

October 11, 1972

Alan R. Watts
Assistant City Attorney
City Hall
Anaheim, California 92805

In the Matter of Southern California Edison Company and San
Diego Gas & Electric Company (San Onofre Nuclear Generating
Station, Units 2 and 3) - Docket Nos. 50-361 and 50-362

Dear Mr. Watts:

Enclosed is a copy of each the restructured 10 CFR Part 2 and 10 CFR
Part 50 which I indicated at the October 5, 1972 prehearing conference
would be provided to you by staff.

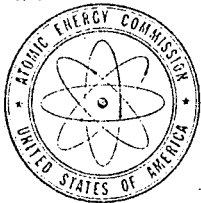
Sincerely,

/s/

Lawrence J. Chandler
Counsel for AEC Regulatory Staff

cc wo/encl: Michael L. Glaser, Esq.
Lester Kornblith, Jr.
Dr. Franklin C. Daiber
Elizabeth S. Bowers, Esq.
Dr. Gerard A. Rohlich
Charles R. Kocher, Esq.
David R. Pigott, Esq.
Bruce Sharpe, Esq.
Larry Moss
David Sakai
George Spiegel, Esq.
Kenneth E. Carr, Esq.
Frank W. Karas
San Clemente Public Library

OFFICE ▶	OGC	OGC					Miss.
SURNAME ▶	LJChandler/jml	mm					Karas
DATE ▶	10/11/72	10/11/72					



UNITED STATES
ATOMIC ENERGY COMMISSION
WASHINGTON, D.C. 20545
October 11, 1972

DOCKET NUMBER 50-361
PROD. & UTIL. EAC 50-362

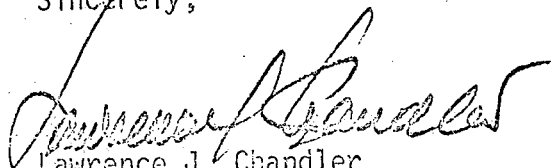
Alan R. Watts
Assistant City Attorney
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In the Matter of Southern California Edison Company and San
Diego Gas & Electric Company (San Onofre Nuclear Generating
Station, Units 2 and 3) - Docket Nos. 50-361 and 50-362

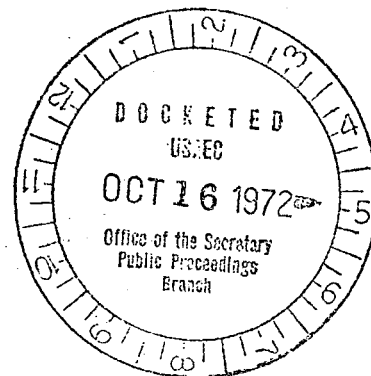
Dear Mr. Watts:

Enclosed is a copy of each the restructured 10 CFR Part 2 and 10 CFR Part 50 which I indicated at the October 5, 1972 prehearing conference would be provided to you by staff.

Sincerely,


Lawrence J. Chandler
Counsel for AEC Regulatory Staff

cc wo/encl: Michael L. Glaser, Esq.
Lester Kornblith, Jr.
Dr. Franklin C. Daiber
Elizabeth S. Bowers, Esq.
Dr. Gerard A. Rohlich
Charles R. Kocher, Esq.
David R. Pigott, Esq.
Bruce Sharpe, Esq.
Larry Moss
David Sakai
George Spiegel, Esq.
Kenneth E. Carr, Esq.
Frank W. Karas
San Clemente Public Library



October 11, 1972

San Clemente Public Library
233 Granada Street
San Clemente, California 92672

In the Matter of Southern California Edison Company and San
Diego Gas & Electric Company (San Onofre Nuclear Generating
Station, Units 2 and 3) - Docket Nos. 50-361 and 50-362

Gentlemen:

At the prehearing conference held in the captioned proceeding on October 5, 1972, a question arose as to whether copies of the application for construction permit, the environmental report, and supplemental environmental report supplied by Southern California Edison Company and San Diego Gas and Electric Company are on file at the library which has been designated as the Commission's local public document room. These documents relate to the proposed construction of San Onofre Nuclear Generating Station, Units 2 and 3.

It is requested that you verify the availability of these documents.

Sincerely,

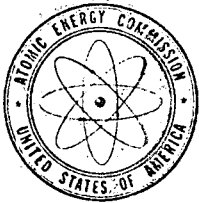
LS/

Lawrence J. Chandler
Counsel for AEC Regulatory Staff

cc: Michael Glaser, Esq.
Lester Kornblith, Jr.
Dr. Franklin C. Daiber
Mrs. Elizabeth S. Bowers
Dr. Gerard A. Rohlich
Charles R. Kocher, Esq.
David R. Pigott, Esq.
Local PDR
Bruce Sharp, Esq.

Alan R. Watts, Esq.
Larry Moss
George Spiegel, Esq.
Kenneth E. Carr, Esq.
ASLAB
ASLBP
Mr. Frank W. Karas, Jr.

OFFICE ▶	OGC <i>LL</i>	OGC					<i>Hearing</i>
SURNAME ▶	<i>LJChandler:1mm</i>						<i>Misc</i>
DATE ▶	10/11/72						



UNITED STATES
ATOMIC ENERGY COMMISSION
WASHINGTON, D.C. 20545

October 11, 1972

San Clemente Public Library
233 Granada Street
San Clemente, California 92672

In the Matter of Southern California Edison Company and San
Diego Gas & Electric Company (San Onofre Nuclear Generating
Station, Units 2 and 3) - Docket Nos. 50-361 and 50-362

Gentlemen:

At the prehearing conference held in the captioned proceeding on October 5, 1972, a question arose as to whether copies of the application for construction permit, the environmental report, and supplemental environmental report supplied by Southern California Edison Company and San Diego Gas and Electric Company are on file at the library which has been designated as the Commission's local public document room. These documents relate to the proposed construction of San Onofre Nuclear Generating Station, Units 2 and 3.

It is requested that you verify the availability of these documents.

Sincerely,


Lawrence J. Chandler
Counsel for AEC Regulatory Staff

cc: Michael Glaser, Esq.
Lester Kornblith, Jr.
Dr. Franklin C. Daiber
Mrs. Elizabeth S. Bowers
Dr. Gerard A. Rohlich
Charles R. Kocher, Esq.
David R. Pigott, Esq.
Bruce Sharp, Esq.

