2. On or about March 22, 1977, Applicants filed their Application For Operating Licenses For SONGS 2 & 3. Pursuant to said application, operating license hearings were commenced on certain contested issues on June 22, 1981.

3. On August 31, 1981 during the hearings on the contested issues in the above docket, Applicants filed "Alternative Motion of Applicants Southern California Editor Company, et al. for an Operating License for Fuel Loading and Low Power Te cing" ("Low Power Motion"). Said motion was

made pursuant to 10 CFR § 50.57(c) and seeks authorization, with prior written approval of the Director, Office of Nuclear Reactor Regulation, to: (1) load fuel, (2) proceed to initial criticality, (3) perform start-up testing at zero power, and (4) operate SONGS 2 for testing at reactor core power levels not in excess of 5% of its rated power (169.5 : megawatts thermal) ("low power testing").

4. SONGS 2 will be ready to commence fuel loading and low power testing prior to issuance of a full power operating license.

5. On September 1, 1981 Applicants proposed as the appropriate issue for hearing with respect to the Low Power Motion the following:

> Whether there is reasonable assurance of adequate protection to the public during fuel loading and low power testing, considering the risk to the public represented by those activities and the emergency preparedness in place during those activities. (TR. 8658.)

6. On September 3, 1981 the NRC Staff proposed slight modification to Applicants' proposed issue as follows:

> Whether there is reasonable assurance of adequate protection to the health and safety of the public during fuel loading and low power testing, considering the risk to the public presented by those activities and the level of emergency preparedness during those activities.

7. On September 3, 1981 the Board orally ordered that the issue, as proposed by NRC staff, tentatively be adopted as the issue to be tried with respect to the Low

Power Motion. The Board further allowed Intervenors GUARD and Carstens, <u>et al</u>. to submit in writing additional proposed issues and briefs in support of said issues by September 9, 1981. (TR. 9233-34.) The Board further ordered that prepared direct testimony with respect to the Low Power Motion be filed by September 21, 1981.

8. By letter dated September 9, 1981 to Chairman James Kelley, Intervenors GUARD and Carstens, <u>et al</u>. proposed two additional issues with respect to the Low Power Motion:

> 1. Whether Applicants have sufficiently demonstrated that a radiological emergency at SONGS 2 & 3 could not cause a radiological emergency at SONGS 1.

2. Whether Applicants have met the requirements of the TMI action plan as regards:

- (a) Instrumentation for inadequate core cooling.
- (b) Environmental qualification of electrical equipment.
- (c) Thermal shock.
- (c) Small break loss of coolant accident.
- (e) Ignitor hydrogen ignition system.
- (f) Release [sic] and safety valve testing.

Said proposed issues were not supported by any briefing at that time.

9. On September 10, 1981 a conference call was had between all parties and the Board. The issue proposed by

Applicants, as modified by NRC Staff, was approved for hearing. Said issue, as well as those proposed by Intervenors, were discussed. Intervenors were given further time to brief the issues they had proposed. Applicants and NRC Staff were allowed further time within which to respond to such briefing. Ultimately, Intervenors filed "Memorandum of Points and Authorities in Support of Intervenors' Proposed Issues Relating to Low Power License" dated September 14, 1981. In response to said memorandum, there was filed "NRC Staff Response to Intervenors' GUARD, Carstens, <u>et al</u>. Request for Consideration of Two Additional Issues in the Context of Low Power Licensing" dated September 18, 1981 and "Applicants' Memorandum of Law in Opposition to Intervenors' Proposed Issues for a Motion for Fuel Loading and Low Power Testing License" dated September 18, 1981.

10. On September 23, 1981 oral argument was held before the Board on the issues proposed by GUARD. As a partial determination of the questions posed at that time, Intervenors voluntarily withdrew their issue related to TMI matters. (TR. 9949-9973)

11. On September 24, 1981 the Board denied Intervenors' proposed issue relating to interrelation of SONGS 1 and SONGS 2. (TR. 10099-10102)

12. On September 30, 1981, hearing was held on the Alternative Motion of Applicants for an Operating License for Fuel Loading and Low Power Testing.

# II.

#### EVIDENTIARY HEARING

13. Applicants' direct case was presented by the following witnesses and the exhibits sponsored by such witnesses:

- 1. Richard M. Rosenblum (TR. 11,136 et seq.).
- 2. David R. Buttemer (TR. 11,242 et seq.).
- 3. David F. Pilmer (TR. 11,279 et seq.).

