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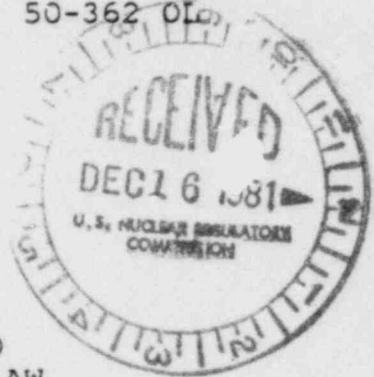
UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION
BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

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OFFICE OF SECRETARY
REGULATORY & SERVICE
BRANCH

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

Docket Nos. 50-361 OL
50-362 OL



APPLICANTS' RESPONSE TO THE PROPOSED
FINDINGS OF FACT AND CONCLUSIONS OF LAW
ON EMERGENCY PLANNING AND PREPAREDNESS ISSUES
SUBMITTED BY INTERVENORS AND THE NRC STAFF.

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Dated: December 10, 1981.

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I.

INTRODUCTION

On November 9, 1981, Applicants Southern California Edison Company ("SCE"), San Diego Gas & Electric Company, and

the Cities of Anaheim and Riverside, California (collectively "Applicants") served their proposed findings of fact and conclusions of law on emergency planning and preparedness issues ("Applicants' Findings"). On or about November 24, 1981, Intervenors GUARD and Carstens, et al. (collectively "Intervenors") served "Intervenors' Proposed Findings of Fact on Emergency Planning and Preparedness Issues" ("Intervenors' Findings"). On or about December 3, 1981, the NRC Staff served the "NRC Staff's Proposed Findings of Fact and Conclusions of Law on the Issue of Emergency Preparedness in the Form of a Proposed Initial Decision" (the "Staff's Findings").

Pursuant to 10 C.F.R. § 2.754(a)(3) and the stipulation of the parties confirmed by Order of the Atomic Safety and Licensing Board ("Board"), Applicants hereby submit their response to Intervenors' Findings and the Staff's Findings. (Tr. 11357-11359.)

II.

ARGUMENT

The Staff's Findings are in all pertinent respects consistent with the position set forth in Applicants' Findings. Most significantly, in the areas of medical arrangements, evacuation time estimates, siren coverage, and the appropriateness of the Plume EPZ determination, which were of particular concern to the Board, the NRC Staff positions fully support the Applicants' positions.

(Applicants' Findings, FF. 79-98, 291-320, 348-364, 443-454; Staff's Findings, FF. 82-83, 133-134, 190-200, 209-210, 337; see Parts II.B.1.c, B.2, B.7 and B.11 infra.)

Intervenors' Findings are in all critical respects unsupported by substantial evidence in the record. Rather than engaging in a lengthy paragraph by paragraph rebuttal to each finding proposed by Intervenors, Applicants have set forth below the principal reasons the Board should reject the Intervenors' Findings, including the proposed license conditions, in favor of the position set forth in Applicants' Findings and the Staff's Findings.^{1/}

^{1/} Neither the Intervenors' Findings nor the Staff's Findings address the updated FEMA findings served on the Board and the parties under cover of the NRC Staff's motion to supplement the record, dated December 2, 1981. Applicants are of the view that the updated FEMA findings generally support the position set forth in Applicants' Findings and the Staff's Findings and do not present any cause to reopen the record. (See Board Order, October 6, 1981; Board Statement, Tr. 11362.) The corrective actions identified in the updated FEMA findings are exclusively concerned with details of implementation that are currently being accomplished and do not raise any issues not fully resolved in Applicants' Findings and the Staff's Findings. There is reasonable assurance in the record that these corrective actions will be completed prior to full power operation of SONGS 2. (Applicants' Findings, FF. 465-480; Staff's Findings, FF. 81, 84, 158, 204, 258, 281, 294, 345, 347-351.) Applicants agree that the NRC Staff is fully able to assure that these corrective actions are accomplished so that there is reasonable assurance that adequate protective measures can and will be taken in the event of a radiological emergency. (Staff's Findings, FF. 349.) Applicants do not believe further commentary is required at this time, but reserve the right to file such supplemental evidence or findings regarding the updated FEMA findings as may be requested by the Board.

A.

INTERVENORS' RELIANCE ON THE FEMA
AND THE STATE OES REVIEW OF THE
OFFSITE EMERGENCY RESPONSE PLANS
IS MISPLACED.

Intervenors' Findings generally rely on the comments and criticisms resulting from an informal review of offsite radiological emergency plans by the Federal Emergency Management Agency ("FEMA") and the State of California Office of Emergency Services ("State OES"), which was completed by FEMA on or about April 27, 1981, and State OES on or about May 13, 1981. (Applicants' Findings, FF. 8, 24; Intervenors' Exhibits Nos. 13, 16-20 and 25.) Applicants consider such reliance totally misplaced for three basic reasons.

First, FEMA ultimately found that the plans reviewed by them and State OES were "minimally acceptable."^{2/} (Applicants' Findings, FF. 9, 30, 31, 460-462.) Second, many of the criticisms reported by FEMA and State OES resulted from the fact that FEMA and State OES limited their review to the radiological emergency plans and did not review the overall emergency planning for each involved jurisdiction. Nor did FEMA or State OES review existing standard operating procedures ("SOPs") to be used

^{2/} State OES never formally issued any conclusion regarding the overall acceptability of the offsite radiological emergency response plans reviewed by that office or the capability to implement those plans. (Reed, Tr. 10267.)

in implementing the radiological emergency plans.

(Applicants Findings, FF. 464; Nauman, Tr. 10869, 10574-10576; Reed, Tr. 10213-10214.) Third, it is particularly significant that the FEMA and State OES comments and criticisms do not purport to present a current review, but were as of April 27, 1981 and May 13, 1981 respectively. There is substantial evidence in the record that many of the FEMA and State OES criticisms were either unwarranted or insignificant. (Applicants' Finding, FF. 464.) The record also establishes that Applicants and the local emergency response organizations have or will take all of the necessary corrective actions to remedy the significant deficiencies in planning or implementation capability reported by FEMA or State OES prior to full power authorization for SONGS 2. (Applicants' Findings, FF. 465-480, see footnote 1 supra.) Intervenors' Findings do not attempt to rebut this evidence, they simply ignore it.

