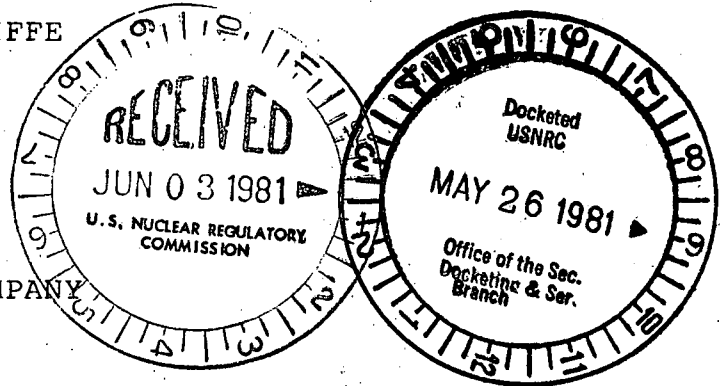


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5/23/81

12 UNITED STATES OF AMERICA

13 NUCLEAR REGULATORY COMMISSION

14 BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

15 In the Matter of)	Docket Nos. 50- ³⁶¹ 261 OL
)	50-362 OL
16 SOUTHERN CALIFORNIA)	
17 EDISON COMPANY, <u>ET AL.</u>)	APPLICANTS' COMMENTS ON
)	INTERVENORS FOE, ET AL.'s
18 (San Onofre Nuclear Generating)	OBJECTIONS TO PREHEARING
Station, Units 2 and 3))	<u>CONFERENCE ORDER.</u>
19)	

20

21 Subsequent to the Prehearing Conference of April

22 29, 1981, the Board issued its Prehearing Conference Order

23 dated May 8, 1981. On or about May 18, 1981, Intervenor FOE

24 et al. filed "Objections to Prehearing Conference Order"

25 requesting, among other things, a delay in the commencement of

26 the hearing herein. On May 21, 1981, the Chairman of the

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1 Board initiated a conference call to all parties to discuss
2 FOE's objections. It is the undersigned's understanding of
3 FOE's objections that one of the major reasons for the
4 requested delay is the unavailability of Dr. James Brune, one
5 of the expert witnesses for Intervenor FOE et al.

6 Counsel for Applicants believe the Board should be
7 aware of certain additional references not available to
8 counsel for Applicants at the time of the conference call.
9 On March 30, 1981, Applicants took Dr. Brune's deposition.
10 The following are excerpted from the transcript of Dr.
11 Brune's deposition:

12 "A. No. I am not familiar with that.
13 Again, I may have seen some of them and
14 briefly looked at them, but as I said before
15 the last couple of quarters I have been
teaching pretty heavily and I intend to look
into the San Onofre case next quarter when
my teaching load is not so heavy." (TR 26)

16 Again, with the question being posed by Mr. Chandler of the
17 NRC staff:

18 "Q. Do you have any idea about how much time
19 you are going to spend in the future reviewing?

20 A. Well, that depends upon when the hearings
21 are, I suppose, but I have a relatively light
teaching load this quarter." (TR 174)

22 Applicants submit that FOE's written statements (Objections
23 to Prehearing Conference Order, page 7) and oral
24 representations during the referenced conference call
25 conflict with those of Dr. Brune.

26 / / /

1 During the conference call, the undersigned
2 proposed certain suggestions on the part of Applicants aimed
3 at maintaining the June 15, 1981 date for commencement of
4 hearing. The suggested procedure would have allowed FOE to
5 file testimony later than originally allowed and would have
6 required Applicants to file their testimony on FOE as of June
7 1, 1981. In the event the June 15, 1981 date is extended,
8 all concessions proposed during said conference call are
9 withdrawn.

10 Applicants maintain any delay in commencement of
11 hearings will result in a delay in operation of the
12 facility. If a delay is granted, as has been indicated by
13 the Board Chairman, Applicants request that all subsequent
14 proceedings be conducted in a manner that will result in a
15 make-up of such lost time. Applicants may request extended
16 hearing days and Saturday hearings if such appears necessary
17 to achieve a timely completion.

18 DATED: May 23, 1981

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