Applicants' witnesses sponsored the following exhibits:

- Exhibit 160, (RMR-1) "Low Power Testing Program"
- 2. Number 161 (DRB-1) "Analysis of Postulated Accidents During Low Power Testing at the San Onofre Nuclear Generating Station - Unit 2"
- 3. Exhibit 162 (DFP-6) "Letter of July 10, 1981 from NPC, Region V to Southern California Edison Company"

14. NRC Staff testimony was presented by the following witnesses:

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- Kenneth Nauman (FEMA) (TR. 11,304, <u>et</u> seq.)
- 2. G. Norman Lauben (TR. 11,316, et seq.)
- 3. Patrick D. O'Reilly (TR. 11,316, et seg.)
  - 4. Brian Grimes (TR. 11,338, et seq.)

5. John Sears (TR. 11,338, <u>et seq</u>.) Kenneth Nauman, of the Federal Emergency Management Agency, sponsored Staff Exhibit No. 13; Memorandum addressed to Brian Grimes of the Nuclear Regulatory Commission from Robert Jaske, Acting Director of the REP Division of Federal Emergency Management Agency, Subject: "San Onofre Nuclear Power Facility."

15. Intervenors did not present either direct cestimony or documentary exhibits with respect to the Low Power Motion.

# III.

## FINDINGS OF FACT

#### CONTENTION

Whether there is reasonable assurance of adequate protectic to the health and safety of the public during fuel loading and low power testing, considering the risks to the public presented by those activities and the level of emergency preparedness in place during those activities.

16. Richard M. Rosenblum, the Start-up Supervisor for SONGS 2, testified concerning the staffing of the start-up effort at Unit 2 and the start-up tests proposed for that unit. (TR. 11,136, et seq.)

17. After fuel loading, the testing will be supported by personnel from four primary organizations. Applicants' licensed operators will perform the hands-on activities supported by a group of about 20 Southern California Edison Company start-up personnel. pproximately 10 Combustion Engineering start-up personnel also will be on hand as well as technical experts from Southern California Edison Company and vendors of the major components, as regulard. Additionally, SCE Shift Technical Advisors routinely provide technical support to the licensed operators on a 24-hour per day basis. (Rosenblum, written testimony, p. 2.)

18. The fuel loading and low power testing is divided into four general activities: (1) fuel loading, (2) post core-loading hot functional testing, (3) initial criticality and low power physics testing and (4) power escalations to 5% of full power. (Rosenblum, written testimony, pp. 2-5.) The tests to be performed are detailed in Applicants' Exhibit Number 160, (RMR-1) "Low Power Testing Program".

19. The overall fuel loading and low power testing program is anticipated to consume approximately 16 weeks. (Rosenblum, written testimony, pp. 2-4.)

20. Fuel loading and low power physics testing will require approximately 14 weeks. Power escalations to 5% of full power will require approximately two weeks. (Rosenblum, written testimony, pp. 4-5.)

21. David R. Buttemer testified concerning safety analyses of potential 'wy power accidents performed for the SONGS 2. The results of his calculations are set

forth in detail in Applicants' Exhibit Number 161 (DRB-1) "Analysis of Postulated Accidents During Low Power Testing at the San Onofre Nuclear Generating Station Unit 2".

22. Mr. Buttemer calculated core temperature responses for the following accident sequences: (1) large loss of coolant accidents, (2) loss of steam generator heat sink accident with the safety valves remaining open, and (3) loss of steam generator heat sin<sup>1</sup> accident with safety valves maintaining pressure at 2,500 psia. (Figure DRB-A.) These analyses assume that the active safety systems, mainly the auxiliary feedwater and emergency core cooling systems are not operational. This is an extremely conservative assumption. (Buttemer, written testimony, p. 9.) It was Mr. Buttemer's testimony that these accidents constituted the "bounding" accidents for low power operations. (TR. 11,235.)

23. Mr. Buttemer also performed a qualitative evaluation of the risks associated with fuel loading and low power operation relative to those associated with full power operation. Mr. Buttemer considered both the likelihood of an accident sequence occurring and the potential consequences associated with such a sequence. Primarily because of the substantially lower core fission product inventories present at low power testing versus full power, and thus the much lower fission product decay heat levels, it was concluded that in the event of an accident, the lower decay heat results in very slow heat-up rates providing substantial time

for mitigative action. At 5% power, the core temperatures were much lower than at full power, the stored thermal energy of the core being about 5% of that of full power. These factors provide much greater thermal margins to the design limits, which are established based upon full power operation. (Buttemer, written testimony, pp. 5-6.)