Alan R. Watts, Esq.
Larry Moss
George Spiegel, Esq.
Kenneth E. Carr, Esq.
ASLAB
ASLBP
Mr. Frank W. Karas

UNITED STATES OF AMERICA
ATOMIC ENERGY COMMISSION

10/4/72

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)

SOUTHERN CALIFORNIA EDISON COMPANY)
SAN DIEGO GAS AND ELECTRIC COMPANY)

(San Onofre Nuclear Generating)
Station, Units 2 and 3))

Docket Nos. 50-361 ✓
50-362

AEC REGULATORY STAFF'S ANSWER TO SUPPLEMENTAL PETITION OF SCENIC
SHORELINE PRESERVATION CONFERENCE, INC., FOR LEAVE TO INTERVENE

On September 30, 1972 (sic), Scenic Shoreline Preservation Conference, Inc., (Scenic Shoreline) filed a supplement to its telegraphed petition for leave to intervene dated September 10, 1972. Staff submitted its answer to the telegraphed petition on September 19, 1972.

It is the position of staff that the supplemental petition fails to comply with the provisions of the Commission's "Rules of Practice," 10 CFR §2.714, and should, therefore, be denied. This section requires that a petition must:

- (1) be timely;
- (2) state the petitioner's interest;
- (3) show how that interest may be affected by Commission action;
- (4) set forth the contentions of petitioner in reasonably specific detail; and,
- (5) if the petition is not timely filed, it must show good cause therefor.

Other than an allusion to petitioner's interest and the effect of Commission action thereon, the petition fails to satisfy any of the other above-stated requirements.

- (A) The petition was not timely. The notice of hearing in the captioned proceeding was published in the Federal Register on August 10, 1972, and specified a thirty-day period in which to file petition for leave to intervene. This would have required that any such petition, to be timely, would have to have been filed by September 11, 1972.

Though Scenic Shoreline did telegraph its intent to submit a petition to the Commission on September 10, 1972, this filing was patently defective under 10 CFR §2.714 in that it in no way attempted to comply with the above-stated requirements other than an unclear assertion of interest. Moreover, it failed to comply with §2.708 which requires that telegraphic communications be perfected within two days. Inasmuch as the supplemental letter was probably filed on or about September 24, 1972, (determined by examination of postmark on envelope) fourteen days after the telegram, the latter is of no force and effect as a timely filing. It follows therefrom that the supplemental letter is not timely.

In order to be considered, an untimely filing must show good cause for not complying with the time requirement. Such good cause is not even suggested in the letter, let alone satisfied.

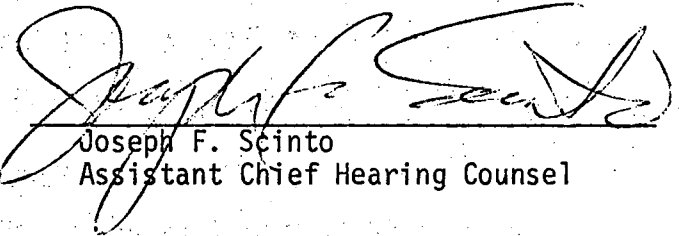
Accordingly, staff urges that the petition for leave to intervene filed by Scenic Shoreline Preservation Conference, Inc., be denied as being untimely.

- (B) Further, staff believes that the statement of interest and how that interest would be affected by Commission action are inadequate, and that the contentions of Scenic Shoreline are not set forth in reasonably specific detail as required by 10 CFR §2.714.

While we feel that the petition is technically deficient, it does suggest some legal interest which could conceivably be affected by Commission action herein. Furthermore, while the contentions are imprecisely stated, and are not set forth in reasonably specific detail, they do, at least, reveal the areas of petitioner's concern (however, only in the most general of terms). These include: earthquakes, transportation and storage of radioactive materials, the cooling system, impact on marine and terrestrial environments, radiation safeguards, the need for power and alternative power sources, and evacuation plans. Essentially, the petition's major defect appears to be that it is unartfully drawn.

In these circumstances, the staff believes that it would be appropriate for the Board to afford petitioner the opportunity to revise and refine its statement of interest and contentions. Such opportunity should be limited in time, to a period not to exceed 30 days; and in scope, to those areas expressed in the original petition. Further, pursuant to 10 CFR §2.715a, staff requests that they be consolidated with any other petitioner whose petition for leave to intervene may be granted and whose contentions are reasonably similar to those of petitioner.

Respectfully submitted,



Joseph F. Scinto
Assistant Chief Hearing Counsel

Dated at Bethesda, Maryland,
this 4th day of October, 1972.

UNITED STATES OF AMERICA
ATOMIC ENERGY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)
)
SOUTHERN CALIFORNIA EDISON COMPANY)
SAN DIEGO GAS & ELECTRIC COMPANY) Docket Nos. 50-361
) 50-362
(San Onofre Nuclear Generating Station)
Units 2 and 3)

CERTIFICATE OF SERVICE

I hereby certify that copies of "AEC Regulatory Staff Answer to Supplemental Petition of Scenic Shoreline Preservation Conference, Inc., for Leave to Intervene" dated October 4, 1972, in the captioned matter have been served on the following by deposit in the United States mail, first class or air mail, this 4th day of October, 1972:

Michael Glaser, Esq.
1150 17th Street, N.W.
Washington, D.C. 20036

Mr. Lester Kornblith, Jr.
Atomic Safety & Licensing Board
Panel
U.S. Atomic Energy Commission
Washington, D.C. 20545

Dr. Franklin C. Daiber
Department of Biological Sciences
University of Delaware
Newark, Delaware 19711

Rollin E. Woodbury, Esq.
Southern California Edison Company
2244 Walnut Grove Avenue
Rosemead, California 91770

Sherman Chickering, Esq.
Chickering & Gregory
111 Sutter Street
San Francisco, California 94104

Hon. Harry F. Scheidle, Chairman
Board of Supervisors
1600 Pacific Highway
San Diego, California 92102

Dr. John M. Heslep, Chief
Environmental Health and Consumer
Protection Program
Department of Public Health
2151 Berkeley Way
Berkeley, California 94704

William R. Johnson, Secretary
Public Utilities Commission
State of California
California State Building
San Francisco, California 94102

Dr. Gerard A. Rohlich
Department of Civil Engineering
University of Texas
Austin, Texas 78712