In view of this substantial evidence and the other factors listed above, Applicants submit as a general proposition that Intervenors' Findings which essentially rely on the informal comments and criticisms contained in Intervenors Exhibits Nos. 13, 16 through 20 and 25 should not be adopted in this proceeding.

In further support of this position, Applicants would note that Intervenors offered no evidence in this proceeding to rebut the current validity of FEMA's overall

finding that the offsite emergency response plans involved in this proceeding are "minimally acceptable." (Intervenors' Exhibit No. 15, p. 2) Lacking such evidence, this finding is entitled to the legal presumption that it is correct. 10 C.F.R. § 50.47(a)(2). This being the case, it must be recognized that the central focus of the case before the Board is not the adequacy of the planning involved, as mistakenly assumed by Intervenors, but whether based on all the evidence in the record there is reasonable assurance that at the time of full power operation for SONGS 2, the protective measures provided in the plans "can and will be taken in the event of a radiological emergency." 10 C.F.R. § 50.47(a)(1). As fully detailed in Applicants' Findings and the Staff's Findings, there is more than adequate evidence to support such an assurance.

B.

A CONTENTION-BY-CONTENTION ANALYSIS
REVEALS THAT INTERVENORS' FINDINGS
ARE UNSUPPORTED BY SUBSTANTIAL
EVIDENCE IN THE RECORD.

Once the unreliability of Intervenors' Findings is fully appreciated for the reasons discussed above, little remains to be said in response to Intervenors' Findings that has not already been exhaustively set forth in Applicants' Findings and the Staff's Findings. Nonetheless, Applicants are compelled to highlight particular points in the Intervenors Findings which should not be permitted to mislead

the Board. The following contention-by-contention analysis, in the order presented by Intervenor, reveals that the Intervenor's Findings in all critical respects are unsupported by the substantial evidence in the record.

1. CONTENTION No. 1 (Offsite Public Protective Action Capability).

Intervenor's Findings on Contention No. 1 focus on the procedures for choice of protective actions; the capability to take protective actions on behalf of handicapped, elderly or other groups requiring special transportation assistance; the adequacy of Applicants' evacuation time estimates; and the potential impact of future population growth on evacuation planning and time estimates.

Intervenor's Findings on each of these topics either misconstrue the substantial evidence in the record or ignore the pertinent legal standards.

a. Choice of Protective Actions.

Intervenor implies that "a range of protective actions and the basis for choosing between the various protective actions" has not been adequately established by Applicants and the involved offsite emergency response organizations. (Intervenor's Findings, FF. 1.) The only support cited for this unfounded proposition is Intervenor's Exhibits Nos. 13, 16 through 20 and 25. For the reasons discussed above, these exhibits cannot be accorded such weight by the Board. On the other hand, the Board may rely

on the substantial uncontroverted evidence in the record supporting the capabilities of Applicants and the involved offsite emergency response organization to choose between and implement the full range of protective actions, specifically evacuation, sheltering and thyroid prophylaxis. (Applicants' Findings, FF. 404, 423-459; Staff's Findings, FF. 40-45, 48-53, 58-69, 81-84.)

Applicants would emphasize that Applicants and the involved offsite emergency response organizations have adopted a standard emergency classification and action level system in conformance with NUREG-0654. (Applicants Findings, FF. 141, 142.) This system establishes the appropriate protective actions to be taken by the licensee and State and local offsite authorities on behalf of their personnel and the general public, under each emergency classification. (See NUREG-0654, Appendix 1.) A Manual, along with an initial and followup notification system, has been made available to the involved offsite authorities to assure that each emergency scenario is timely announced and properly understood by these authorities. (Applicants' Findings, FF. 151-153.) Training regarding the range of protective actions and the basis for choosing between these actions has been and will continue to be periodically provided to the involved onsite and offsite emergency response personnel. (Applicants' Findings, FF. 268-286, 480.) Under these circumstances, Applicants submit no substantial evidence

exists in the record to support the findings or the licensing condition proposed by Intervenors related to the adequacy of the existing procedures for implementing the full range of protective actions.

b. Handicapped, Elderly and Other Groups Requiring Special Transportation Assistance.

Intervenors also attack the substantial evidence in the record establishing the existence of plans and the capability to identify and take the full range of protective actions on behalf of handicapped, elderly and other groups requiring special transportation assistance. (Applicants' Findings, FF. 323, 325-338, 428, 435-442, 444, 449; Staff's Findings, FF. 51-53, 62, 66, 81, 82, 161-169, 172-175, 186.)

A "reasonable assurance" that the plans can be implemented at the time of full power operation is the standard to be applied by the Board in reviewing the evidence. (10 C.F.R. § 50.47(a)(1); see Applicants' Findings, FF. 5-7.) Such assurance is provided as regards persons requiring special assistance by the on-going public education program designed to identify and provide for all persons and institutions requiring special assistance (Applicants' Findings, FF. 325, 329, 332-338; Statement of Counsel (Mr. Pigott), Tr. 10126); by the availability of an adequate number of buses, special vehicles and ambulances to accomodate the maximum number of persons estimated to need such services (Applicants' Findings, FF. 428, 435-441); the existence of medical facilities at the relocation centers

operated by the Red Cross (Applicants' Findings, FF. 442, 444; Nash, Tr. 8423); and by the on-going program of required drills and exercises available to test and further improve, where necessary, the capability to render protective assistance to persons requiring special assistance. (Applicants' Findings, FF. 459; see 10 C.F.R., Part 50, Appendix E.IV.F.

Applicants would point out that while all necessary steps are being taken on behalf of handicapped persons and groups requiring public transportation assistance, the problem is not of the magnitude implied by the Intervenors. (Interventors' Findings, FF. 8-12.) Almost all persons have private transportation or access to private transportation (especially in emergency conditions). (Applicants' Findings, FF. 435; Brothers, Tr. 11086.) The limited number of persons who cannot or are unable to take such transportation, are easily identified and accommodated by the various transportation resources, including ambulances, already identified in the planning or otherwise available to the responsible local officials. (Applicants' Findings, FF. 436-437; Staff's Findings, FF. 51, 82.)

It should also be noted by the Board that each of the witnesses offered by Intervenors, who is involved in assisting handicapped and elderly persons, was committed to assisting Applicants and the involved local officials, as part of the public education program, in the proper

identification of all persons who may need special evacuation assistance. (Ditty, Tr. 9860-9862; Logue, Tr. 10093; Fleming, Tr. 10124; Staff's Findings, FF. 181-183.) Such commitment only provides additional assurance that the special needs of elderly and handicapped persons will continue to be known and adequately addressed in the planning process.