24. Because of the low reactor power levels and short operating times planned in the low power test program, the fission product inventory within the core itself is a small fraction of that which would exist during normal operation. Short-lived fission product inventories would be about 1/20th of that which would occur during normal operation. The longer-lived fission product inventories would be less than 1/20th of that during normal operation. (Buttemer, written testimony, p. 5.)

25. Mr. Buttemer could not identify any factor peculier to low power testing that would increase the potential accident consequences relative to full power operation. (Buttemer, written testimony, p. 6.)

26. Mr. Buttemer concluded that the probability that an accident could be initiated during low power operation would be about the same as during full power operation. However, because of the slow accident progression, there is ample time for diagnostic and corrective operator action. For these reasons, it was concluded that the probability of accident sequences leading

to core melt would be lower than at full power operation. (Buttemer, written testimony, pp. 6-8.)

27. The probability and consequences of core melt accidents are smaller during low power testing than at full power and thus the risk to the public is lower at low power than at full power. (Buttemer, written testimony, p. 8.)

28. Mr. Buttemer's conclusions are set forth in Figure DRB-A, "Summary of Accident Analyses - SONGS Unit 2 Low Power Testing Program". That summary indicates that potential accident sequences would progress sufficiently slowly to allow taking effective action to prevent serious accidents or to take offsite protective actions. More specifically, the shortest period of time from accident initistion to the time when excessive core temperatures would be reached is some 22 hours for a large LOCA. The amount of water makeup required to prevent such excessive temperatures would be 2.2 gallons per minute. The other accident sequences provide longer times to excessive core temperatures and smaller water make-up requirements. (Buttemer, written testimony, Figure DRB-A.)

29. Even in the event that the core should heat past the initial degredation temperature of 1,560°F and no subsequent corrective action is taken, under the worst case, there would be an additional 17 hours before sufficent hydrogen is generated to the level where it could result in extensive burning. This would give a total of about 40 hours

after the accident is initiated, to hydrogen burn, which may still not result in jeopardizing the structural integrity of the containment. (Buttemer, written testimony, pp. 11-12.)

30. NRC Staff witnesses G. Norman Lauben and Dr. Patrick D. O'Reilly testified concerning the significant events which could occur at San Onofre Unit 2 which could potentially affect public health and safety associated with low power testing. (Lauben and O'Reilly, written testimony, p. 2.)

31. The NRC Staff analysis concluded that based on results of the keactor Safety Study (Wash 1400), the dominant events for a PWR such as San Onofre are (1) small break LOCAS with loss of the emergency core cooling system, and (2) transients involving total loss of feedwater. (Lauben and O'Reilly, written testimony, p. 2.)

32. The NRC Staff analysis estimated that there would be an overall reduction in risk to the public at 5% power as compared to continuous full power of a factor of 500 to 10,000. This conclusion was arrived at as a result of an evaluation of the probability of an event occurring given the extended period of time a reactor operator would have to correct any loss of important safety systems and the reduced fission product inventory for operation of an initially unirradiated core at 5% power for a period of six months. Additionally, given the short period of time during which low power operation would take place, there was a further risk

reduction by a factor of about 2 and it was therefore concluded that the public risk due to fuel loading and the proposed low power test program is less than the public risk due to full power long-term operation by a factor of about 1,000 to 20,000. (Lauben and O'Reilly, written testimony, pp. 3-4.)

33. A bounding calculation was performed for a large-break LOCA. In this analysis, with no pumped ECCS, it was determined that the period of time before significant metal water reaction would occur would be at least 15 hours. (This also assumes 180 days prior operation. (TR. 11,335)) This is a miniumum period of time available for remedial action even for this highly unlikely event -- a large-break LOCA coupled with ECCS failure. (Lauben and O'Reilly, written testimony, p. 6.)

34. The NRC Staff and Applicant analyses are compatible. The separate approaches reached comparable results. This is reflected in the NRC Staff witnesses' testimony that their analysis would, in effect, add another data point to the Applicants' large LOCA analysis that would show 15 hours to the time when significant core damage begins, assuming 180 days of prior low power operation. (TR. 11,325.)

