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CHARLES E. McCLUNG, JR.
FLEMING, ANDERSON, McCLUNG & FINCH
24012 Calle de la Plata, Suite 330
Laguna Hills, CA 92653
(714) 768-3601

Attorney for Guard, Carstens,
et al.

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MAY 24 1982

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

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

INTERVENORS'S COMMENTS WITH RESPECT TO THE
IMMEDIATE EFFECTIVENESS OF LICENSING BOARD'S
INITIAL DECISION DATED MAY 14, 1982

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TO THE HONORABLE COMMISSIONERS, THE NUCLEAR REGULATORY COMMISSION:

Intervenors Guard and Carstens, et al. hereby submit their
comments with respect to the immediate effectiveness of the Atomic
Safety and Licensing Board's ("ASLB") Initial Decision dated May
14, 1982 ("ID"), pursuant to 10 CFR Section 2.764(f) and order
of the Licensing Board. (ID at 220).

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1 ning exists in those areas, but the record is clear that there is
2 no capability to notify that area of an emergency because
3 the Applicants' siren system was not extended to that area. Ac-
4 cordingly a population of some 30,000 people (approximately one-
5 fourth of the entire population of the plume exposure pathway
6 EPZ) cannot be notified within 15 minutes as required by the NRC
7 regulations. There is currently no way people can be notified
8 except through the use of bullhorns from police cars and heli-
9 copters. But as the record shows, such emergency vehicles will be
10 used for evacuation purposes and it will be impossible to commit
11 the resources necessary to notify some 30,000 people in the event
12 of an emergency.

13 The ASLB deems this a minor inconvenience because of the low
14 probability of accident in the first six months of operation at
15 full power. Intervenors believe that there is no reason why
16 during the period of low power testing or at operation of the
17 plant below 5% rated capacity these measures cannot be taken and
18 therefore would strongly oppose the granting of an effective full
19 power license until that time.

20 The ASLB's discussion of the probability of an accident in
21 the first six months is beside the point. Emergency planning is
22 based on the assumption of an accident. The question is how to
23 best minimize risk to the public in that event. Obviously, for
24 any increment of time the risk of accident which is already at
25 low probability over the lifetime of the plant becomes even
26 lower. But as the ASLB points out, this line of reasoning reductio
27 ad absurdum, would allow any and all deficiencies in the plants
28 to be merely pointed out by the ASLB and then corrected by NRC

1 staff enforcement over the lifetime of the plant. Intervenors
2 believe in light of the Three-Mile Island accident and the emer-
3 gency planning regulations adopted in response thereto that the
4 full power license should be conditioned upon compliance with
5 this important public notification requirement. Additionally the
6 ASLB has retained jurisdiction over the issue of whether or not
7 the sirens themselves are an adequate warning device. The ASLB
8 has solicited comments in its Order dated May 14, 1982 in re-
9 sponse to a letter from the Mayor of San Clemente which is at-
10 tached hereto as Exhibit "A".

12 II

13 THE ASLB HAS FOUND THAT THERE IS NO PLANNING
14 FOR EMERGENCY MEDICAL AND HEALTH CARE IN THE
15 EVENT OF RADIOLOGICAL EMERGENCY FOR THE GENERAL
16 PUBLIC, ACCORDINGLY THE LICENSE SHOULD NOT
17 BECOME EFFECTIVE UNTIL THERE IS A FINDING OF
18 ADEQUACY IN THAT REGARD.

19 The Board correctly ruled in a well-reasoned opinion that
20 off-site medical planning is required by the emergency planning
21 regulations. This was over objection of the Applicants and Staff
22 who asserted that no off-site planning is necessary for the general
23 public. Despite this finding and the ASLB's decision to retain
24 jurisdiction in this area, the Board deems it appropriate to allow
25 six months of full power operation at a minimum for the Applicants
26 to correct the deficiencies in this regard.

27 Once again Intervenors contend that these deficiencies
28 have long been known by the Applicants (since the initial
FEMA findings in this regard (Intervenors Exhibit No. 15)). It
is important in the surrounding communities to promote public

1 faith and trust in the NRC procedures and regulations. This can
2 be done by implementing the regulations before the license is
3 granted, not subject to some review post hoc, which the public
4 is bound to perceive as a rubber stamp. The Commission should
5 give the public the benefit of the doubt in what is inherently
6 a cost benefit analysis.