The Board should also reject Intervenors' unsupportable statements that there are "no plans in place at the Orange County Transportation District ["OCTD"]" and the "communication system" for the deployment of OCTD "buses" is deficient. (Intervenors' Findings, FF. 8). The OCTD emergency response plan is in the record. (Applicants Exhibit #53, Attachment 2; Staff's Findings, FF. 83.) All OCTD buses are radio-equipped, capable of receiving simultaneous emergency instructions and requesting emergency information from the OCTD dispatcher if necessary. (Goodwin, Tr. 9909, 9913-9914; Staff's Findings, FF. 122.)

Finally, Intervenors' Findings regarding radioprotective drugs may also be dismissed by the Board. (Intervenors' Findings, FF. 4-5.) There is substantial evidence in the record that such drugs can be administered to those persons requiring such drugs. (Applicants' Findings, FF. 457-458; Staff's Findings, FF. 73; see Part II.B.7, at p. infra.)

c. Evacuation Time Estimates.

Intervenors misconstrue the significance of mobilization time in the evacuation time estimates developed by Applicants. Contrary to Intervenors' assertion, there is no evidence in the record that "mobilization time" is the "crucial consideration" in the choice of protective actions. (Intervenors' Findings, FF. 13.) Nothing in the testimony cited by Intervenors in this regard supports Intervenors' position. (See Murri, Tr. 7926.) To the contrary, total evacuation time is the crucial consideration in determining whether evacuation or sheltering is the most appropriate protective measure. (Applicants' Findings, FF. 411.)

As explained by Mr. Brothers, the mobilization time that was used for the general population is conservative because it presumes that the population is going about daily routines and no efforts have been taken to prepare the household unit for the evacuation. Additionally, the mobilization time for the general population would have to be increased by at least an hour beyond the time assumed in the evacuation time estimate study to increase the overall evacuation time because the evacuation time is being controlled by queuing delays on Interstate 5 and the Pacific Coast Highway, not by the mobilization time. (Brothers, Tr. 7306, 7315-7316, 8114-8115, 8154-8155, 11091.) Intervenors can point to no evidence in the record which in any way impeaches the conservatism of the mobilization time

for the general population used in the study. (Compare Intervenor's Findings, FF. 36-37 with Brothers, Tr. 8108-8116, 8154-8155, 8220-8223; Applicants' Exhibit # 132, pp. 36-37, Figures 5 and 6.)

Intervenor's would also imply that the mobilization of persons requiring special assistance has not been properly considered by Applicants. (Intervenor's Findings, FF. 8-16.) To the contrary, entirely separate consideration has been given to the time it takes to mobilize public transportation and ambulance services for the maximum number of persons estimated to need such services, including the elderly, the handicapped, and school children. (Applicants' Findings, FF. 449.) This consideration involved the use of empirical data provided by local planning officials, rather than the conservative mobilization assumptions used for the general population. (Brothers, Tr. 7308-7309.) Intervenor's have cited no evidence in the record suggesting that this data is inaccurate or unreasonable. Substantial evidence in the record provides reasonable assurance that adequate planning and capability exists to evacuate the entire population, including handicapped, elderly, and school populations, within the time assumed in the estimates. (Applicants' Findings, FF. 423-454, 459; Staff's Findings, FF. 50-53, 56-58, 60-69, 81-83.)

Intervenor's imply that the capability to evacuate the population prior to radiation exposure in all conceivable

circumstances must be demonstrated as a licensing prerequisite. (Intervenors' Findings, FF. 23-25.) No such requirement is imposed by NRC Regulations. (Applicants' Findings, FF. 405.) Evacuation may not be advisable where the potential radiation dose does not reach threshold levels or can be better minimized by sheltering. (Applicants' Findings, FF. 411, 414-417. 455-456.) In any event, since all protective actions will be initiated well in advance of exposure to radiation doses considered to involve adverse health effects, there is reasonable assurance that the population will be evacuated or otherwise protected from significant radiation exposure. (Applicants' Findings, FF. 52-62.)

Intervenors' concerns regarding the time it takes to perform confirmation of an evacuation may also be disregarded by Board. (Intervenors' Findings, FF. 26-30.) It is generally recognized that confirmation time is not a factor in deciding whether an evacuation is feasible or adviseable. Accordingly, confirmation is a separate consideration not to be included in the time estimated to evacuation of an area. 3/

3/ See NUREG-CR-174, "Analysis of Techniques for Estimating Times for Emergency Planning Zones" (November, 1980), conducted by Texas Transportation Institute and the Battelle Human Affairs Center and Pacific Northwest Laboratory (the "Study"). The Study in pertinent part provides:

Footnote 3/ continued on next page.

Intervenors' concern regarding delays in protective action decision-making should not mislead the Board. The record clearly demonstrates that protective actions will be taken as a precautionary measure based on projected dose rates, not on actual information later obtained from field monitoring teams tracking the plume, as implied by Intervenors. (Compare Intervenors' Findings, FF. 33 with Applicants' Findings, FF. 219; Ray, Tr. 7847-7848; Barr, Tr. 7634.) Moreover, there is substantial evidence in the record that the decisions to take protective action during the May 13 exercise were appropriately considered and timely implemented. (Compare Intervenors' Findings, FF. 42 with Applicants' Findings, FF. 459; Murri, Tr. 7231-7235; Intervenors' Exhibit # 14, findings C.1.c., C.2.m., C.4.c.,

Footnote 3/ continued from previous page.

"[Evacuation time] components do not include confirmation time in the overall estimate of evacuation time.

.

"Confirmation time is not considered . . . primarily because it is not a factor in deciding whether evacuation is feasible or advisable."

(Study, pp. 3 and 15.) It is within the Board's discretion to take official notice of the Study since it was published by the Nuclear Regulatory Commission and constitutes "technical or scientific facts within the knowledge of the Commission as an expert body." 10 C.F.R. § 2.744 (i). It may be noted that the Texas Transportation Institute, the co-author of the Study, has reviewed and found Applicants evacuation time estimate study to be excellent in all respects. (Staff's Findings, FF. 41.)

C.5.b., C.6.i. and C.7.c.; Applicants' Exhibit # 110 (Exercise Log), and # 141 (Orange County Response to FEMA Exercise Evaluation). Further improvements in protective action decision-making capability based on the experience gained during the May 13 exercise are currently being implemented by all involved organizations through the Interjurisdictional Planning Committee. (Applicants' Findings FF. 465-480.)

