UNITED STATES OF AMERICA

NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

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)	)	
	)	

APPLICANTS' OBJECTIONS TO PREHEARING MEMORANDUM AND ORDER RE MEDICAL ARRANGEMENTS

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Dated: October 8, 1982.

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I

INTRODUCTION

The Atomic Safety and Licensing Board ("Board") on October 1, 1982 issued its "Memorandum and Order Setting Medical Arrangements Questions for Hearing" ("Order"). Applicants construe the Order to be the equivalent of a Prehearing Conference Order inasmuch as said Order defines issues and sets procedural dates leading to a hearing. Purusant to 10 CFR § 2.752(c), Applicants hereby object to the Order and request the Board to revise the Order in consideration of the objections presented below.

II

PRELIMINARY STATEMENT

The Applicants object to the Order for two reasons. First, the Order proposes a hearing on issues which are beyond the scope of the Commission's emergency planning

regulations without regard to how the Commission may determine the certified questions pending before it relating to the identical subject matter. Second, the Order requires the preparation of evidence far beyond the standards enunciated by the Commission in NUREG-0654. The evidence requested also exceeds the scope of the evidence Applicants have previously proposed to present such that the hearing schedule contained in the Order is unreasonable.

The Order reflects the manifest need for Commission guidance. Without such guidance, a hearing on the issues proposed by the Order may result in a substantial waste of resources.

Applicants submit that no further emergency medical arrangement issues should be delineated for hearing or hearings thereon scheduled until the parties and the Board have the benefit of further Commission interpretation of the legal requirements and technical standards involved in meeting the regulations. Applicants anticipate that such interpretative guidance and standards will be forthcoming through determination of the certified issues now before the Commission.

III

STATEMENT OF THE CASE

The issue of medical services for the general public in the event of a release of radiation at San Onofre 2 & 3 originates from a determination by this Board in its Initial Decision of May 14, 1982. The Board there determined

that a proper construction of 10 CFR § 50.47(b)(12) 1/ included offsite medical services arrangements for the general public. (Initial Decision, p. 28.) The Board found that although some medical services then were available that would benefit the general public, the Applicants did not demonstrate that the level of services was sufficient to meet the standards the Board deemed adequate.

The Board retained jurisdiction of the medical services issue and conditioned issuance of a full power operation on Applicants providing the necessary level of medical arrangements within six months of commencing full power operation.

Subsequent to the Initial Decision, in Decision, ALAB-680, July 16, 1982, the Atomic Safety and Licensing Appeal Board indicated that it may not agree with the Licensing Board's interpretation of the medical services requirement. (ALAB-680, pp. 13-22.)

On September 24, 1982, the Commission issued its Order (CLI-82-27), wherein it noted the differing interpretations of 10 CFR § 50.47(b)(12) and directed certification of two questions that will settle the interpretation of that

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1/ 10 CFR § 50.47 states in part:

> (b) The onsite and offsite emergency response plans for nuclear power reactors must meet the following standards:
>
> * * * *
>
> (12) Arrangements are made for medical services for contaminated injured individuals.

provision and, if necessary, provide guidance as to the arrangements necessary to meet the regulatory requirement. Initial briefs on the certified questions are due October 14, 1982.

On August 6, 1982, this Board issued its Memorandum and Order (Concerning Whether Further Proceedings on the Adequacy of Offsite Planning for Medical Services Should Be Conducted). Among other items, the Board solicited the parties' comments on the appropriate procedure to be followed in resolving the retained medical services issue. In Applicants' Response to Memorandum and Order Concerning Whether Further Proceedings on the Adequacy of Offsite Planning for Medical Services Should Be Conducted, dated September 3, 1982, Applicants suggested the issue be certified to the Commission but that filing dates be set for the parties' affirmative cases, in the form of affidavits, on the issue as posed in the Initial Decision of May 14, 1982. If a hearing was ultimately required, such affidavits, with any necessary supplementation required by a certification decision would constitute the direct evidence at any further hearing.

IV

APPLICANTS OBJECT TO PROCEEDING TO HEARING ON THE QUESTIONS SET FORTH IN THE BOARD'S ORDER OF OCTOBER 1, 1982 PRIOR TO COMMISSION DETERMINATION OF THE CERTIFIED ISSUES

Applicants prior willingness to prepare and file its direct case on further arrangements for offsite medical services was based on the premise that any further

hearings would be based on the questions p sed by the Initial Decision of May 14, 1982. Applicants also had assumed that the theory of Applicants' case and the evidence necessary to support that case would be within Applicants' judgment.