35. With respect to more credible smaller breaks, the period of time prior to severe core damage was increased. The time available at low power for the operator

to take corrective action is more than 20 hours in the event of a small LOCA. (Lauben and O'Reilly, written testimony, pp. 6-7.)

36. It was concluded that the probability of a small LOCA resulting in excessive fuel damage and significant radiological release is reduced by a factor of 400 to 8,000 for low power operation as compared to operation at full power. (Lauben and O'Reilly, written testimony, p. 7.)

37. The overall conclusion was that a period of at least 20 hours is available to take corrective action to mitigate or terminate the most likely scenarios which could affect public risk during low power testing. For some sequences of concern at full power, no action would be required during low power operation to prevent public risk. Under these conditions, the risk is so small that there is virtually no need for a qualified emergency plan. (Lauben and O'Reilly, written testimony, p. 9.)

38. David F. Pilmer testified for Applicants that based on the limited potential for offsite consequences, the current state of emergency preparedness at SONGS Unit 2 is adequate to protect the public health and safety during fuel load and low power testing. (Pilmer, written testimony, p. 1.)

39. The on-site emergency plan for SONGS Units 2 & 3 (Exhibit Number 51) will be in effect prior to first fuel loading activities. The key emergency response personnel

will be in position in the event of emergency activity. (Pilmer, written testimony, p. 2.)

40. SCE's emergency response capability has been inspected by the NRC staff and with respect to Unit 1, has been found to be in compliance with NRC requirements. Such compliance is reflected in Applicants' Exhibit Number 162 (DFP-6) "Letter of July 10, 1981 from NRC, Region V to Southern California Edison Company". This inspection and compliance shows that the key on-site management, supervisory and senior technical personnel that would make up a large portion of the on-site emergency response capability are in place for SONGS Unit 2. (TR. 11,252.)

41. Given the short period of time during which the reactor will be critical and the very low levels at which it will be operating, there cannot exist a set of conditions that could constitute a General Emergency as defined by Section 4.1.4. of the Laergency Plan during the period of these activities. The planning to deal with accidents classified as "site emergency" or less will be in effect for the 14-week period during fuel loading and low power physics testing. (Pilmer, written testimony, p.4.)

42. During the final two weeks of low power testing, it is possible, although highly improbable that a Class 9 accident sequence could occur. Because of the long time period required to develop such a Class 9 accident sequence, rapid notification and response on the part of

offsite agencies is unnecessary. What is necessary, is the means to communicate with offsite authorities in the event an accident may produce offsite consequences. Because of the length of time available should an accident occur during low power testing, offsite authorities for SONGS would be well able to carry out any recommended protective actions without additional detailed procedures or special training in a manner that would adequately protect the public health and safety. (Pilmer, written testimony, pp. 5-7.)

43. The position of the Federal Emergency Management Agency was set forth through the testimony of Mr. Kenneth Nauman and Staff Exhibit No. 13. (TR. 11,305 -11,308.)

44. Mr. Nauman testified that the Federal Emergency Management Agency considered offsite preparedness at SONGS 2 adequate to protect the public health and safety during fuel loading and low power testing. This position also is reflected in Staff Exhibit No. 13 which relies on the fact that the State of California Nuclear Power Prior Emergency Response Plan has previously received NRC concurrence. (TR. 11,304-11,305.)

45. NRC Staff witnesses Brian Grimes and John Sears also testified that, as set forth in Staff Exhibit No. 13 and Exhibits A and B to the prepared testimony of John R. Sears, with respect to the state of emergency preparedness for SONGS 2, it meets the NRC Staff criteria for low power

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licenses. (TR. 11,340, et seq.)

46. Mr. Grimes testified that the NRC and FEMA criteria for low power operation have been mutually agreed upon and include a qualitative assessment of the risk from low power operation. The NRC Staff has taken note of the fact that there has been substantial effort and preparedness put into place at the San Onofre site in conformity with upgraded NRC Staff requirements as set forth in NUREG 0654. Given this offsite capability in conjunction with the onsite emergency capability, it is the NRC Staff's position that fuel loading and low-power testing at SONGS 2 does not present an unreasonable risk to the public health and safety. (TR. 11,342-11,343.)