Intervenors' concerns questioning the roadway capacity and population figures employed in the evacuation time estimate study may likewise be dismissed by the Board. (Intervenors' Findings, FF. 18-19, 39-40,.) Far from assuming "normal" conditions as stated by Intervenors (Intervenors' Findings, FF. 39), Applicants have assumed peak permanent and transient populations, reduced or disabled roadway capacities, and adverse weather conditions in performing their evacuation time estimates. (Applicants' Findings, FF. 451-452; Brothers, Tr. 11069-11075, 11079-11082.) The extremely conservative nature of these figures only suggest that a test of their validity, as demanded by Intervenors, would reveal the area can be evacuated in less time than estimated. (Applicants' Findings, FF. 452; Brothers, Tr. 11089-11092.) In any event, a test involving actual evacuation of the general public is not required by NRC Regulations. (See 10 C.F.R., Part 50, Appendix E.IV.F.1; Board Statement, Tr. 8154.)

In sum, the underlying fallacy in the Intervenor's Findings regarding evacuation time estimates is the refusal to recognize that such estimates are not required to be less than a specified time period. It is sufficient that the estimates provide decision-makers with an appropriately conservative basis for determining on a case-by-case basis whether an evacuation can be safely completed in advance of potential radiation exposure. (Applicants' Findings, FF. 445, 447; Staff's Findings, FF. 40.) Intervenor's have cited no evidence suggesting the estimates prepared by Applicants are not adequate for this purpose. Accordingly, Intervenor's Findings and proposed licensing conditions regarding evacuation time estimates should be rejected by the Board.

d. Future Population Growth.

Finally, Intervenor's have submitted a number of findings designed to speculate as to whether evacuation will remain a viable protective action in the years ahead given population growth and so-called "unique geographical constraints". (Intervenor's Findings, FF. 44.) Again, Intervenor's seek to mislead the Board as to the purpose of evacuation time estimates.

Such estimates are not intended to determine the long-term suitability of the site and its environs. Existing population and roadway information has been conservatively considered in these estimates. (Applicants' Findings,

FF. 446-454; Staff's Findings, FF. 83.) As changes occur, the required annual review of the plans assures that these estimates will be appropriately revised to reflect these changes. (See 10 C.F.R. § 350.54 (t) and Part 50, Appendix E.IV.F.) The findings and licensing condition proposed by Intervenors regarding the future accuracy of these currently accurate estimates are speculative and plainly irrelevant to Contention No. 1 and for these reasons should not be adopted by the Board.

2. CONTENTION No. 2F (Emergency Response and Augmentation Capability).

Intervenors do not appear to dispute the capability of SCE, the Counties, the USMC, the City of San Clemente, and the School District to respond to and augment this initial response on a continuous basis. (See Applicants' Findings, FF. 122, 123, 144; Staff's Findings, FF. 239, 242-246) Intervenors' only concern appears to be the capabilities of San Juan Capistrano and the State Parks in this regard. (Intervenors' Findings, FF. 56-57.)

Again the only support for these concerns are Intervenors' Exhibits 13, 19 and 25 which, as explained above, should not be relied upon by the Board. Intervenors' alternative reliance upon the FEMA Exercise Evaluation (Intervenor's Exhibit #14) in support of these concerns is equally misplaced in view of the conclusions contained in that evaluation that both San Juan Capistrano and the State Parks had demonstrated an adequate response capability

commensurate with their assigned responsibilities.

(Applicants' Findings, FF. 122, 123, 125, 132; Intervenor's Exhibit #14, pp. 2-26, 2-35.)

In any event, Intervenor's Findings in this regard should be rejected in view of the substantial uncontroverted evidence that the City of San Juan Capistrano and the State Parks have or have access to the necessary capability to respond and to augment their initial response in the event of a radiological emergency. (Applicants' Findings, FF. 121-123, 132; Staff's Findings, FF. 93, 94, 107, 110, 238, 240, 249.)

Intervenor's Findings regarding the "capability of principal response organization to coordinate both initial and continuing responses" is somewhat confusing insofar as "coordination" is not an issue under Contention 2F. In any event, there is substantial evidence in the record demonstrating that all involved offsite response organizations can adequately coordinate their response activities and, through the Interjurisdictional Planning Committee, are currently taking steps to further improve this coordination capability. (Applicants' Findings, FF. 157-175, 190-196, 198-210, 426-427, 467-468, 475 and 479; Staff's Findings, FF. 51, 212-226.) Intervenor's further unsupported suggestion that a "new exercise" testing this overall coordination ability is required as a licensing prerequisite is directly contrary to FEMA's position and is not necessary

to protect the public health and safety in view of the annual program of drills and exercise already required to test this capability. (Applicants Exhibit #146, p. 1; Applicants' Finding, FF. 209; see 10 C.F.R., Part 50, Appendix E.IV.F.)

3. CONTENTION No. 2A (Emergency Response Organization Notification and Continuous Communication Capacity).

Intervenors' Findings on Contention 2A are fatally defective due to their almost exclusive reliance on Intervenors' Exhibits 13, 16-20 and 25, which as stated above should not be relied upon by the Board. Moreover, these findings provide a good example of Intervenors inability to recognize the substantial evidence in the record which defeat their proposed findings.

Contrary to Intervenors' assertions, there is substantial evidence in the record that SCE is capable of notifying and alerting the City of San Juan Capistrano and the State Parks on a 24-hour basis. (Compare Intervenors' Findings, FF. 67-68, 71 with Applicants' Findings, FF. 122, 144; Staff's Findings, FF. 93-96, 107, 110.)

Intervenors apparently concede that SCE, San Diego and Orange Counties have a program for "periodic testing of emergency communications", but then imply that San Clemente, San Juan Capistrano and State Parks do not maintain such a program. (Intervenors' Findings, FF. 70.) Such implication is nonsensical in view of the fact that Applicants and the Counties cannot test the communication system without involving these other jurisdictions in the process.

(Applicants' Findings, FF. 176-178.) In any event, there is substantial evidence in the record that these jurisdictions do periodically test their respective emergency communication systems. (Ferguson, Tr. 8688; Stowe, Tr. 8492.)