Elizabeth S. Bowers, Esq.
Atomic Safety & Licensing
Board Panel
U.S. Atomic Energy Commission
Washington, D.C. 20545

Mrs. Phyllis Rauch
San Clemente Public Library
233 Grauada Street
San Clemente, California 92672

Attorney General
State of California
Sacramento, California 95814

Lyn Harris Hicks, Community Liaison
San Clemente Capistrano Bay Branch
American Association of University Women
and Men and Groups United Against
Radiation Dangers
3908 Ariana Street
San Clemente, California

Davene L. Montierth, Esq.
Orange Country Peoples Lobby
P.O. Box 6471
Buena Park, California 90622

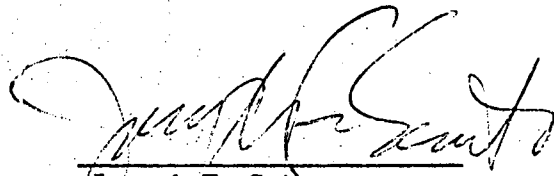
Mr. Frederick Eissler
Scenic Shoreline Preservation
Conference, Inc.
4623 More Mesa Drive
Santa Barbara, California 93105

Kenneth E. Carr, Esq.
City Manager
City of San Clemente
100 Avenida Presidio
San Clemente, California 92672

Atomic Safety & Licensing Board Panel
U.S. Atomic Energy Commission
Washington, D.C. 20545

Atomic Safety & Licensing Appeal Board
U.S. Atomic Energy Commission
Washington, D.C. 20545

Mr. Frank W. Karas
Chief, Public Proceedings Staff
Office of the Secretary of the Commission
U.S. Atomic Energy Commission
Washington, D.C. 20545



Joseph F. Scinto
Assistant Chief Hearing Counsel

Reg. Files
104-72

UNITED STATES OF AMERICA
ATOMIC ENERGY COMMISSION

In the Matter of

SOUTHERN CALIFORNIA EDISON COMPANY, ET AL.
(San Onofre Nuclear Generating Station Units 2 and 3)

)
) Docket No. 50-361,
) 362

CERTIFICATE OF SERVICE

I hereby certify that copies of (1) a letter from Hicks to Chief, Public Proceedings Staff dated September 27, 1972 (2) letter from Boberg to McCool dated September 27, 1972 in the captioned matter have been served on the following by deposit in the United States mail, first class or air mail, this 4th day of October 1972:

Michael Glaser, Esq., Chairman
Atomic Safety and Licensing Board
1150 17th Street, N.W.
Washington, D. C. 20036

Mr. Lester Kornblith, Jr.
Atomic Safety and Licensing Board
U. S. Atomic Energy Commission
Washington, D. C. 20545

Dr. Franklin C. Daiber
Department of Biological Sciences
University of Delaware
Newark, Delaware 19711

Dr. Gerard A. Rohlich
Department of Civil Engineering
University of Texas
Austin, Texas 78712

Elizabeth S. Bowers, Esq., Alternate
Chairman
Atomic Safety and Licensing Board
U. S. Atomic Energy Commission
Washington, D. C. 20545

Martin G. Malsch
Regulatory Staff Counsel
U. S. Atomic Energy Commission
Washington, D. C. 20545

Rollin E. Woodbury, Esq., Vice
President and General Counsel
Southern California Edison Company
P. O. Box 800
2244 Walnut Grove Avenue
Rosemead, California 91770

Robert J. Cahall, Esq.
Southern California Edison
Company
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Rosemead, California 91770

David N. Barry, III, Esq.
Southern California Edison Company
2244 Walnut Grove Avenue
Rosemead, California 91770

Charles E. Kocher, Esq.
Southern California Edison Company
2244 Walnut Grove Avenue
Rosemead, California 91770

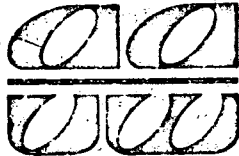
Kingsley B. Hines, Esq.
Southern California Edison Company
2244 Walnut Grove Avenue
Rosemead, California 91770

Sherman Chickering, Esq.
C. Hayden Ames, Esq.
Frank S. Bayley, III, Esq.
David R. Pigott, Esq.
Chickering & Gregory
111 Sutter Street
San Francisco, California 94104

Mrs. Phyllis Rauch
San Clemente Public Library
233 Granada Street
San Clemente, California 92672

Syrene Lightning
Office of the Secretary of the Commission

cc: Mr. Glaser
ASLBP
M. Malsch
V. Wilson
Reg. Files



AMERICAN ASSOCIATION OF UNIVERSITY WOMEN
SAN FERNANDO VALLEY BRANCH

DOCKET NUMBER

OD. & UJIL, EAG. 50-361,362

10912 Nostle Av
Northridge, Ca. 91324
September 27, 1972

Mr. W. B. McCool
Atomic Energy Commission
Washington, D.C. 20545

Re: San Onofre units 2 & 3
Docket # 50361.362

Dear Mr. McCool,

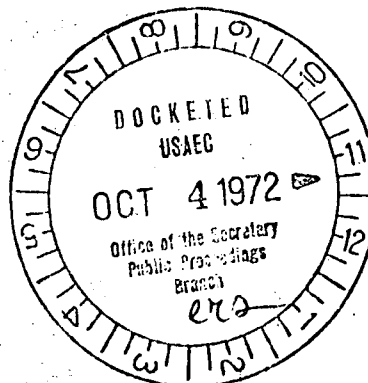
Thank you for sending "Notice of Hearing on Application for Construction Permits" for San Onofre units 2 and 3.

May we have permission for a limited appearance at the hearing? Please send us the date and place of the hearing following the prehearing conference.

Sincerely,

Dorothy Boberg

Dorothy Boberg
CO-Chairman
B.E. Committee



Acknowledged by card 10/4/72, ers

AMERICAN ASSOCIATION OF UNIVERSITY WOMEN

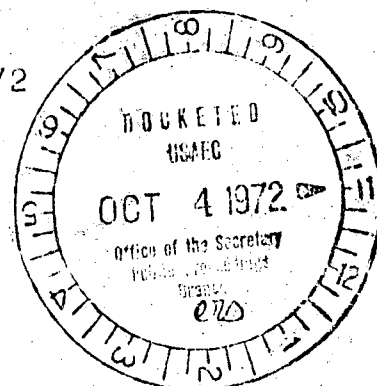
SAN CLEMENTE BRANCH

SAN CLEMENTE, CALIFORNIA 92672

Re: San Onofre Generating Plant Docket #s 50-361, 50-362

September 27, 1972

Chief, Public Proceedings Branch
Office of the Secretary of the Commission
United States Atomic Energy Commission
Washington, D. C.