8 III

9 THE LICENSING BOARD FOUND SIGNIFICANT
10 DEFICIENCIES IN THE OFF-SITE JURISDICTION'S
11 CAPABILITY TO MONITOR AND ASSESS RADIOLOGICAL
12 EMERGENCY AND THEIR TRAINING IN THESE CAPA-
CITIES, ACCORDINGLY THE LICENSE SHOULD NOT
BECOME EFFECTIVE UNTIL THERE IS A FINDING
OF ADEQUACY IN THESE AREAS.

13 One of the Intervenor's strongest objections to the planning
14 and implementation capability of the principal response organiza-
15 tion in the San Onofre area is their lack of capability to
16 monitor and assess radiation releases, i.e. to understand a
17 radiological emergency and hence to implement effective actions
18 in a given emergency. There is testimony in the record by
19 witnesses of Intervenors and by all the FEMA documents beginning
20 with the Interim Findings (Intervenors' Exhibit #15) through
21 the updated evaluation of November 1981 which indicates that the
22 off-site organizations cannot take on this task. This is com-
23 pounded by a lack of adequate training in this regard.

24 Intervenors strongly maintain that in this crucial area,
25 the decision makers should not be forced to rely completely on
26 the expertise and decisions of the utility which are traditionally
27 quite conservative in the area of taking protective actions.
28 The experience of the Three Mile Island accident as documented

1 months to a year where the regulations clearly, as the Board has
2 determined, have not been met in crucial areas.

3 Technically the ongoing operation of Unit 1 is not relevant
4 to this proceeding. It should not, however, be ignored from the
5 Commission's standpoint on immediate effectiveness review. The
6 Unit 1 is a serious health hazard. The emergency plans
7 regarding off-site jurisdictions are the same for Unit 1 and Units
8 2 and 3. Accordingly it is in the public's best interest to have
9 those plans made adequate as soon as possible and having the
10 full power license stayed until corrective actions are proven is
11 an important tool in that regard.

12
13 CONCLUSION

14 The Intervenors respectfully submit that the ASLB's Initial
15 Decision dated May 14, 1982 should not be given immediate effec-
16 tiveness and that the deficiencies noted therein concerning such
17 crucial areas as size of the emergency planning zone, notifica-
18 tion of the public in the event of an emergency, the planning for
19 health care problems that may occur in the general public during
20 a radiological emergency, the capacity of the off-site juris-
21 dictions to monitor and assess and to take corrective actions in
22 the event of an emergency, viz the essence of emergency planning,
23 are inadequate. The Intervenors respectfully submit that if the
24 regulations are to be anything but precatory desires that they
25 should be treated no differently than the technical design speci-

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1 fications and that where there is a deficiency there should not be
2 a license until it is corrected.

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Respectfully submitted,
FLEMING, ANDERSON, McCLUNG & FINCH
By Charles E. McClung, Jr.



CITY OF SAN CLEMENTE

April 26, 1982

82 MAY -3 P3:45

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Nuclear Regulatory Commission
Washington, D.C. 20555

Gentlemen

This letter is directed to you in reference to the licensing of San Onofre Nuclear Generating Station Units 2 and 3, Docket No. 50-361, 50-362. We are requesting that this correspondence be made part of the official record of all agencies involved in the evaluation of licensing criteria for the nuclear power plant. Several months ago, we completed the installation of a number of sirens in our community in order to comply with a Nuclear Regulatory Commission requirement for notification, alerting, and warning of the public within fifteen minutes. The sirens have been tested and evaluated by both Southern California Edison Company and the city staff. In a resolution adopted on March 18, 1982, the City Council found the present siren system inadequate to meet the fifteen-minute criterion. Both the Edison Company and city staff reports indicate that a single warning system does not provide adequate coverage to the area.

Throughout our discussions with the utility company regarding the installation of siren equipment, the City took the position that the alert warning system must be multi-channeled in order to overcome the problems created by every day ambient noise conditions. Early on in our discussions, we requested the use of a NOAA-type radio system which is an early warning weather system used in the southern part of the country at two or three nuclear plant facilities. At that time we were informed by the utility company that the NRC would not allow that system. Subsequently, communications established the fact that this is not true; the NOAA-type system is allowed by NRC.

