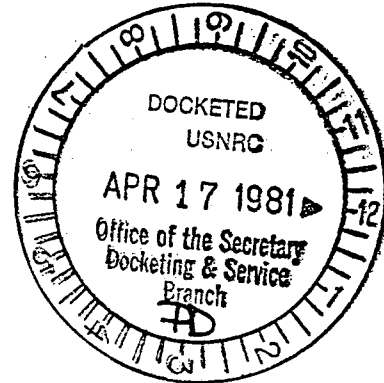


4/15/81

RELATED CORRESPONDENCE

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Attorney for GUARD



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

In the Matter of	)	Docket Nos. 50-361 OL
	)	50-362 OL
SOUTHERN CALIFORNIA)	
EDISON COMPANY, ET AL.,	)	MEMORANDUM OF POINTS AND
(San Onofre Nuclear Generating	)	AUTHORITIES IN SUPPORT OF
Station, Units 2 and 3).	)	MOTION TO COMPEL FURTHER
	)	ANSWERS TO GUARD'S FIRST
	)	SET OF INTERROGATORIES TO
	)	NRC STAFF

INTRODUCTION

On April 1, 1981, NRC Staff served by mail its "Response To The First Set Of Interrogatories From GUARD And Motion For A Protective Order" on GUARD. NRC Staff has objected to every Interrogatory propounded to it by GUARD but one, and for the one not objected to, has provided a response from FEMA.

GUARD believes that its Interrogatories are relevant to the contentions at issue, and that the NRC Staff should be compelled to supply full answers to GUARD's Interrogatories, based on the following reasons.

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1 General Emergency. Thus, they are "reasonably calculated to lead
2 to the discovery of admissible evidence" (10 C.F.R. §2.740(b)(1)).

3 II.

4 GUARD HAS ATTEMPTED TO FRAME ITS INTERROGATORIES
5 IN ORDER TO PERMIT NRC STAFF TO DRAW UPON DATA
6 WHICH SHOULD BE READILY AVAILABLE TO IT. GUARD
DOES NOT AGREE THAT THE INTERROGATORIES WOULD
REQUIRE THAT ANY NEW STUDIES BE UNDERTAKEN.

7 GUARD considered it necessary to permit the NRC Staff
8 to define the General Emergency scenarios in Interrogatories Nos.
9 1 and 2 in terms of initiating conditions, geographical area
10 involved, etc., so that the NRC Staff would not have to do a
11 study in order to answer, but could call upon data it surely
12 must have considered in the course of studying the adequacy of
13 the plans submitted. If the NRC Staff does not have access to
14 such data, it should so answer. GUARD requests that the NRC Staff
15 be compelled to answer these Interrogatories, which should not
16 require performance of an "extended study" or "data gathering".

17 III.

18 ALL OTHER INTERROGATORIES PROPOUNDED BY GUARD
19 ON NRC STAFF SEEK INFORMATION WITHIN THE SCOPE
OF GUARD'S CONTENTIONS.

20 NRC Staff has objected to most of GUARD's remaining
21 Interrogatories on several grounds, including grounds that they are "beyond
22 the scope of GUARD's contentions". GUARD has sought information
23 concerning such subjects as the mechanics of notification, costs
24 of planning and equipment, monitoring capability, functional
25 capabilities of equipment, guidelines for resolution of disputes
26 and handling of rumors, spontaneous evacuation, availability
27 of health care, plans for providing emergency information to
28 the public, provisions for sheltering, availability of emergency

1 workers, planned drills, as well as other subjects closely related
2 to the planning effort and the ability of the plans to be imple-
3 mented. GUARD believes that this information is needed in order
4 to show whether the plans provide "reasonable assurance that
5 appropriate measures can and will be taken in the event of an
6 emergency" (10 C.F.R. Part 50, Appendix E).

7 IV.

8 ALTHOUGH GUARD HAS PROPOUNDED IDENTICAL INTER-
9 ROGATORIES UPON BOTH NRC STAFF AND APPLICANT
10 IN CERTAIN CASES, IT DOES NOT NECESSARILY FOLLOW
11 THAT THE ANSWERS SHOULD BE IDENTICAL.

12 GUARD has asked information of both Applicant and
13 NRC Staff which should result in markedly different responses,
14 because of their distinct roles in this proceeding. For example,
15 Interrogatory No. 29 contains a request for correspondence which
16 has passed between federal agencies reviewing the plans. NRC
17 Staff's access to information of this kind can be expected to be
18 different than that of Applicant. Thus, GUARD's Interrogatory
19 seeks information of the NRC Staff which is "not reasonably
20 obtainable from any other source" (10 C.F.R. 2.720(h)(2)(ii)).
21 Indeed, a comparison of the response of Applicants to this
22 Interrogatory shows a frank difference in the date of the pro-
23 posed drill, with Applicants giving one date, and the NRC Staff
24 another. GUARD requests that NRC Staff be required to respond
25 fully to GUARD's Interrogatories, even though identical to those
26 propounded to Applicant, if relevant information which is
27 different than that which Applicant has provided will be dis-
28 covered.

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1 CONCLUSION

2 GUARD requests that the Board recognize the clear
3 relevance of its Interrogatories to NRC Staff to its emergency
4 planning contentions. Since the information requested is
5 "reasonably calculated to lead to the discovery of admissible
6 evidence" and is "necessary for a proper decision in the pro-
7 ceeding and...not reasonably obtainable from any other source..."
8 GUARD requests that the NRC Staff be directed to answer GUARD's
9 First Set of Interrogatories fully.

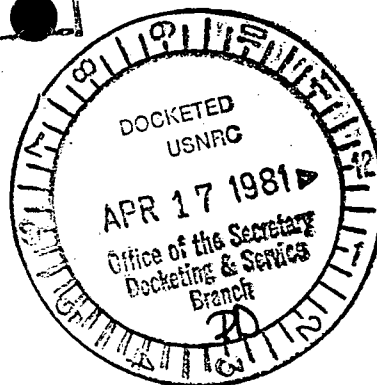
10 DATED: April 15, 1981, at
11 Anaheim, California.

Respectfully submitted,

12 *Phyllis M. Gallagher*

13 PHYLLIS M. GALLAGHER
14 Attorney for GUARD
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In the Matter of)	Docket Nos. 50-361 OL
)	50-362 OL
SOUTHERN CALIFORNIA)	
EDISON COMPANY, ET AL.,)	ORDER COMPELLING FURTHER
(San Onofre Nuclear Generating	)	ANSWERS TO GUARD'S FIRST
Station, Units 2 and 3).	)	SET OF INTERROGATORIES TO
	)	NRC STAFF

On good cause being shown therefor:

IT IS HEREBY ORDERED that, pursuant to 10 C.F.R. Section 2.740(f), NRC Staff shall provide full and complete answers to GUARD's "First Set Of Interrogatories To The NRC Staff From GUARD", filed February 20, 1981, specifically, all Interrogatories except Interrogatories Nos. 5, 14(a), and 16.

IT IS FURTHER ORDERED that NRC Staff shall provide such full and complete answers by May ___, 1981.

DATED: ___, 1981.

ATOMIC SAFETY AND LICENSING BOARD

By _____