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August 4, 1981

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

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

NRC STAFF COMMENTS WITH RESPECT TO THE BOARD'S
ORDER OF JULY 29, 1981 RAISING AN ISSUE
CONCERNING EARTHQUAKES AND EMERGENCY PLANNING

I. INTRODUCTION

On July 29, 1981, the Atomic Safety and Licensing Board in this proceeding issued an Order raising on the Board's Motion an issue concerning earthquakes and emergency planning. In its Order, the Board permitted the parties to file comments by August 3, 1981, on the issue framed with the possibility that the Board might modify the issue in light of the comments received. The Board subsequently extended the time for filing to August 4, 1981. Comments of the NRC Staff follow.

II. DISCUSSION

The Staff would reiterate that in its view the issue proposed by the Board is not necessary for consideration in this licensing

proceeding. As the Staff argued in its June 22, 1981 pleading,^{1/} a fundamental premise in the approach to emergency planning utilized by the NRC and FEMA is that emergency plans must be capable of responding to a wide spectrum of accidents and such a spectrum was considered in the development of the planning basis which underlies the Commission's emergency planning regulations. Consequently, an adequate planning basis is assured by conformance with the Commission's regulations and site specific analyses are not required for the extremely large releases already generically considered in establishing the regulations.

Thus, the Staff continues to be of the view that the Commission's emergency planning regulations already consider catastrophic events in establishing a planning basis. Consequently, while the Vermont Yankee case^{2/} would not bar inquiry into the need for site specific earthquake considerations in the emergency planning area given an earthquake in excess of the safe shutdown earthquake (SSE) as a matter of law, such an inquiry must be based on a showing that an extension to site specific consideration of earthquakes beyond the SSE is warranted, i.e.,

^{1/} NRC Staff Views with Respect to Questions Posed by the Atomic Safety and Licensing Board in the Area of Emergency Planning, June 22, 1981, pp. 8-10.

^{2/} Vermont Yankee Nuclear Power Corporation (Vermont Yankee Nuclear Power Station), CLI-74-40, 8 AEC 809 (1974)

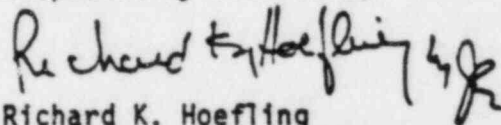
that there is a factual basis for the extension. The Staff continues to be of the view that, as no such showing has been made in this proceeding,^{3/} extension of emergency planning considerations beyond the SSE is not necessary.

Certain specific comments of the NRC Staff requested in the Board's Order are provided in the attached affidavit of Brian K. Grimes.

III. CONCLUSION

The Staff reiterates its view that the Board's site specific inquiry in the emergency planning area requesting consideration of extremely unlikely earthquakes in excess of the SSE is not necessary. Nonetheless, comments of the Staff with respect to the Board's Order of July 29, 1981 are provided.

Respectfully submitted,



Richard K. Hoefling
Counsel for NRC Staff

Dated in Bethesda, Maryland
this 4th day of August, 1981

^{3/} The Board apparently agrees on this point for it states in its Order, "Although it is extremely unlikely, an earthquake in excess of the SSE could conceivably occur near the facility" [Emphasis supplied] (pp. 2-3).