Dear Sir:

We are very appreciative of the documents you have sent to us since we began our petition to intervene in the matter of application for license to construct two additional nuclear units at San Onofre.

We are dependent on you for instruction re: your requirements from us; if the materials we have sent are deficient, we would appreciate an opportunity to comply. In the matter of "how that(our) interest may be affected by Commission action," our appeal for appropriate response from the commission to protect our health and welfare may be considered too general; I notice the instructions say "reasonably specific detail".

Will you add this as addenda to our petition? San Clemente-Caristrano Bay Branch official opposes the installation as proposed, which would mean that we ask you to deny or to "appropriately condition to protect environmental values" as per your notice of hearing. Specifically, we have circulated petitions seeking "inland and underground" conditions to prevent installation on our beaches, near the freeway and near our growing population center, and we consider these conditions essential in the event the commission concludes that denial of the application is not an acceptable course. Please inform us if this is not reasonably specific.

In this petition process, I feel much like a blind man reaching for flowers in a rose garden. One of the thorns we have experienced is Edison Company's request that our petition be denied, referring to affidavits. The legal notice you sent to us last week does not mention affidavits. What affidavits are required?

We have been told that the Code of Federal Regulations is sometimes available in libraries. Our committee has searched, and finds no such code in our Orange County and city libraries, thus far. (continued on next page)

Acknowledged by card 10/4/72, eva

AMERICAN ASSOCIATION OF UNIVERSITY WOMEN

SAN CLEMENTE BRANCH

SAN CLEMENTE, CALIFORNIA 92672

Page 2 September 27

In the matter of our not knowing about the deadline for petitions, and the subsequent lateness of our supplementary material, our fault in not monitoring the legal notices was occasioned by our confidence that we would be notified. We want you to know that your mailing to GUARD via Mrs. Van Fleming, noted in one of your recent communications to us, did not reach us. Mrs. Fleming, who was a spokesman of GUARD at the time of the PUC hearings, moved to Kentucky about two years ago. I have been told that she is returning to San Clemente, in which case she will probably rejoin our efforts. Patrick O'Brien, who was the legally recognized spokesman in the hearings, is still resident of San Clemente.

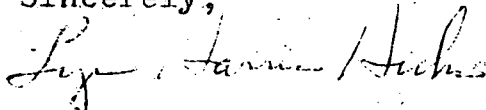
Would you correct, please, the mistake in the name of GUARD which appears in some documents. We are called Groups United Against Radiation Dangers, not "Men and Groups et al".

What information should we bring the day of the preliminary hearing? Is there a deadline by which we must have the names of the experts we will call during the evidenciary hearings? When, approximately can we expect those hearings to take place? within weeks, months, ?

We understand there is an intervener who was accepted by you in the San Onofre installations and was very active at the time of approval of Unit 1. We assume he will continue his intervention, and would very much like to make contact with him. Can you send us his name and address?

Thank you again for your assistance.

Sincerely,



Lyn Harris Hicks (Community Liaison)
San Clemente-Capistrano Bay Branch
American Association of University Women,
and Groups United Against Radiation Dangers

10-3-72

UNITED STATES OF AMERICA
ATOMIC ENERGY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)
)
SOUTHERN CALIFORNIA EDISON COMPANY)
SAN DIEGO GAS AND ELECTRIC COMPANY)
)
(San Onofre Nuclear Generating)
Station, Units 2 and 3))

Docket Nos. 50-361
50-362

AEC REGULATORY STAFF ANSWER TO
SUPPLEMENTAL PETITION OF THE AMERICAN
ASSOCIATION OF UNIVERSITY WOMEN FOR LEAVE TO INTERVENE

On September 20, 1972, the America Association of University Women (AAUW) served a supplement to their telegraphed petition for leave to intervene of September 9, 1972. Staff filed its answer to the telegraphed petition on September 19, 1972.

It is the position of staff that the petition of the AAUW fails to satisfy the requirements of the Commission's Rules of Practice, 10 CFR §2.714 and should be denied for the following reasons.

A petition for leave to intervene must be filed within the time specified in the notice for hearing, must show petitioner's interest and how such interest would be affected by Commission action and set forth petitioner's contentions in reasonably specific detail. The notice of hearing in the captioned proceeding was published on August 10, 1972 (37 F.R. 16117) and specified a thirty day period, which would require, therefore, that any petitions, to be timely, would have to have been filed by September 11, 1972. The telegram of petitioner AAUW filed on September 9, 1972

was patently defective under the aforementioned rule in that it failed to "set forth the interest of the petitioners . . . , how that interest may be affected by Commission action, and the contentions of the petitioner in reasonably specific detail."

While the telegram of the AAUW did note that a supporting letter would be forthcoming, such letter was not, in fact, served by the AAUW until September 20, 1972, eleven days after the initial telegram. Accordingly, the petition failed to satisfy the requirements of 10 CFR §2.708 which require, that a telegraphic communication be perfected within 2 days and cannot be considered a timely filing.

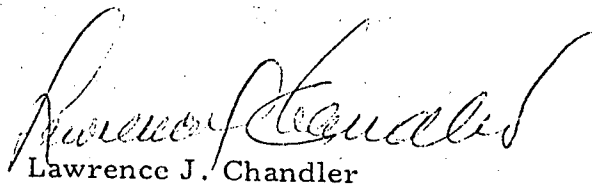
This supplemental letter, however, is defective under 10 CFR §2.714 inasmuch as it fails to show good cause for being untimely, it fails to set forth petitioner's interest, other than a vague suggestion thereof, or how any interest they may have, would be affected by Commission action in this proceeding. Additionally, such contentions as are set out are so broad and vague as to be totally wanting in reasonably specific detail.