The balance of Intervenor's Findings on this contention reiterate the various State OES or FEMA recommendations, which for the most part are currently being implemented, in support of the unfounded conclusion that the involved offsite emergency response organizations' ability to communicate is "very weak [sic]". (Intervenor's Findings, FF. 73-81.) In view of the overwhelming evidence in the record to the contrary, as well as the substantial evidence of the corrective actions currently being taken to further improve offsite communications, Applicants submit Intervenor's Findings in this regard must be rejected. (Applicants' Findings, FF. 135-210, 369-380, 467, 475; Staff's Findings, FF. 85-127, 138-143, 216-224, 226, 275-279, 281.)

4. CONTENTION No. 2B (Emergency Public Alert and Notification System).

There is no dispute concerning the intended or the actual coverage of the sirens constituting the prompt public alerting system. The sirens are intended to cover the area within approximately 10-miles of the SONGS which constitutes

the Plume EPZ.^{4/} They are not relied upon as the primary means of initial notification in the additional areas included within the Extended EPZ. Intervenors are incorrect, however, in implying that no means exists to alert the population in those areas. (Intervenors' Findings, FF. 83.)

The sirens will be audible in much of the additional area, although the sound levels will not meet the minimum sound levels recommended by Appendix 3 of NUREG-0654 in all areas. (Applicants' Exhibit #61; DuBois, Tr. 9631.) To back up and support the sirens, loudspeaker-equipped emergency vehicles, including helicopters, are available to alert and notify the public within this area. (Applicants' Findings, FF. 97, 361.) Orange County's communication center, Control 1, can establish immediate contact with the 2,000 emergency vehicles in Orange County and provide instructions to be relayed to the public to listen to the Emergency Broadcasting System ("EBS") or other radio stations or to take a particular action such as sheltering. (Applicants' Findings, FF. 361.)

The "Criteria for Acceptance" section of Appendix 3 of NUREG 0654 sets forth the minimal acceptable design

^{4/} Applicants have acknowledged that testing of the system remains to be accomplished and that it will be accomplished in accordance with NRC Regulations. As noted in Applicants' Findings, if the test reveals any areas where coverage is not as expected, recommendations will be made for additional sirens. (Applicants' Findings, FF. 354.)

objectives for prompt alerting systems and clearly distinguishes between the area closest to the site and areas more remote:

"b) The initial notification system will assure direct coverage of essentially 100% of the population within five miles of the site.

c) Special arrangements will be made to assure 100% coverage within 45 minutes of the population who may not have received the initial notification within the entire plume exposure EPZ." NUREG - 0654, Appendix 3, p. 3-3.

With respect to SONGS, the sirens provide a means for initial notification for the entire Plume EPZ, including the land area within approximately 10 miles of the site. Persons in the more remote areas will be notified by the other methods described above. Thus, there is adequate assurance that all areas within the Plume EPZ and the Extended EPZ can be alerted within the times set forth as the minimum acceptable design objectives in Appendix 3.

There is no evidence that NOAA Radio or any other possible alerting mechanism was required as part of the prompt alerting system. Suggestions to the contrary ignore all of the evidence that the prompt alerting system does meet its intended purpose (Applicants' Findings, FF. 350, 351), and the provisions Appendix 3 concerning the type of system to be utilized to alert the public:

"The primary means for alerting the public to an impending notification by public authorities may be any combination of fixed, mobile or electronic tone generators which

will convey the alerting signal with sufficient timeliness and intensity to permit completion of notification by broadcast media in a timely manner." NUREG - 0654, Appendix 3, p. 3-2.

Notification of boats does present a different situation because sirens obviously cannot be installed to cover extended water areas. Appendix 3 recognizes this by noting that extended water areas with transient boats do present an exception to the normal acceptance criteria. Appendix 3, p. 3-3. Intervenors are incorrect, however, to the extent they imply that there is no system to alert boats within the sea portion of the Plume EPZ. (Intervenors' Finding, FF. 84.) Sirens and loudspeakers can be used to alert those near the shore. (Applicants' Findings, FF. 367; Staff's Findings, FF. 129.) As noted above, helicopters equipped with loudspeakers are available to provide notification. (Applicants' Findings, FF. 361; Staff's Findings, FF. 129, 155; Stowe, Tr. 8503.) In addition, State Parks has a boat (already within the Extended EPZ at Doheny Beach, not San Diego as Intervenors imply) which is loudspeaker-equipped and can be used to alert and instruct boaters in the area. (Compare Stowe, Tr. 8493, with Intervenors' Finding, FF. 84) Additional Coast Guard or Navy aircraft, vessels and communications may also be used for this purpose. (Pilmer, Tr. 9211-9212; Sears, Tr. 10678.)

The date by which prompt alerting systems are to be operable is established by the NRC. (Staff's Findings,

FF. 128.) If the NRC deems it appropriate to defer its requirements for prompt public notification systems until February 1, 1982 or some other date, there is no basis to single out and exclude SONGS from such an extension.

(Intervenors' Findings, FF. 84.) Intervenors have not supplied any factual or legal support for their position, which should be rejected by the Board.

Intervenors have not, perhaps because they cannot, set forth what their problems are with the Emergency Broadcasting System ("EBS") or the other means to provide emergency instructions to the public. In making their assertions (Intervenors' Findings, FF. 87 and 88), Intervenors simply ignore the substantial record which establishes that the means do exist to provide emergency instructions to the public. (Applicants' Findings, FF. 365-386; Staff's Findings, FF. 128-155, 158, 159.)

Both Orange and San Diego Counties have arrangements to utilize EBS. The EBS System now employed by Orange County has been used for the last 10 or 12 years and Mr. Turner indicated that he had no reason to believe that if there were an impending emergency he would have any difficulty in having emergency messages broadcast. (Turner, Tr. 8915.) Arrangements were being completed at the time of the hearings for even better EBS coverage in Orange County. (Applicants' Findings, FF. 365; Staff's Findings, FF. 151.) San Clemente also has special arrangements with a local radio

station within the Plume EPZ to broadcast emergency instructions. (Applicants' Findings, FF. 366; Staff's Findings, FF. 148.) Other systems to provide public instruction include the USMC Communications Systems; the Coast Guard Communication Systems; the SONGS Public Address System; and loudspeaker-equipped emergency vehicles. These systems are tested on a regular basis to insure that they are operational. (Applicants' Findings, FF. 361; Staff's Findings, FF. 129, 144, 155.)