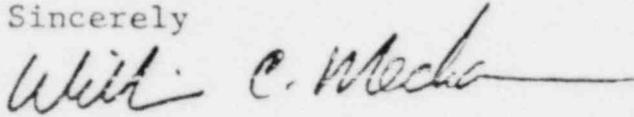
Another alternative proposed by staff is the installation of a cablevision override system. This system allows emergency service personnel to transmit an alert and warning message over all television channels simultaneously. We believe this system would resolve a lot of the problems associated with people who claim they were not able to hear the sirens over their televisions.

82-5010152

NRC
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April 26, 1982

We have been entirely unsuccessful in getting the utility company to comply with our request. The City Council of the city of San Clemente is, therefore, requesting that your agency address the issue of an adequate alert and warning system for the public within the ten-mile Emergency Planning Zone around the San Onofre Nuclear Generating Station prior to issuing the final license for Units 2 and 3 of that facility.

Sincerely



William C. Mecham
Mayor

WCM:ME

xc Southern California Edison Company
Supervisor Thomas F. Riley
Congressman Robert E. Badham
Assemblywoman Marian Bergeson

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

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

CERTIFICATE OF SERVICE

I hereby certify that copies of Intervenor's Comments with Respect to the Immediate Effectiveness of Licensing Board's Initial Decision Dated May 14, 1982, dated May 21, 1982, in the above captioned proceeding, have been served on the following by deposit in the United States first-class mail, or as indicated by an asterisk by Express Mail this 21st day of May, 1982.

Stephen F. Eilperin, Esq.
Chairman, Atomic Safety and
Licensing Appeal Board
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

James L. Kelley, Esq., 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

Dr. Reginald L. Gotchy
Atomic Safety and Licensing
Appeal Board
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

* Nunzio J. Palladino, Chairman
and fellow Commissioners of
Nuclear Regulatory Commission
Washington, D.C. 20555

David R. Pigott, Esq.
Samuel B. Casey, Esq.
John A. Mendez, Esq.
Edward B. Rogin, Esq.
of Orrick, Herrington & Sutcliffe
A Professional Corporation
600 Montgomery Street
San Francisco, California 94111

Alan R. Watts, Esq.
Daniel K. Spradlin
Rourke & Woodruff
1055 North Main Street, #1020
Santa Ana, California 92701

Dr. W. Reed Johnson
Atomic Safety and Licensing
Appeal Board
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Mrs. Elizabeth B. Johnson,
Administrative Judge
Oak Ridge National Laboratory
P. O. Box X, Building 3500
Oak Ridge, Tennessee 37830

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

Charles R. Kocher, Esq.
James A. Beoletto, Esq.
Southern California Edison Company
4244 Walnut Grove Avenue
Rosemead, California 91770

Gary D. Cotton
Louis Bernath
San Diego Gas & Electric Company
P. O. Box 1831, 101 Ash Street
San Diego, California 92112

Phyllis M. Gallagher, Esq.
1695 West Crescent Avenue
Suite 222
Anaheim, California 92701

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

Richard J. Wharton, Esq.
University of San Diego
School of Law Alcalá Park
San Diego, California 92110

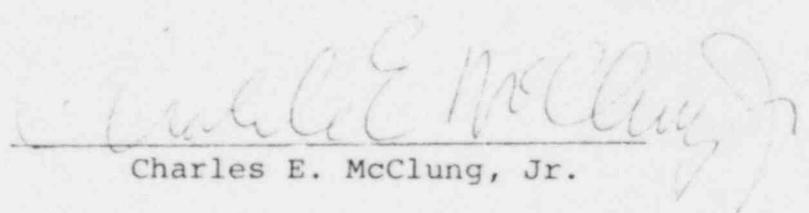
Mrs. Lyn Harris Hicks
GUARD
3908 Calle Ariana
San Clemente, California 92672

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

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

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

Secretary
U. S. Nuclear Regulatory Comm.
Attn: Chief, Docketing &
Service Branch
Washington, D. C. 20555


Charles E. McClung, Jr.