Applicants consider the Order to call for an evidentiary showing greatly in excess of that indicated as necessary by the Initial Decision and in support of theories different from those of Applicants. The evidence required by the Board's Order would necessitate a site specific accident analysis exceeding the plant's design basis as well as probability studies of such specific accidents. Such studies and analysis would be costly and would require much more time than is available pursuant to the Board's Order.

The Board's request for a definition of the accident that would "overwhelm" local resources is contrary to the basic premise of NUREG-0654 which is to avoid the necessity for site specific accident analysis. This premise is clearly documented in Criteria for Preparation and Evaluation of Radiological Emergency Response Plans and Preparedness in Support of Nuclear Power Plants, NUREG-0654.

> "No single specific accident should be isolated as the one for which to plan because each accident could have different consequences, both in nature and degree. Further, the range of possible selection for a planning basis is very large, starting with a zero point of requiring no planning at all because significant offsite radiological accident consequences are unlikely to occur, to planning for the worst possible accident, regardless of its extremely low liklihood. The NRC/ EPA Task Force did not attempt to define a single accident sequence or even a limited number of sequences. Rather, it identified the bounds of

> the parameters for which planning is recommended, based upon knowledge of the potential consequences, timing, and release characteristics of a spectrum of accidents. Although the selected planning basis is independent of specific accident sequences, a number of accident descriptions were considered in the development of the guidance, including the core melt accident release categories of the Reactor Safety Study." (NUREG-0654, pp. 6-7.)

The Commission has adopted both regulations and guidance to be followed in reviewing emergency preparedness. The spectrum of accidents has been addressed and the criteria necessary to protect the public in the event of an accident established. Applicants object to being required to develop a specific accident and its probabilities that would "overwhelm" the local resources. Such a requirement greatly exceeds the Commission's regulations.

The Board's questions also exceed the scope of the docket in that they ask for accident analysis and probability assessment based on operation of San Onofre Unit No. 1, as well as San Onofre Units 2 & 3. (Order, p. 5.) Applicants object to the inclusion of San Onofre Unit No. 1 in the emergency preparedness requirements for San Onofre Units 2 & 3. Further, 10 CFR Part 50 does not require risk assessments of either Applicants or licensees and such work has rarely been undertaken for a specific reactor site.

In addition to the Board's apparent desire to define the level at which local resources are overwhelmed, the Board asks for yet another level of planning; arrangements necessary or desirable for distant medical facilities once local resources are overwhelmed. (Order,

p. 6.) Applicants consider such an evidentiary requirement to exceed the requirements of 10 CFR § 50.47(b)(12) or the guidance of NUREG-0654.

The Board calls for a briefing on the meaning of the phrase "contaminated injured individuals" as used in 10 CFR § 50.47(b)(12). This is precisely the question asked by the Commission in its directed certification order of September 24, 1982. Applicants do not consider it appropriate to require duplicate briefing of issues. Once the Commission defines the regulatory meaning of "contaminated injured individuals," this Board's definition of that same phrase is superfluous. Applicants object to such a redundant procedure.

V

POTENTIAL HEARING DATES

Applicants would be prepared to submit their direct case as they deem necessary to meet the issues raised in the Initial Decision of May 14, 1982 by November 10, 1982. Applicants cannot provide adequate direct testimony on the questions promulgated by the Board in its Order by November 10, 1982.

The inventory of local resources coupled with the accident analysis and probability assessment required by the Board's questions cannot be accomplished within the timeframe set by the Board.

VI

CONCLUSION

Applicants consider the Board's Order to reflect an unwarranted and unreasonable expansion of the medical services issue reserved in the Initial Decision of May 14, 1982. In view of this expansion of the Board's view of the issue, Applicants do not consider it appropriate to proceed further with respect to the issue until the Commission has determined the questions subject to certification.

In the present circumstances it is now appropriate to await the Commission's definition of 10 CFR § 50.47(b)(12) and its guidance as to compliance with that regulation prior to any further proceedings by this Board.

Respectfully submitted,

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DECLARATION OF SERVICE BY MAIL

I am over the age of eighteen years and not a party to the above-entitled cause. My business address is 600 Montgomery Street, 12th Floor, San Francisco, California 94111.

I served the foregoing APPLICANTS' OBJECTIONS TO PREHEARING MEMORANDUM AND ORDER RE MEDICAL ARRANGEMENTS dated October 8, 1982, by depositing a true copy thereof in the United States mail in San Francisco, California, on October 8, 1982, enclosed in a sealed envelope with postage thereon fully prepaid, addressed as follows:

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Executed on October 8, 1982, in the City and County of San Francisco, State of California.

I declare under penalty of perjury that the foregoing is true and correct.

KAREN ANDRESEN