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LBP-88-14

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USNRC

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

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Before Administrative Judges
Sheldon J. Wolfe, Chairman
Elizabeth B. Johnson
Cadet H. Hand, Jr.

OFFICE OF SECRETARY
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SERVED MAY 10 1988

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

Docket No. 50-361-0L
50-362-0L
(ASLBP No. 87-538-06-OLR)
May 9, 1988

ORDER
(Resolving Remanded Medical Services Issue)

The Board has reviewed and considered the Interim Findings issued by FEMA on or about November 19, 1987. Said findings evaluated medical arrangements at San Onofre 2 and 3 in conformance with FEMA guidance set forth in Guidance Memorandum MS-1, Medical Services. The Board has also considered the findings of reasonable assurance of adequate safety set forth in NRC Staff Memorandum of November 19, 1987 issued by the Director, Division of Radiation Protection and Emergency Preparedness, Office of Nuclear Reactor Regulation. Finally, the Board has considered and approved the Stipulation (the attached copy excludes the parties' proposed order) of the parties, including Intervenor GUARD, wherein GUARD declines to request a hearing following the Commission's Remand Order of September 12, 1986.

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PDR ADOCK 05000361
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FINDINGS OF FACT

On the basis of the foregoing, this Board finds that:

(1) The purposes of the Commission's Remand Order have been fulfilled and further proceedings on the medical services issue are not necessary; and

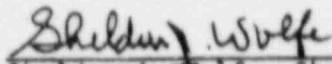
(2) Based on the Board's review of Licensee's submittals and the evaluations of FEMA and NRC Staff, the Licensees have satisfied the requirements of 10 C.F.R. 50.47(b)(12) and there exists reasonable assurance that, with respect to emergency medical arrangements, adequate protective measures to protect the public in the event of a radiological emergency at San Onofre 2 and 3 have been taken.

CONCLUSIONS OF LAW

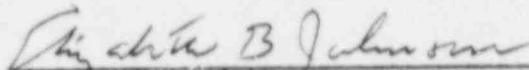
Upon consideration of the showing presented by Licensees and the evaluations of NRC Staff and FEMA with respect to emergency medical arrangements, there is reasonable assurance that adequate protective

measures to protect the public in the event of a radiological emergency at San Onofre 2 and 3 have been taken.

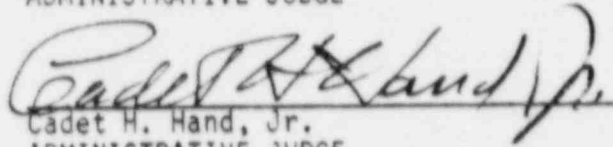
THE ATOMIC SAFETY AND LICENSING BOARD



Sheldon J. Wolfe, Chairman
ADMINISTRATIVE JUDGE



Elizabeth B. Johnson
ADMINISTRATIVE JUDGE



Cadet H. Hand, Jr.
ADMINISTRATIVE JUDGE

Dated at Bethesda, Maryland
this 9th day of May, 1988.

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UNITED STATES OF AMERICA

NUCLEAR REGULATORY COMMISSION

In the Matter of)	
)	
SOUTHERN CALIFORNIA EDISON)	DOCKET NOS. 50-361 OL
COMPANY, <u>et al.</u>)	50-362 OL
)	
(San Onofre Nuclear Generating)	
Station, Units 2 and 3))	
_____)	

STIPULATION ~~AND PROPOSED ORDER~~ RE
REMAND OF MEDICAL SERVICES ISSUE

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Attorneys for Licensees
Southern California Edison
Company,
San Diego Gas & Electric Company
City of Anaheim, California and
City of Riverside, California

Dated: March 22, 1988

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1 Memorandum MS-1, Medical Services (MS-1). That document
2 provided interpretation and clarification of requirements
3 contained in 10 C.F.R. 50.47(b)(12) and the then existing
4 associated guidance found in NUREG-0654/FEMA-REP-1, revision 1
5 relating to medical services for members of the general public
6 in the event of an emergency.

7 On January 13, 1987 the Atomic Safety and Licensing
8 Board issued its Order requiring Licensees to submit their
9 showing of implementation of the upgraded emergency medical
10 requirements to the Board, parties and FEMA by July 1, 1987.

11 On or about June 29, 1987 there was submitted to the
12 Board and served on all parties "Licensees' Submittal re
13 Emergency Medical Services (10 C.F.R. 50.47(b)(12)".

14 Subsequently, on or about November 19, 1987 FEMA
15 issued its Interim Finding which reviewed Licensees'
16 implementation of MS-1 at San Onofre 2 & 3. The FEMA
17 conclusion stated

18 "There is reasonable assurance that the plans
19 for medical services for members of the general
20 public who may be contaminated/injured as a
21 result of a radiological emergency at the San
22 Onofre Nuclear Generating Station are adequate
23 and can be implemented as demonstrated in the
24 exercise."

25 In a memorandum of November 19, 1987 by Frank J.
26 Congel, Director, Division of Radiation Protection and
Emergency Preparedness, Office of Nuclear Reactor Regulation,
the NRC Staff issued its finding that " . . . regarding
offsite medical services at San Onofre, the Staff finds that

1 there is reasonable assurance that adequate protective
2 measures can and will be taken in the event of a radiological
3 emergency."

4 The FEMA and NRC Staff evaluations were distributed
5 to the Board and all parties by letter to the Board of
6 November 23, 1987 from Benjamin H. Vogler, Senior Supervisory
7 Trial Attorney within the Commission.

8 On December 12, 1987 the Board conducted a telephone
9 conference with all parties, specifically including the
10 attorney for Intervenor GUARD, Charles E. McClung, Jr.

11 Mr. McClung advised the Board that based on
12 Licensees' submittal and the results of NRC Staff and FEMA
13 appraisals, Intervenor do not desire to raise any further
14 issues with respect to Licensees' compliance with 10 CFR
15 50.47(b)(12).

16 II. STIPULATION

17 Based on the foregoing facts, it is hereby
18 stipulated, by and between the parties hereto, through their
19 respective undersigned attorneys, that:

20 1. The Parties hereto have reviewed the relevant
21 documentation submitted on this record concerning Licensees'
22 compliance with 10 CFR 50.47(b)(12) including Licensees'
23 submittal of June 29, 1987 and FEMA's Interim Finding of
24 November 19, 1987.

1 2. Intervenors GUARD, et al. do not request a
2 hearing on the issue of whether Licensees have met the
3 requirements of 10 CFR 50.47(b)(12).

4 3. The Board may issue its decision on whether
5 Licensees have complied with 10 CFR 50.47(b)(12) based on the
6 existing record, including prior submittals of Licensees and
7 NRC Staff/FEMA.

8 Dated: March 23, 1988

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16
17 By: David R. Pigott

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Southern California Edison Company
San Diego Gas & Electric Company
City of Anaheim, California
City of Riverside, California

21 Dated: March 31, 1988

NUCLEAR REGULATORY
COMMISSION STAFF

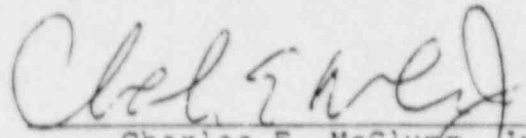
23 Benjamin H. Vogler
24 Benjamin H. Vogler
25 Senior Supervisory Trial Attorney
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Dated: Nov 24 1998

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Charles E. McClung, Jr.
Attorney for Interveners
GUARD, et al.