Accordingly, staff urges that the petition be denied. While we feel that the petition is technically deficient, it does indicate some legal interest which could conceivably be affected by Commission action herein. Furthermore, while the contentions are

imprecisely stated and are not set forth in reasonably specific detail, they do, at least reveal the areas of petitioner's concern, however, only in the most general of terms. These include: earthquakes, transportation and storage of radioactive materials, the cooling system, impact on marine and terrestrial environmental and effluent standards. Essentially, the petition's major defect is that it is unartfully drawn.

In these circumstances, the staff believes that it would appropriate for the Board to afford petitioner the opportunity to revise and refine its statement of interest and contentions. Such opportunity should be limited in time, to a period not to exceed 30 days, and in scope, to those areas expressed in the original petition. Further, pursuant to 10 CFR §2.715a staff requests that they be consolidated with any other petitioner whose petition for leave to intervene may be granted and whose contentions are reasonably similar to those of the AAUW.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Lawrence J. Chandler".

Lawrence J. Chandler
Counsel for AEC Regulatory Staff

Dated at Bethesda, Maryland
this 3rd day of October, 1972.

UNITED STATES OF AMERICA
ATOMIC ENERGY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)	
)	
SOUTHERN CALIFORNIA EDISON COMPANY)	
SAN DIEGO GAS & ELECTRIC COMPANY	)	Docket Nos. 50-361
	)	50-362
(San Onofre Nuclear Generating Station)	
Units 2 and 3))	

CERTIFICATE OF SERVICE

I hereby certify that copies of "AEC Regulatory Staff Answer to Supplemental Petition of the American Association of University Women for Leave to Intervene," dated October 3, 1972, in the captioned matter have been served on the following by deposit in the United States mail, first class or air mail, this 3rd day of October, 1972:

Michael Glaser, Esq.
1150 17th Street, N.W.
Washington, D.C. 20036

Sherman Chickering, Esq.
Chickering & Gregory
111 Sutter Street
San Francisco, California 94104

Mr. Lester Kornblith, Jr.
Atomic Safety & Licensing Board
Panel
U.S. Atomic Energy Commission
Washington, D.C. 20545

Hon. Harry F. Scheidle, Chairman
Board of Supervisors
1600 Pacific Highway
San Diego, California 92102

Dr. Franklin C. Daiber
Department of Biological Sciences
University of Delaware
Newark, Delaware 19711

Dr. John M. Heslep, Chief
Environmental Health and Consumer
Protection Program
Department of Public Health
2151 Berkeley Way
Berkeley, California 94704

Rollin E. Woodbury, Esq.
Southern California Edison Company
2244 Walnut Grove Avenue
Rosemead, California 91770

William R. Johnson, Secretary
Public Utilities Commission
State of California
California State Building
San Francisco, California 94102

Dr. Gerard A. Rohlich
Department of Civil Engineering
University of Texas
Austin, Texas 78712

Elizabeth S. Bowers, Esq.
Atomic Safety & Licensing
Board Panel
U.S. Atomic Energy Commission
Washington, D.C. 20545

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San Clemente Public Library
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San Clemente, California 92672

Attorney General
State of California
Sacramento, California 95814

Lyn Harris Hicks, Community Liaison
San Clemente Capistrano Bay Branch
American Association of University Women
and Men and Groups United Against
Radiation Dangers
3908 Ariana Street
San Clemente, California

Davene L. Montierth, Esq.
Orange Country Peoples Lobby
P.O. Box 6471
Buena Park, California 90622

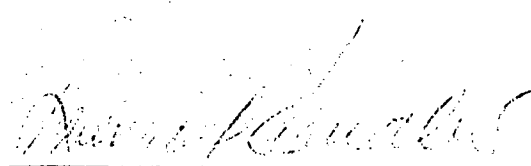
Mr. Frederick Eissler
Scenic Shoreline Preservation
Conference, Inc.
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Santa Barbara, California 93105

Kenneth E. Carr, Esq.
City Manager
City of San Clemente
100 Avenida Presidio
San Clemente, California 92672

Atomic Safety & Licensing Board Panel
U.S. Atomic Energy Commission
Washington, D.C. 20545

Atomic Safety & Licensing Appeal Board
U.S. Atomic Energy Commission
Washington, D.C. 20545

Mr. Frank W. Karas
Chief, Public Proceedings Staff
Office of the Secretary of the Commission
U.S. Atomic Energy Commission
Washington, D.C. 20545


Lawrence J. Chandler
Counsel for AEC Regulatory Staff

9-29-72

UNITED STATES OF AMERICA
ATOMIC ENERGY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of

SOUTHERN CALIFORNIA EDISON COMPANY
SAN DIEGO GAS AND ELECTRIC COMPANY

(San Onofre Nuclear Generating
Station, Units 2 and 3)

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Docket Nos. 50-361 ✓
50-362

AEC REGULATORY STAFF'S ANSWER TO MOTIONS TO STRIKE


On September 18, 1972, applicant Southern California Edison Company (SCE) filed a motion to strike from the docket in this proceeding, specified telegrams requesting leave to intervene in the captioned proceeding. The motion of SCE additionally seeks to strike a letter, which purports to set forth the basis for one of the petitioners' requests. As the basis for its motions, applicant alleges that said petitions do not satisfy the formalities of 10 CFR §2.708(f) inasmuch as they were not followed up by documents which did meet all the requirements of 10 CFR §2.708.

While it is recognized that the above-noted documents do not comply with the requirements of 10 CFR §2.708, this section does not require that such documents be stricken 1/.

1/ Indeed 10 CFR §2.709 provides, in relevant part, that:
"§2.709 Acceptance for filing. A document which fails to conform to the requirements of §2.708 may be refused acceptance for filing...."
(underscoring added)

It is the position of staff that striking the aforementioned documents would be inappropriate and the Board should rule on each such petition in accordance with the requirements of 10 CFR §2.714, which include, inter alia, timeliness. In this regard, staff has filed its answer in opposition to these petitions for leave to intervene on September 19, 1972.

Respectfully submitted,


Lawrence J. Chandler
Counsel for AEC Regulatory Staff

Dated at Bethesda, Maryland
this 29th day of September, 1972.