The record demonstrates that the physical and administrative means for prompt emergency notification and instruction to the public exist and are adequate. Intervenors' failure to consider the complete record in proposing their findings cannot change this fact. Intervenors proposed findings and license condition concerning these subjects must be rejected.

5. CONTENTION 2C (Public Education
And Information Program.)

The thrust of Intervenors' position with respect to the Public Education Information Program is not to challenge the substance of the program, but rather take issue with a few details which are, at best, on the periphery of the issue itself. Moreover, Intervenors challenges are based on faulty factual premises which even a cursory reading of the record reveals.

Intervenors have proposed a finding which states that no provision has been made to mail the Emergency

Handbook to the residents of the Extended EPZ and that no provisions have been made to supply emergency information to renters who do not have a separate utility account.

(Intervenors' Finding, FF. 94.) This is simply not true as a review of the record reveals. The Pamphlet and the Handbook will be sent to all residents in the Plume EPZ and the Extended EPZ. (Cramer, Tr. 7039-7041, 7044, 7048, 7051, 7452-7053, 7509-7512.) In response to a question from Mr. McClung, Mr. Cramer described in detail how renters who do not have electric utility accounts will be provided copies of the Pamphlet and Handbook through their building managers or directly by Applicants. (Cramer, Tr. 7527.)

Some of Intervenors' Findings appear to be premised on a record they had hoped, but failed, to create. Perhaps the clearest example relates to Intervenors' proposed finding concerning emergency instructions in Spanish which includes the following "fact": "As much as 8.4% of the population in the plume exposure EPZ may speak Spanish and not English." (Intervenors' Findings, FF. 92.) The record does not support this statement and clearly establishes that the 8.4% figure is not relevant to the issue. Mr. Mecham testified that 8.4% of the population of San Clemente (not of the Plume EPZ) were of Hispanic or Spanish descent. On direct examination, and again on cross, Mr. Mecham made it quite clear that he did not know if these people spoke Spanish at all let alone whether it was their only language. (Mecham, Tr. 10043,

10066) The latter, as Chairman Kelley noted at the time, is "the only relevant consideration." (Tr. 10044.) Mr. Mecham also conceded that no emergency signs, road or warning signs or any other signs intended for the general public within San Clemente were in Spanish.^{5/}

Intervenors' failure to consider the record causes them a different problem in their consideration of the posters to be displayed at businesses. They assert that such posters must contain information on radiological emergencies and imply that they do not do so. (Intervenors' Finding, FF. 91.) The record reveals that Intervenors are mistaken. Mr. Cramer testified that the posters to be displayed in businesses will be very similar in form and content to the Pamphlet mailed to residents and would include specific information on radiological emergencies, including protective actions. (Cramer, Tr. 7050.) Applicants' Exhibit #69 shows an example of such a poster which contains such information.

Intervenors assert without any basis that the posters and fliers to be used at the State Beaches are

^{5/} While the record establishes no basis whatsoever for requiring emergency information in Spanish, it does reveal that Applicants have not ignored the subject. Consideration is being given to producing pamphlets and signs in Spanish and two nuclear engineers whose native tongue is Spanish are among those trained to participate in the community meetings where emergency information can be explained and questions answered. (Cramer, Tr. 7456.) In addition, like others who may require special assistance, means have been provided for those who may speak only Spanish to obtain additional information and have questions answered. (Applicants' Findings, FF. 333, 334, 335.)

"misleading" because they do not specifically refer to radiological emergencies. (Intervenors' Findings, FF. 91.) Intervenors ignore the fact that this was done at the specific request of the State Park officials who believe that the posters in their present form will be more, rather than less, useful in the event of any emergency whether caused by radiological accident, a chemical spill or otherwise. Mr. Cramer agreed and provided a number of reasons in response to Mr. McClung's questions. (Stowe, Tr. 8493-8495; Cramer, Tr. 7548-7549.)

Intervenors also suggest that no efforts are being undertaken to insure that the public has received and understands the materials being presented. (Intervenors' Finding, FF. 95.) The record contains substantial evidence describing efforts to make certain that all persons have received the emergency Pamphlet and Handbook, understand them, and are provided with means to obtain additional information or to have questions answered. (Applicants' Findings, FF. 333-338; Staff's Findings, FF. 169.) Mr. Cramer testified that local community meetings will be held in the neighborhoods. These meetings will not only assure that residents understand the information provided but will also provide a means to answer questions and provide additional information if required. As Mr. Cramer pointed out, this is better than a survey because community meetings permit far more than asking someone if he or she believes

they understood the information being provided with no way to determine if they really do understand it. (Cramer, Tr. 7500; Applicants' Findings, FF. 332.)

Intervenors simply do not focus on the issue presented by their contention, i.e. whether the public has been and will be provided information on how they will be notified and what their actions should be in the event of an emergency. The adequacy of information already disseminated and to be disseminated in the future, and the means of its dissemination, are established by the record. (Applicants' Finding, FF. 321-344; Staff's Findings, FF. 160-180, 186.) Intervenors attacks have misfired or badly missed their mark. Intervenors' Findings and proposed license conditions in this area must be rejected.

6. CONTENTION 21 (Interim Emergency Operations Facility).

There does not appear to be any remaining controversy regarding the Interim EOF (Intervenors' Findings, FF. 99-101.) Applicants would simply refer the Board to the substantial evidence in the record suggesting that FEMA's initial concerns regarding the Interim EOF have been resolved. (Applicants' Findings, FF. 197-210, 474; Staff's Findings, FF. 271-279, 281.)

7. CONTENTION 2D (Medical Services for Injured Contaminated Individuals).

Intervenors' Findings with respect to the medical services for injured contaminated individuals require little response.

Intervenors recite certain types of treatments described by Dr. Linnemann which ought to be available in the event there is an injured and contaminated patient or a patient exposed to excessive doses of radiation, and argue that "specially equipped medical centers are needed to provide such care." (Intervenors' Findings, FF. 106.) Applicants agree; and the record establishes that such medical services are available at the local support hospitals and at the specially equipped medical centers which are available to provide definitive care. (Applicants' Findings, FF. 291-308 (availability of services) and FF. 281, 309, 310, 314, 315 (training and maintenance of medical preparedness); Staff's Findings, FF. 201-210.)

