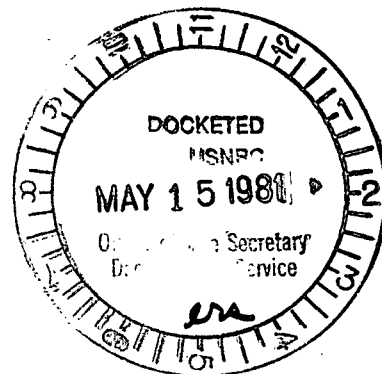


5/12/81

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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, <u>ET AL.</u>	)	APPLICANTS' RESPONSE TO
	)	REVISED CONTENTIONS OF
(San Onofre Nuclear Generating	)	INTERVENORS FOE, <u>ET AL.</u>
Station, Units 2 and 3)	)	<u>SUBMITTED MAY 5, 1981</u>

Pursuant to leave granted by the Atomic Safety and Licensing Board ("Board") at the Prehearing Conference of April 29, 1981, Intervenor FOE, Et Al. have filed "Revised Contentions Submitted By Intervenor FOE, Et Al.", dated May 5, 1981. Pursuant to Board's instructions at the Prehearing Conference, Applicants hereby submit their response to the revised contentions.

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## DISCUSSION

### I

Intervenors' proposed contention states that Applicants either have not performed or have not been required by the NRC Staff to perform the geologic investigations required by 10 C.F.R., Part 100, Appendix A, Sections II, III(j), IV(a) and (b), V(b) and VI(b). The primary basis for Intervenors' contention appears to be the assumption that the so-called "Cristianitos Zone of Deformation" ("CZD") is a geologic feature capable of generating earthquakes that may be larger than the Safe Shutdown Earthquake or that may cause surface faulting at the SONGS site. Such is the thrust of Intervenors subparagraphs (a), (b), (d), (e), (f) and (g) of "Revised Contentions Submitted By Intervenors FOE, ET AL". In each of the referenced subparagraphs, Intervenors allege in some fashion that the alleged CZD has not been sufficiently investigated, either with respect to surface faulting, maximum vibratory ground motion, or both. Intervenors assume the alleged CZD to be a capable feature. Intervenors' assumption that the so-called CZD is a capable geologic feature is, in fact, a part of the question presented in Applicants' Proposed Issue 2, submitted by Applicants at the Prehearing Conference of April 29, 1981.<sup>1/</sup>

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<sup>1/</sup> Whether characterization of certain offshore geologic features as a zone of deformation referred to as the Cristianitos Zone of Deformation renders the seismic design basis for SONGS 2 and 3 inadequate to protect the public health and safety.

The call for additional studies is unwarranted. Whether the CZD exists as a geologic structure and whether it impacts the seismic design basis of SONGS 2 and 3 will be determined under Issue 2 already before the Board.

Applicants have performed an overwhelming number of investigations relative to the site's geology, including the so-called CZD. NRC Staff has reviewed those investigations and, most recently, as reflected in the Safety Evaluation Report (NUREG-0712), finds the site to be suitable. Intervenor's repeated use of the term "data void" is misleading. The meaning and significance of that term will be shown in the evidence relating to the existing issue directed to the alleged CZD. Applicants submit that Intervenor's have failed to allege a basis for their proposed contention, and that as recast the proposed contention fails to establish a nexus between the particular facts at issue in this proceeding and the failure to conduct additional investigations. Applicants submit the contention should not be allowed.

## II

Intervenor's subparagraph (c) attempts to state an issue with respect to the southern extension of the Offshore Zone of Deformation ("OZD"). Intervenor's allege again, without any basis, that Applicants have failed to perform necessary geologic investigations. Intervenor's allege that investigations should be performed with respect to a postulated relationship between the Rose Canyon Fault

Zone and the Agua Blanca Fault Zone. Intervenor fail to allege the relevance of such a postulated connection.

Applicants submit that the only relevant issue that could be raised by such postulation is the size of the maximum magnitude earthquake that could be assigned to the OZD. The question of the extent and geologic character of the OZD is already included in Applicants' Proposed Issue 4 submitted to the Board on April 29, 1981.<sup>2/</sup> In the same way Applicants will present evidence to show the geology of the OZD, including its length, Intervenor may attempt to show that some relevant portion of the OZD has been omitted. Intervenor's substantive concern is already before the Board and Intervenor's proposed contention should not be allowed.

### III

Intervenor subparagraph (h) alleges, without any factual basis whatsoever, that Applicants have failed to perform the required investigations with respect to the Cristianitos Fault. Applicants construe this allegation to be directed to the traditionally recognized onshore Cristianitos Fault as opposed to the alleged offshore CZD. (If the contention is assumed to address the so-called CZD, it is redundant to that discussed in I, supra.) The contention should fail for at least two reasons. First, the

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<sup>2/</sup> Whether based on the geologic and seismic characteristics of the OZD, assignment of  $M_s$  7 as the maximum magnitude earthquake for the OZD renders the seismic design basis for SONGS 2 and 3 inadequate to protect the public health and safety.

allegation is no more than an assertion, totally lacking in any factual basis. Intervenor's do not even attempt to state facts in support of their allegation. Second, the capability of the Cristianitos Fault was an issue decided at the construction permit stage of this proceeding. Intervenor's have failed to present any basis for re-litigation of the proposed issue at the operating license stage. In the absence of a factual basis that may cast doubt on the correctness of prior determinations respecting the Cristianitos Fault, the proposed contention should not be allowed.

#### IV

#### CONCLUSION

Applicants submit that the revised contentions either contain questions already before this Board, are without any factual basis, or are matters decided at the construction permit stage. For these reasons, the contentions should be rejected.

DATED: May 12, 1981.

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PROOF OF SERVICE BY MAIL

I declare that:

I am employed in the City and County of San Francisco, California.

I am over the age of eighteen years and not a party to the within entitled action; my business address is 600 Montgomery Street, 11th Floor, San Francisco, California 94111.

On May 12, 1981, I served the attached APPLICANTS' RESPONSE TO REVISED CONTENTIONS OF INTERVENORS FOE, ET AL. SUBMITTED MAY 5, 1981 in said cause, by placing a true copy thereof enclosed in the United States mail at San Francisco, California, addressed as follows:

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