UNITED STATES OF AMERICA
ATOMIC ENERGY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)

SOUTHERN CALIFORNIA EDISON COMPANY)
SAN DIEGO GAS & ELECTRIC COMPANY)

Docket Nos. 50-361
50-362

(San Onofre Nuclear Generating Station)
Units 2 and 3))

CERTIFICATE OF SERVICE

I hereby certify that copies of "AEC Regulatory Staff's Answer to Motions to Strike," dated September 29, 1972, in the captioned matter, have been served on the following by deposit in the United States mail, first class or air mail, this 29th day of September, 1972:

Michael Glaser, Esq.
1150 17th Street, N.W.
Washington, D.C. 20036

Mr. Lester Kornblith, Jr.
Atomic Safety & Licensing Board
Panel
U.S. Atomic Energy Commission
Washington, D.C. 20545

Dr. Franklin C. Daiber
Department of Biological Sciences
University of Delaware
Newark, Delaware 19711

Rollin E. Woodbury, Esq.
Southern California Edison Company
2244 Walnut Grove Avenue
Rosemead, California 91770

Sherman Chickering, Esq.
Chickering & Gregory
111 Sutter Street
San Francisco, California 94104

Hon. Harry F. Scheidle, Chairman
Board of Supervisors
1600 Pacific Highway
San Diego, California 92102

Dr. John M. Heslep, Chief
Environmental Health and Consumer
Protection Program
Department of Public Health
2151 Berkeley Way
Berkeley, California 94704

William R. Johnson, Secretary
Public Utilities Commission
State of California
California State Building
San Francisco, California 94102

Dr. Gerard A. Rohlich
Department of Civil Engineering
University of Texas
Austin, Texas 78712

Elizabeth S. Bowers, Esq.
Atomic Safety & Licensing
Board Panel
U.S. Atomic Energy Commission
Washington, D.C. 20545

Mrs. Phyllis Rauch
San Clemente Public Library
233 Grauada Street
San Clemente, California 92672

Attorney General
State of California
Sacramento, California 95814

Lyn Harris Hicks, Community Liaison
San Clemente Capistrano Bay Branch
American Association of University Women
and Men and Groups United Against
Radiation Dangers
3908 Ariana Street
San Clemente, California

Davene L. Montierth, Esq.
Orange Country Peoples Lobby
P.O. Box 6471
Buena Park, California 90622

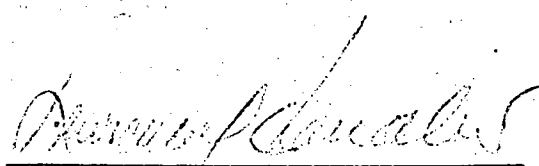
Mr. Frederick Eissler
Scenic Shoreline Preservation
Conference, Inc.
4623 More Mesa Drive
Santa Barbara, California 93105

Kenneth E. Carr, Esq.
City Manager
City of San Clemente
100 Avenida Presidio
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Atomic Safety & Licensing Board Panel
U.S. Atomic Energy Commission
Washington, D.C. 20545

Atomic Safety & Licensing Appeal Board
U.S. Atomic Energy Commission
Washington, D.C. 20545

Mr. Frank W. Karas
Chief, Public Proceedings Staff
Office of the Secretary of the Commission
U.S. Atomic Energy Commission
Washington, D.C. 20545


Lawrence J. Chandler
Counsel for AEC Regulatory Staff

SCENIC SHORELINE PRESERVATION CONFERENCE, INC.

4623 More Mesa Drive
Santa Barbara, California 93110
September 30, 1972
Phone (805) 964-2492

Secretary
U. S. Atomic Energy Commission
Washington, D. C. 20545

Attention: Chief, Public Proceedings Branch

Dear Sir:

Enclosed for filing are the original and 20 conformed copies of "Supplemental Allegations of Scenic Shoreline Preservation Conference" with reference to the Petition to intervene in hearings on San Onofre Units 2 and 3 (Docket Nos. 50-361 and 50-362).

Kindly acknowledge receipt of this document on the enclosed copy of this letter and return to me in the enclosed stamped envelope.

Cordially yours,

Frederick Eisler
Frederick Eisler
President

cc: Persons listed on enclosed Certificate of Service

UNITED STATES OF AMERICA
ATOMIC ENERGY COMMISSION

2/30/72

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of

SOUTHERN CALIFORNIA EDISON COMPANY
SAN DIEGO GAS & ELECTRIC COMPANY

Docket Nos. 50-361
50-362

(San Onofre Nuclear Generating Station
Units 2 and 3)

CERTIFICATE OF SERVICE

I hereby certify that copies of "SUPPLEMENTAL ALLEGATIONS OF SCENIC SHORELINE PRESERVATION CONFERENCE," in the captioned matter, were served on the following by deposit in the United States mail, first class or air mail, this 30th day of September, 1972:

Michael Glaser, Esq.
1150 17th Street, N.W.
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Mr. Lester Kornblith, Jr.
Atomic Safety & Licensing Board
Panel

U.S. Atomic Energy Commission
Washington, D. C. 20545

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Chairman
Board of Supervisors
1600 Pacific Highway
San Diego, California
92102

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Secretary
Public Utilities Commission
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California State Building
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94102

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Department of Civil
Engineering
University of Texas
Austin, Texas 78712

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Atomic Safety & Licensing
Board Panel
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Sacramento, California 95814

Lyn Harris Hicks, Community Liaison
American Association of University Women
3908 Ariana Street
San Clemente, California

Davene L. Montierth, Esq.
Orange Country Peoples Lobby
P.O. Box 6471
Buena Park, California 90622

Lawrence J. Chandler
Regulatory Staff Counsel
U.S. Atomic Energy
Commission
Washington, D. C.

Kenneth E. Carr, Esq.
City of San Clemente
100 Avenida Presidio
San Clemente, California
92672

Atomic Safety & Licensing
Board Panel
U.S. Atomic Energy Commission
Washington, D. C. 20545

Atomic Safety & Licensing
Appeal Board
U.S. Atomic Energy Commission
Washington, D. C. 20545

Mr. Frank W. Karas
Chief, Public Proceedings
Staff
Office of the Secretary of
the Commission
U.S. Atomic Energy Commission
Washington, D. C. 20545


Frederick Blasler
President

UNITED STATES OF AMERICA
ATOMIC ENERGY COMMISSION

**SOUTHERN CALIFORNIA EDISON COMPANY
SAN DIEGO GAS & ELECTRIC COMPANY
(San Onofre Nuclear Generating
Station, Units 2 and 3)**

Docket Nos. 50-361
and 50-362

**SUPPLEMENTAL ALLEGATIONS OF
SCENIC SHORELINE PRESERVATION
CONFERENCE**

Scenic Shoreline submits the following allegations with respect to its petition to intervene in the hearings on the applications for construction of San Onofre units 2 and 3.