There is no need to repeat the details of these arrangements again. The specific arrangements which have been made by Applicants for the local medical services and transportation, and the training and other services provided, benefit not only injured and contaminated patients from onsite, but can be used, if necessary, for offsite emergency workers and members of the general public. Additional services are also available. For example, additional

ambulance services are available through the Counties and the USMC for any injured contaminated patient requiring transportation. (Applicants' Findings, FF. 297, 298, 318.)

In addition to the specific training of the hospitals and ambulance companies with whom Applicants have contracted for medical support services, Applicants have arranged for the training of an additional 386 persons representing a 105 agencies in Orange and San Diego Counties to assist in an emergency response to an accident at SONGS. This training also benefits offsite emergency workers and members of the general public in addition to any injured and contaminated patients from onsite. (Applicants' Findings, FF. 277-281; Staff's Findings, FF.254.)

With respect to the availability of potassium iodide, Intervenors have simply ignored the testimony of one of their own witness. Dr. Rex Ehling testified that there were plans to administer radioprotective drugs to emergency workers and that sufficient drugs were available for emergency workers and for the general public in the very unlikely event it became necessary. (Ehling, Tr. 9926-9938.) Potassium iodide is also available for use onsite by SCE employees and contractors in the event of an emergency. (Applicants' Exhibit #51, Section 6.4.1. 6.) In considering the use of potassium iodide it is important to note that it is a prescription drug and cannot simply be distributed to the general public without proper

authorization by a County Health official, such as Dr. Ehling, or the State Department of Health Services. (See, e.g., Applicants' Exhibit #51, Section 6.4.1.6.)

The record reflects substantial and uncontroverted evidence that adequate arrangements have been made for medical services for contaminated and injured individuals. (Applicants' Findings, FF. 287-320; Staff's Findings, FF. 201-210.) To the limited extent that Intervenors' Findings take issue with that conclusion they do not find any support in the record and must be rejected.

8. CONTENTION 2G (Radiological Emergency Response Training).

Intervenors do not appear to attack the substantial evidence in the record indicating that adequate radiological emergency response training is being provided to those who may be called on to assist in an emergency. (Applicants' Findings, FF. 265-286; Staff's Findings, FF. 250-258.) Intervenors only seem to be concerned that this training program will continue to achieve its intended results. (Intervenors' Findings, FF. 109-119.) Applicants submit a licensing condition in this regard, as suggested by Intervenors, is unnecessary given the regulations requiring the maintenance of such a training program. (See 10 C.F.R. §50.47(b)(15) and Part 50, Appendix E.IV.F.)

9. CONTENTION 2H (Plume EPZ Radiation Monitoring and Dose Assessment).

Intervenors would again have the Board recite the now superseded history of FEMA and State OES concerns regarding offsite radiological monitoring capability (Intervenors' Findings, FF. 131-147), while ignoring the substantial evidence in the record that substantial improvements have been made in this capability. (Applicants' Findings, FF. 235-240; Staff's Findings, FF. 265, 267-270.) Even without these substantial improvements, SCE capabilities in this regard are sufficient to adequately protect the public health and safety. (Applicants' Findings, FF. 211-240, 282-283, 480; Staff's Findings, FF. 259-264, 266.)

Applicants would note that Intervenors' Findings questioning SCE's capabilities in this regard are absolutely unsupported by any evidence in the record. (Intervenors' Findings, FF. 127-128.) Intervenors assertion that "it is incumbent upon offsite response organizations to verify and validate the initial assessment of SCE", is not required by regulation and is contrary to the flexible guidance in NUREG-0654 which makes it clear that only one organization need possess this capability to satisfy the standards. (See NUREG-0654, II.I.8; Grimes, Tr. 11028-11029; Applicants' Findings, FF. 229.)

Insofar as SCE capabilities are plainly sufficient, Applicants urge the Board to reject Intervenors' Findings suggesting that these capabilities must be duplicated by each of the involved offsite emergency response organization before licensing can occur. In any event, there is substantial evidence in the record that a satisfactory capability in this regard exists within Orange County and City of San Clemente. This offsite capability is further buttressed by the substantial additional State and Federal resources. (Applicants' Findings, FF. 235-240; Staff's Findings, FF. 268-270.) Under these circumstances, there is more than reasonable assurance that the public health and safety can be adequately protected.

10. CONTENTION 2K (General Plan for Reentry and Recovery).

Detailed plans for reentry and recovery are not required or possible because there is not a critical time element involved and because the nature of the reentry and recovery operation would depend on the nature and extent of the accident. (Applicants' Findings, FF. 399; Staff's Findings, FF. 305; Pilmer, Tr. 7390-7391; Murri, Tr. 7241 - 7243) While the effort, by necessity, will be largely ad hoc, it is not Applicants' position, as asserted by Intervenors, that ad hoc planning is all that is required and that no planning has been done concerning reentry and recovery. (Intervenors' Finding, FF. 149.)

Intervenors must ignore the record to assert that no evidence of plans for reentry and recovery was presented. Applicants planning for reentry and recovery is set forth in Section 9 of the Emergency Plan for SONGS 2 & 3.

(Applicants' Exhibit #51.) The principal offsite emergency response agencies planning for reentry and recovery is set forth for each agency's emergency response plan.

(Applicants' Findings, FF. 390, 395; Applicants' Exhibit # 58, Section K-3-D (USMC Plan); Staff's Findings, FF. 296-299, 302, 304, 305.) Mr. Nauman specifically noted that the reentry and recovery plans and procedures are considered minimally adequate. (Nauman, Tr. 10942.)

The substantial and uncontroverted evidence in the record demonstrates that existing general onsite and offsite plans for reentry and recovery following a radiological emergency at SONGS 2 and 3 are adequate. Intervenors' Findings to the contrary are not supportable and must be rejected.

11. CONTENTION 3 (Plume EPZ Determination).

If one were to review only Intervenors' Proposed Findings of Fact with respect to the determination of the Plume EPZ and the Extended EPZ one could admittedly become confused concerning the manner in which the emergency planning zones were determined and what areas are included within them. Fortunately, a review of the record as a whole does not lead to the same confusion.

