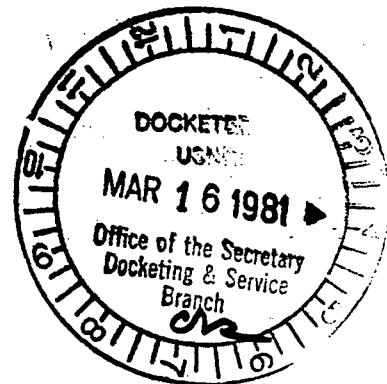


3/11/81
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10 UNITED STATES OF AMERICA
11 NUCLEAR REGULATORY COMMISSION
12 BEFORE THE ATOMIC SAFETY AND LICENSING BOARD
13

14 In the Matter of)	Docket Nos. <u>50-361 OL</u>
)	50-362 OL
15 SOUTHERN CALIFORNIA EDISON)	
16 COMPANY, <u>et al.</u> (San Onofre)	MEMORANDUM OF POINTS AND
17 Nuclear Generating Station,)	AUTHORITIES IN OPPOSITION
)	TO MOTION FOR FINAL
)	PREHEARING CONFERENCE
)	SUBMITTED ON BEHALF OF
)	F.O.E. <u>et al.</u>

18
19 A FINAL PREHEARING CONFERENCE
20 SHOULD NOT BE SET UNTIL IT IS DETERMINED
21 THAT ALL RELEVANT EMERGENCY PLANS HAVE
22 BEEN ISSUED AND DISCOVERY COMPLETED

23 The stipulation entered into by all of the parties to this
24 proceeding and approved by this board on February 9, 1981, set
25 certain deadlines for discovery. Said stipulation also provided
26 that the Atomic Safety and Licensing Board's order dated August 27,
27 1980 pertaining to issuance of subsequent documentation on the
28 issues in contention in this proceeding shall be excepted from
the discovery deadlines.

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1 The board's order states that "the board will permit
2 discovery on emergency planning following the service of appli-
3 cant's emergency plan on the same thirty-day/forty-day basis
4 provided above on seismic issues, both with respect to discovery
5 following the service of applicant's emergency plan and with
6 respect to information made available after the service of the
7 emergency plan."

8 The applicants submitted their emergency plan and the
9 plans of the local jurisdictions and it was agreed that discovery
10 as to those plans, and those plans only, was to terminate on
11 February 20, 1981.

12 However, the plans submitted included the 1975 plan of the
13 State of California and the interim plan for the County of San
14 Diego.

15 The Attorney for Intervenor F.O.E. et al. has been informed
16 by the State Office of Emergency Services that the State Emergency
17 Plan is being updated to meet new Federal requirements and a new
18 emergency plan will be issued sometime in early April. Said
19 emergency plan will use a 20-mile E.P.Z. and surely constitutes
20 relevant new information regarding the issue in controversy.

21 Intervenor F.O.E. et al. are also informed by the County of
22 San Diego that the County is prepared a new plan to meet the
23 State Guidelines and that such new plan is due to be published
24 May 1, 1981. It too is relevant new information.

25 It is respectfully submitted that since the State of Califor-
26 nia and the County of San Diego will be issuing new emergency
27 plans and that since such plans are subject to an additional
28 30-days of discovery as provided for in the board's order of

1 of August 27, 1980, that a final prehearing conference to be set
2 some time in early April is premature since discovery will not be
3 completed or emergency planning at that time.

4 Intervenor's have no objection to a prehearing conference being
5 held on or about April 7, 1981 under 10 CFR 2.751a (special
6 prehearing conference). Such a Special Prehearing Conference
7 would be most beneficial in further specifying the issues and
8 determining the exact status of the emergency planning issues.

9 However, at the present time discovery an emergency planning
10 cannot be said to be complete until the final emergency plans
11 have been submitted and discovery has been had on those.

12 DATED: March 11, 1981

Respectfully Submitted,

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RICHARD J. WHARTON
ATTY. FOR INTERVENORS F.O.E. ET AL.

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CERTIFICATE OF SERVICE

I hereby certify that on the 11th day of March, 1981, a copy of the foregoing INTERVENOR, FOE ET AL., INTERROGATORIES TO N.R.C. STAFF, Attorney RICHARD J. WHARTON, was served upon each of the following by depositing in the United States mail, first-class, postage prepaid, addressed as follows:

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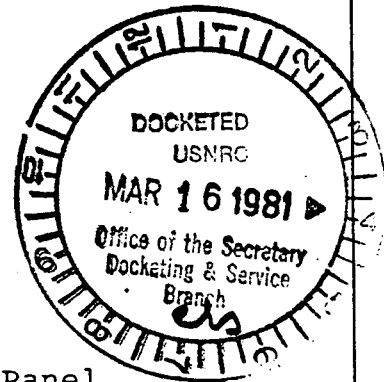
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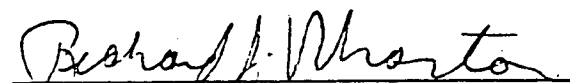
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21 U.S. Nuclear Regulatory Commission
22 Washington, D.C. 20555

23 Docketing and Service Section
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DATED: March 11, 1981


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