On September 10, 1972 Scenic Shoreline forwarded this telegram to the United States Atomic Energy Commission, Public Proceedings Branch:

"In the matter of San Onofre units two and three Scenic Shoreline Preservation Conference petitions for leave to intervene on the basis of its interests in proper protection of the coastal ecology and the health, safety, and welfare of citizens, including conference members in the area of the units. The contentions of petitioner as to risks versus benefits of the units cannot be definite until applicants' case has been presented, subject to cross examination. Among considerations are seismic standards related to the recent San Fernando earthquake. As president of Conference I affirm this request. Letter to follow."

In this supplemental statement, Scenic Shoreline wishes to elaborate on allegations presented in the telegram, in narrower scope, for obvious reasons of brevity. Furthermore, we continue to request essential documents, as yet unavailable, as a basis

for public participation in the forthcoming hearings. Specifically, we have requested the regulatory staff's Safety Evaluation and the Draft Environmental Statement, neither of which has been issued.

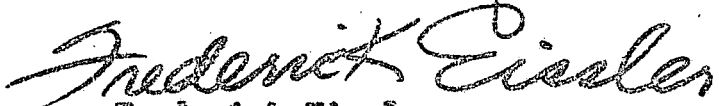
Scenic Shoreline is informed and understands and believes that thermal discharge from the San Onofre units are deleterious to the marine environment. Radiation safeguards at the units have been questioned and should be reviewed. It is our contention that no showing of economic need for the units has been demonstrated and that less expensive power alternatives can satisfy the reasonable demands of a reasonable number of consumers. Erection of transmission lines and on-site construction of the plant itself will have a severe impact on a coastline treasured for its ecological and recreation values. The lack of comprehensive evacuation plans in the event of accident and the inadequacy of transportation and storage of nuclear wastes are of prime concern to our organization. Earthquake potential of the region in which the units are located is severe and the plant's seismic design questionable. Further definition of these and other issues shall be the subject of the prehearing conference scheduled to consider the San Onofre hearing agenda and shall depend on the case presented by the applicants.

The interest of petitioner in reactor safeguards and environmental protection is well-known. Scenic Shoreline, incorporated in California with headquarters in Santa Barbara, is the principal intervenor in the hearings on the Diablo Canyon nuclear power plant. Our organization was established to help assure the proper protection and utilization of coastlines and associated resources with the objective of protecting the health, safety, and welfare of citizens. Among the members of Scenic Shoreline are residents of the county in which the San Onofre units are located. These

members live and work downwind from the proposed units and are concerned about the potential effects of the plant on their own safety and health, the welfare of their families and communities, and the ecology of the California coast. The interest of the petitioner and its members may be affected by the Commission action in that the proposed facilities may have an adverse effect on their health, their property values, their communities, and the environmental values they cherish as essential to the nation's well-being.

I affirm the allegations of this petition for intervention and declare under penalty of perjury that the foregoing is true and correct.

Executed September 28, 1972 at Santa Barbara, California.


Frederick Eissler
President

AMERICAN ASSOCIATION  OF UNIVERSITY WOMEN

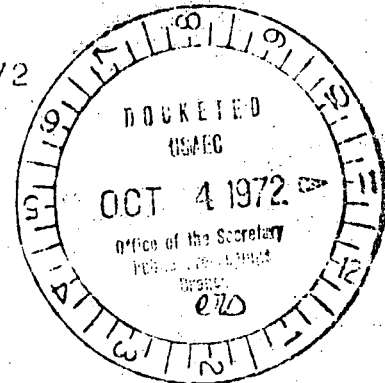
SAN CLEMENTE BRANCH

SAN CLEMENTE, CALIFORNIA 92672

Re: San Onofre Generating Plant Docket #s 50-361, 50-362

September 27, 1972

Chief, Public Proceedings Branch
Office of the Secretary of the Commission
United States Atomic Energy Commission
Washington, D. C.



Dear Sir:

We are very appreciative of the documents you have sent to us since we began our petition to intervene in the matter of application for license to construct two additional nuclear units at San Onofre.

We are dependent on you for instruction re: your requirements from us; if the materials we have sent are deficient, we would appreciate an opportunity to comply. In the matter of "how that(our) interest may be affected by Commission action," our appeal for appropriate response from the commission to protect our health and welfare may be considered too general; I notice the instructions say "reasonably specific detail".

Will you add this as addenda to our petition? San Clemente-Capistrano Bay Branch official opposes the installation as proposed, which would mean that we ask you to deny or to "appropriately condition to protect environmental values" as per your notice of hearing. Specifically, we have circulated petitions seeking "inland and underground" conditions to prevent installation on our beaches, near the freeway and near our growing population center, and we consider these conditions essential in the event the commission concludes that denial of the application is not an acceptable course. Please inform us if this is not reasonably specific.

In this petition process, I feel much like a blind man reaching for flowers in a rose garden. One of the thorns we have experienced is Edison Company's request that our petition be denied, referring to affidavits. The legal notice you sent to us last week does not mention affidavits. What affidavits are required?

We have been told that the Code of Federal Regulations is sometimes available in libraries. Our committee has searched, and finds no such code in our Orange County and city libraries, thus far. (continued on next page)

Acknowledged by card

10/4/72, ew

AMERICAN ASSOCIATION OF UNIVERSITY WOMEN

SAN CLEMENTE BRANCH

SAN CLEMENTE, CALIFORNIA 92672

Page 2 September 27

In the matter of our not knowing about the deadline for petitions, and the subsequent lateness of our supplementary material, our fault in not monitoring the legal notices was occasioned by our confidence that we would be notified. We want you to know that your mailing to GUARD via Mrs. Van Fleming, noted in one of your recent communications to us, did not reach us. Mrs. Fleming, who was a spokesman of GUARD at the time of the PUC hearings, moved to Kentucky about two years ago. I have been told that she is returning to San Clemente, in which case she will probably rejoin our efforts. Patrick O'Brien, who was the legally recognized spokesman in the hearings, is still resident of San Clemente.