Intervenors' Findings in this area (Intervenors' Findings FF. 150-172), whether intentionally or not, obfuscate what is not a complicated or difficult issue to understand. Intervenors have drawn together largely non-prebative facts in an attempt to create this confusion. For example, Intervenors assert that the officials of San Clemente, were not consulted concerning the determination of the emergency planning zones. (Intervenors' Findings, FF. 163.) Since the City of San Clemente is entirely within the Plume EPZ, there was no determination for these officials to make. Similarly, Intervenors assert that representatives of State Parks were not consulted concerning the size of the zone and, without citing any supporting authority, assert that the State Park Beaches extended beyond the planning zones to the south. (Id.) A review of the record reveals that the last State Parks beach to the South is well within the Plume EPZ and that all beaches are covered by the sirens. (Applicants' Exhibits #54 (Figure XIII.2 and Appendix XIII.1), #61 and #124-127.) Thus, as was the case with San Clemente, there was no reason or need to involve State Parks in the decision.

Intervenors also assert without authority that the Marines were not "consulted" in drawing the EPZ boundary and Intervenors imply that no thought was given to the drawing of this boundary with Camp Pendleton. (Intervenors' Finding 172.) To the contrary, Lt. Col. Wallace testified that as a

federal government agency the USMC determined to adhere to the 10-mile standard recommended by the NRC and that they had found no reasons to go beyond it. (Wallace, Tr. 9322, 9357; Staff's Findings, FF. 329.) Reference in the same proposed finding to Mr. Kearns testimony is also inaccurate. Mr. Kearns conceded that his office had no jurisdiction with regard to the Marine base and he did not offer any opinion with respect to "compliance with NRC Regulations". (Kearns, Tr. 10152; Staff's Findings, FF. 333.)

The Plume EPZ was drawn with consideration given to the obviously clearly marked boundary represented by San Juan Creek which is approximately 10-miles from the plant as recommended in the NRC Regulations. The additional areas included in the Extended EPZ represent the only areas within 9 and 12-miles from the plant where there is any population. The inclusion of these areas represents a broadening of the recommended zone and should not be used by Intervenors to criticize the Applicants or the local planning officials in Orange County and San Juan Capistrano who made these determinations and approved both the Plume and Extended EPZs. (Applicants' Findings, FF. 92.)

Applicants concede that some confusion may have been created by the use of the term "extended emergency planning zone", especially in light of the use of that phrase by the State in its plan (although as Intervenors concede, the State "extended planning zone" is essentially not a

concern (Intervenors' Findings FF. 169)). However, Intervenors often create or increase the confusion by indiscriminately referring to the "Plume EPZ" and the "Extended EPZ".

Additional confusion is created by Intervenors simply ignoring their own cross-examination of witnesses. For example, Intervenors assert that a disagreement exists in the size of the emergency planning zone between Orange County and San Juan Capistrano. Ms. Ferguson, the representative from San Juan Capistrano did not indicate that San Juan Capistrano was not in an emergency planning zone. She indicated that for purposes of the sirens the entire city was not included, but that plans had been developed to evacuate the entire city. Intervenors cited Ms. Ferguson's testimony at Tr. 8725. The important qualification is on the following page. (Ferguson, Tr. 8726.)

While it certainly is true that the Plume EPZ bisects the City of San Juan Capistrano and excludes the community known as Dana Point, it is also true that throughout the entire Plume EPZ and within the entire City of San Juan Capistrano and the community of Dana Point

- means exist to promptly alert the public in the event of any emergency;
- the permanent and transient populations have been provided emergency instruction;

- traffic studies have been completed and evacuation time estimates performed; and

- the entire area is included within the public education program being conducted. (Applicants' Findings, FF. 95-97, 326-332, 424-425.)

Indeed, the only distinction which exists between these areas is that within the Plume EPZ the primary means of promptly alerting the public is through the use of sirens while in the northerly portion of San Juan Capistrano and the community of Dana Point other means are relied upon as the primary means of alerting the public. (Applicants' Findings, FF. 97; see also, Section II.B.4. supra.)

Finally, Intervenors suggest that something improper took place when SCE and its consultants examined the site to determine if there was any reason to expand the emergency planning zones beyond the 10-miles recommended by the NRC and provided the results of this examination to the local planning officials for use in making their determinations. (See Intervenors' Findings, FF. 157-159.) Intervenors have not and cannot cite any authority or logic to support their position that local planning officials should not obtain all of the information they can concerning the appropriate boundaries of the EPZ.

Although the results of Applicants' studies reveal that 10-miles was conservative with respect to this site (Applicants' Findings, FF. 81-85; 88-89), there is nothing in

the record to support the astounding assertion that Applicant intended to or did "decrease" the size of the Plume EPZ. As discussed above, in the only areas where population existed near the 10-mile suggested boundary, emergency planning was done for an increased area. Intervenors assertion that the tiny and totally uninhabited portion of Riverside County ought to be in the emergency planning zone flies in the face of reality. (Intervenors' Findings, FF. 159.) No purpose would be served by including this area since there are no people there to warn, protect or evacuate.

Intervenors have not identified a single populated area within even 12-miles of SONGS for which emergency planning ought to be in place but is not. That is the essence of this issue and Intervenors have failed to confront it. Their proposed findings and proposed license conditions must be rejected.

C.

CONCLUSION

For the reasons discussed above, Applicants submit that Intervenors' Findings are unreliable and in all critical respects unsupported by substantial evidence in the record. Accordingly, Applicants urge the Board to adopt the positions set forth in Applicants' Findings and the Staff's Findings,

and reject the proposed findings of fact, conclusions of law,
and licensing conditions contained in Intervenor's Findings.

Dated: December 10, 1981

Respectfully submitted,

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CERTIFICATE OF SERVICE BY MAIL

I certify pursuant to 10 C.F.R. § 2.712(e)(2) that:

I am an attorney employed in the City and County of San Francisco, California, by one of counsel for Applicants Southern California Edison Company and San Diego Gas & Electric Company.

I am over the age of eighteen years and not a party to the within entitled action; my business address is 600 Montgomery Street, 10th Floor, San Francisco, California 94111.

On December 10, 1981, I served the attached "APPLICANTS' RESPONSE TO THE PROPOSED FINDINGS OF FACT AND CONCLUSIONS OF LAW ON EMERGENCY PLANNING AND PREPAREDNESS ISSUES SUBMITTED BY INTERVENORS AND THE NRC STAFF", in said cause, by placing a true copy thereof enclosed in the United States mail, first class, at San Francisco, California, addressed as follows:

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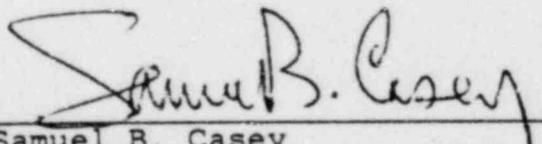
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