47. The NRC Staff reviewed Applicants' state of emergency preparedness under the criteria of NUREG 0654. This review was generally limited to the state of onsite emergency preparedness. The NRC Staff's review is documented in § 13.3 of the Safety Evaluation Report related to the operation of San Onofre Nuclear Generating Station Units 2 and 3, NUREG 0712, February 6, 1981 (NRC Staff Exhibit No. 1); § 22 of the Supplement No. 1 to the SER, NUREG 0712, dated February 25, 2982 (Staff Exhibit No. 2), and Supplement No. 3 to the Safety Evaluation Report, NUREG 0712, dated September, 1981 (NRC Staff Exhibit No. 12). The NRC Staff conclusion is that Applicants have achieved an acceptable state of emergency preparedness onsite which meets the

requirements of the Commissions' regulations and conforms to the guidance contained in NUREG 0654, Revision 1. (Sears, written testimony, pp. 3-4.) e

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48. The current FEMA-NRC emergency preparedness criteria for low power testing is that the public health and safety is adequately protected if the facility is located in a state which has received a concurrence under the previous voluntary concurrence program administered by the NRC and based on evaluation by a multi-agency federal regional advisory committee and if the operator plans are consistent with NRC Regulatory Guide 1.101, Revision 1, March, 1977 and the requirements of 10 C.F.R. Part 50, Appendix E, December 24, 1970, as amended January 11. 1973 (old Appendix E). (Sears, written testimony, p. 5.)

49. The rationale for a lower level of emergency preparedness for a low power testing is that a more stringent emergency preparedness criteria is not required due to the reduced risks associated with low power testing. This is reflected in the extended time period that would be necessary to heat the ruel to the melting point given even an extended power operation at 5% of full power. Given this extended time period, plus the fact that the core fission product inventory is small as a result of low power testing, it has been determined that a lesser degree of emergency preparedness is sufficient for low power testing. (Sears, written testimony, pp. 5-6.)

50. NRC Staff confirmed the testimony of Mr. Nauman to the effect that Applicants meet and exceed the current criteria adopted by FEMA and the NRC Staff for low power testing. (Sears, written testimony, p. 6.)

# IV.

## CONCLUSIONS OF FACT

51. Operation of SONGS 2 for fuel loading and low power testing as set forth in Applicants Exhibit 160 (RMR-1) "Low Power Testing" will pose significantly less risk to the public health and safety than full power operation.

52. Analyses of postulated accidents at low power operation demonstrate that even in the event of the most severe postulated accident, even assuming 180 days prior low power operation, at least 15 hours would be available for corrective diagnostic and mitigation measures before core damage would occur. For the more probable events, approximately 20 hours would be available before core damage would occur.

53. Because of the low power levels and short duration of irradiation of the core, the fission product inventory in low power operation is significantly smaller than during full power operation.

54. For all the above reasons, it is concluded that the fuel loading and low power testing program proposed by Applicants will result in much lower risks to the public

health and safety than full power operation.

55. Onsite emergency preparedness at SONGS 2 meets current NRC criteria as set forth in NUREG 0654 (Revision 1). Such onsite emergency preparedness is adequate to protect the public health and safety during fuel loading and low power testing. Additionally, the record developed in this proceeding amply demonstrates that the state of offsite preparedness is such that given the time periods necessary for development of an accident at low power, adequate measures can be taken to protect the public health and safety in the unlikely event of a severe accident.

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# CONCLUSIONS OF LAW

56. The Board has considered both the oral and documentary evidence submitted in support of the "Alternative Motion of Applicants Southern California Edison Company, <u>et</u> <u>al</u>. for an Operating License for Fuel Loading and Low Power Testing". Additionally, the Board has considered the entire record of this proceeding and, based on the foregoing Findings and Conclusions of Fact, determines as follows:

 There is a reasonable assurance that the activities authorized within a fuel loading and low power testing (up to 5%) license can be conducted without endangering the public health and safety,

2. Such activities will be conducted in

compliance with the Commission's Regulations, and

3. The issuance of a fuel loading and low power testing license will not be inimical to the health and safety of the public.

Dated: October 12, 1981.

