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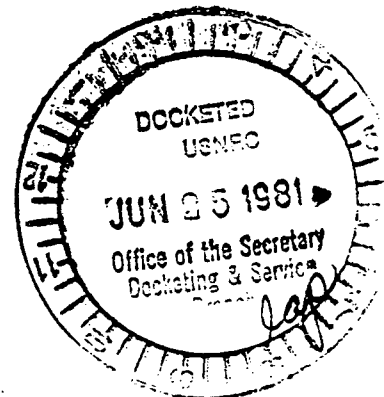
The Urban League

OF SAN DIEGO

BOOKET NUMBER 50-361-36
PROD. & UTIL. FAC.

June 22, 1981

Office of the Secretary
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555



RE: NRC Docket Nos. 50-361-OL
50-362-OL San Onofre Nuclear Generating
Station Units 2 and 3

To Members of the Atomic Safety and Licensing Board

Dear Sirs and Madam,

On June 27th, you will be receiving public testimony from many individuals who claim to be "energy advocates." They will claim to be representing the "poor" when they take on the "big utility companies" and attack the further expansion of nuclear power.

I, for one, question their motives.

To explain, I would like you to consider a certain case which may be outside your jurisdiction. It is probably outside my jurisdiction, but it is central to the question: In who's interest do the "energy advocates" speak?

In conference on December 19, 1974, Congress passed the Emergency Conservation Services Amendment to the Economic Opportunity Act. This allowed energy assistance to be provided to poor people through a program administered by the Community Services Administration (CSA).

The low-income fuel assistance program was given the title Crisis Intervention Program (CIP) and there were many complaints that the poor were not receiving their fuel assistance benefits. On September 24, 1979, five legal aid attorneys filed a class-action suit on behalf of a group of low income people against CSA. The case is now known as Simer v. Olivarez. The complaint alleged that CSA had unlawfully administered the low-income fuel assistance program (CIP), unlawfully promulgated regulations reducing the number of eligible applicants, and arbitrarily set an application deadline for the program. They wanted to prevent the money left over from the program from being returned to the Treasury.

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On the surface, the complaint appeared to be a sincere attempt to extend the fuel assistance Crisis Intervention Program so that more people, especially elderly people, could receive federal assistance. But after they got a U.S. District Judge, John F. Grady, to sign off on the complaint, the legal aid lawyers and the CSA attorneys proceeded to draft a "Stipulation and Agreed Order" -- an out of court settlement. The settlement would have divided up the money this way:

For the eight plaintiffs named in the class action suit, the out-of-court settlement provided minimal benefits of voucher credits or direct payments of \$250 each, or a total outlay of \$2,000.

The rest of the \$18 million was to be divided like this:

- 1) \$4.0 million shall be granted to local groups to fund "energy advocacy".
- 2) \$1.8 million to the National Consumer Law Center "to be used solely for a two-year budget to maintain and expand its current advocacy, research and active litigation with regard to state, federal and local utility and energy issues."
- 3) \$.5 million to the National Consumer Law Center to be used over two years for expert witnesses and consultant fees.
- 4) \$.5 million shall be distributed to CIP energy advocacy granters, legal service organizations, or other consumer utility advocacy groups to be used for expert witness or consultant fees in energy and utility matters.
- 5) \$200,000 shall go to Citizen/Labor Energy Coalition Foundation of Washington D.C., to fund for a two year period staff, travel and materials for providing training and technical assistance in organizing and coalition building for those energy groups (previously mentioned).
- 6) \$350,000 is set aside for the following purposes: Three professionals at the GS 12/13/14 level and one clerical at the GS 7/9 level shall be hired for a period of two years for headquarters assistance in the administration and monitoring of the programs set forth within. Also, for all of their expenses and manuals, handbooks and pamphlets pertaining to these programs.
- 7) \$2.0 million for solar resource centers and solar collectors for the poor and elderly.
- 8) \$150,000 for the Small Farm Energy Project of the Nebraska Center for Rural Affairs located in Wathill, Nebraska.
- 9) \$1 million to do studies on the low-income energy problem and alternative energy sources.
- 10) \$4 million for energy conservation kits; and
- 11) \$4 million for a hypothermia program.

As you can see, most of the \$18 million in economic assistance was to be divided up between "public interest" lawyers and "energy advocates" and their various programs -- not poor people. Fortunately, the Capital Legal Foundation filed a complaint against CSA on behalf of Senators Paul Laxalt, Orrin Hatch and Edward Zorinsky and Judge Grady vacated his order.

However, during Congressional hearings before a Subcommittee on Appropriations, House of Representatives, 96th Congress, First Session, Part 7, Related Agencies, June 11, 1978, it was determined that out of the \$200 million Congress allocated to the Special Crisis Intervention Program -- a program to help low-income people weatherize their homes -- \$36 million -- almost 20% -- was used for "other purposes."

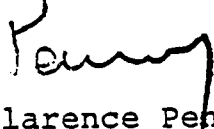
"CSA has approved SCIP grantees' use of reprogrammed SCIP funds for advocacy, crisis intervention, consumer information, education, legal assistance and other purposes. CSA has clearly overstepped its authority by the actions it has taken on this matter."

It is obvious to me, and it has been for quite some time, that when it comes to federal money, the "energy advocates" are rapacious in representing their own interests and not the interests of the poor. I hope you will keep this in mind when you listen to their testimony.

The best thing you can do for poor people today is recommend the immediate licensing of San Onofre units 2 and 3. This clean, reliable source of non-imported energy, will do much to help hold down fuel costs for those on marginal incomes who are facing the second highest utility rates in the country.

This will do more to help poor people than all the "energy advocates" ever did with their federally funded programs which they operated with the money taken from the poor in the first place. Thank you.

Sincerely,



Clarence Pendleton

CL:lz