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Respectfully submitted,

DAVID R. PIGOTT EDWARD B. ROGIN SAMUEL B. CASEY JOHN A. MENDEZ Of ORRICK, HERRINGTON & SUTCLIFFE A Professional Corporation

CHARLES R. KOCHER JAMES A. BEOLETTO SOUTHERN CALIFORNIA EDISON COMPANY

Attorneys for Applicants SOUTHERN CALIFORNIA EDISON COMFANY and SAN DIEGO GAS & ELECTRIC COMPANY

By

BAVID R. PIGOTT

David R. Pigott One of Counsel for Applicants

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## NUCLEAR REGULATORY COMMISSION

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In the Matter of

SOUTHERN CALIFORNIA EDISON COMPANY, ET AL. Docket Nos. 50-361 OL 50-362 OL

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

## [PROPOSED] ORDER GRANTING OPERATING LICENSE FOR FUEL LOADING AND LOW POWER TESTING

IT IS HEREBY ORDERED, pursuant to the Atomic Energy Act of 1954, and U.S. Nuclear Regulatory Commission regulations, and based on the findings and conclusions set forth herein, that pursuant to 10 C.F.R. § 50.57(c) the Director of Nuclear Reactor Regulation is authorized to issue to Applicants Southern California Edison Company, San Diego Gas & Electric Company, City of Anaheim, California, and City of Kiverside, California, upon favorable determination of the matters set forth in 10 C.F.R. § 50.57(a)(1), (21, (4), (5) and that part of (6) relating to the common defense and security, a license authorizing fuel loading and low power testing (169.5 megawatts thermal).

IT IS FURTHER ORDERED that pursuant to 10 C.F.R. § 2.764, this Order is effective as of the date issued subject to review pursuant to the Commission's regulations.

ATOMIC SAFETY AND LICENSING BOARD

James L. Kelley Chairman

Dr. Cadet Hand, Jr.

Mrs. Elizabeth B. Johnson

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Dated at \_\_\_\_\_,

this day of November, 1981.

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#### PROOF OF SERVICE BY MAIL

I declare that:

I am employed in the City and County of San Francisco, California.

I am over the age of eighteen years and not a party to the within entitled action; my business address is 600 Montgomery Street, 11th Floor, San Francisco, California 94111.

On October 12, 1981, I served the attached APPLICANTS PROPOSED FINDINGS OF FACT AND CONCLUSIONS OF LAW ON ALTERNATIVE MOTION FOR AN OPERATING LICENSE FOR FUEL LOADING AND LOW POWER TESTING in said cause, by placing a true copy thereof enclosed in the United States mail at San Francisco, California, addressed as follows: (except where indicated by \*)

> James L. Kelley, Chairman Administrative Judge Atomic Safety and Licensing Board U.S. Nuclear Regulatory Commission Washington, D.C. 20555

Dr. Cadet H. Hand, Jr. Administrative Judge c/o Bodega Marine Laboratory University of California P.O. Box 247 Bodega Bay, California 94923

Mrs. Elizabeth B. Johnson Administrative Judge Oak Ridge National Laboratory P.O. Box X, Building 3500 Oak Ridge, Tennessee 37830 Lavid W. Gilman Robert G. Lacy San Diego Gas & Electric Company P.O. Box 1831 San Diego, California 92112

Robert Dietch, Vice President Southern California Edison Company P.O. Box 800 2244 Walnut Grove Avenue Rosemezd, California 91770

Alan R. Watts, Esq. Rourke & Woodruff California First Bank Building 10555 Forth Main Street Santa Ana, California 92701

\* Lawrence J. Chandler, Esq. Richard K. Hoefling, Esq. Donald F. Hassell, Esq. Nuclear Regulatory Commission Office of the Executive Legal Director Washington, D.C. 20555

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

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

Mrs. Lyn Harris Hicks G U A R D 3908 Calle Ariana San Clemente, California 92801

James F. Davis State Geologist Division of Mines and Geology 1416 Ninth Street, Room 1341 Sacramento, California 95814

 Richard J. Wharton, Esq. University of San Diego School of Law Alcala Park San Diego, California 92110 Phyllis M. Gallagher, Esq. 1695 W. Crescent Avenue, Suite 222 Anaheim, California 92801

Atomic Safety and Licensing Board 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

Richard K. Hoefling, Esq. U.S. Nuclear Regulatory Commission Office of the Executive Legal Director Washington, D.C. 20555

\* Charles E. McClung, Jr., Esq. 23501 Paseo de Valencia, Suite 308 Laguna Hills, California 92653

MAYID R. PIGOTT

DAVID R. PIGOTT One of Counsel for Applicants SOUTHERN CALIFORNIA EDISON COMPANY and SAN DIEGO GAS & ELECTRIC CO.

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