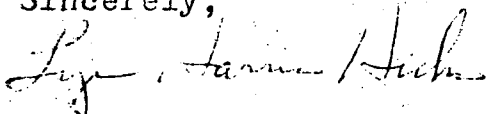
Would you correct, please, the mistake in the name of GUARD which appears in some documents. We are called Groups United Against Radiation Dangers, not "Men and Groups et al".

What information should we bring the day of the preliminary hearing? Is there a deadline by which we must have the names of the experts we will call during the evidenciary hearings? When, approximately can we expect those hearings to take place? within weeks, months, ?

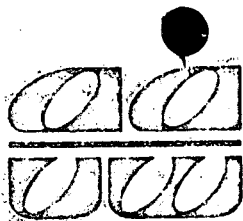
We understand there is an intervener who was accepted by you in the San Onofre installations and was very active at the time of approval of Unit 1. We assume he will continue his intervention, and would very much like to make contact with him. Can you send us his name and address?

Thank you again for your assistance.

Sincerely,



Lyn Harris Hicks (Community Liaison)
San Clemente-Capistrano Bay Branch
American Association of University Women,
and Groups United Against Radiation Dangers



AMERICAN ASSOCIATION OF UNIVERSITY WOMEN
SAN FERNANDO VALLEY BRANCH

DOCKET NUMBER

MOD. & UJI. EAG. 50-361, 362

10912 Nestle Av
Northridge, Ca. 91324
September 27, 1972

Mr. W. B. McCool
Atomic Energy Commission
Washington, D.C. 20545

Re: San Onofre units 2 & 3
Docket # 50361.362

Dear Mr. McCool,

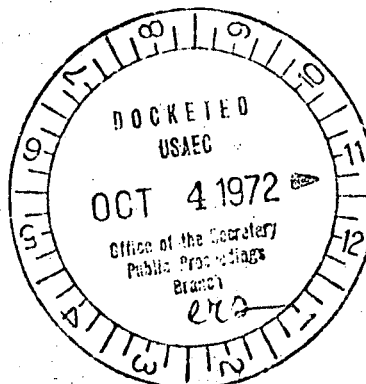
Thank you for sending "Notice of Hearing on Application for
Construction Permits" for San Onofre units 2 and 3.

May we have permission for a limited appearance at the hearing?
Please send us the date and place of the hearing following the prehearing
conference.

Sincerely,

Dorothy Boberg

Dorothy Boberg
CO-Chairman
B.E. Committee



Acknowledged by card 10/4/72, era

September 26, 1972

Docket Nos. 50-361/50-362

Mr. Frederick Eissler, President
Scenic Shoreline Preservation Conference, Inc.
4623 More Mesa Drive
Santa Barbara, California 93110

Dear Mr. Eissler:

Your letter of September 11, 1972, has been sent to this office for reply.

Transmitted herewith is a copy of the applicant's environmental report and supplement thereto, item (1) of your request.

Item (2), the ACRS report, will be appended to the AEC regulatory staff's Safety Evaluation Report (item (3)). Neither is as yet available, nor is item (4), the Draft Environmental Statement, or item (5) the proposed construction permit. At such time as each becomes available, a copy will be sent to you.

Item (6) of your request is not set forth with sufficient particularity to permit us to identify the documents which you wish sent. Consequently, we cannot respond further to your request as expressed in item (6).

Sincerely,

15/

Lawrence J. Chandler
Counsel for AEC Regulatory Staff

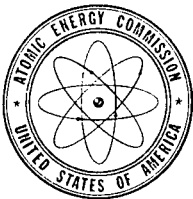
Enclosure:

Cy of Applicant's Env. Rept.
w/supplement.

PDR - wo/encl.

Local PDR - wo/encl.

OFFICE ▶	OGC JFScinto						hearing (Miss)
SURNAME ▶	JFScinto						
DATE ▶	9/26/72						



UNITED STATES
ATOMIC ENERGY COMMISSION
WASHINGTON, D.C. 20545

September 26, 1972

*yellow
transmission
J. J. G. a*

Docket Nos. (50-361)/50-362

Mr. Frederick Eissler, President
Scenic Shoreline Preservation Conference, Inc.
4623 More Mesa Drive
Santa Barbara, California 93110

Dear Mr. Eissler:

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Sincerely,

Lawrence J. Chandler
Lawrence J. Chandler
Counsel for AEC Regulatory Staff

Enclosure:
Cy of Applicant's Env. Rept.
w/supplement.

PDR - wo/encl.
Local PDR - wo/encl.

LB

yellow
9/25/72

UNITED STATES OF AMERICA
ATOMIC ENERGY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)	
)	
SOUTHERN CALIFORNIA EDISON COMPANY)	
SAN DIEGO GAS AND ELECTRIC COMPANY	)	Docket Nos. 50-361
	)	50-362
(San Onofre Nuclear Generating)	
Station, Units 2 and 3))	

ANSWER OF AEC REGULATORY STAFF TO APPLICANTS'
APPLICATION FOR RECONSIDERATION OF ORDER OF CONSOLIDATION

By application filed November 17, 1972, applicants request that (a) the Board reconsider its order of October 31, 1972, consolidating with applicants the cities of Anaheim, Banning and Riverside (Cities) for all purposes and (b) the Board reject the petition filed by the Cities on September 11, 1972 for leave to intervene.

By answer dated September 25, 1972, the regulatory staff of the AEC (staff) opposed the petition of the Cities but suggested that it may be appropriate to permit their participation as a party consolidated with applicants pursuant to 10 CFR §2.715a.

For the reasons set forth in staff's answer of September 28, 1972, appended hereto as Appendix A, staff reasserts that the petition of the Cities is deficient under 10 CFR §2.714 (1) for failing to set forth contentions of any kind and (2) in that it alludes to matters beyond the jurisdiction of this Board - viz. relating

to matters more appropriately considered in an antitrust proceeding rather than one concerned with radiological, health, safety and environmental and other matters under NEPA.

Staff recognizes the possibility that some conflicts may be created if applicants represent the Cities as a consolidated party. However, neither the Cities nor applicants are specific as to those areas where conflicts may arise. Consequently, we believe that upon consultation with applicants, the Cities could ascertain those areas in which their interests are not similar. The Cities should then be required to enumerate such areas in a trial brief, or other appropriate filing in the form of contentions in advance of any hearings and proceed on that basis. This is predicated upon the assumption that such contentions present matters related to the radiological, health, safety and/or NEPA aspects of this proceeding and not to antitrust - related matters. As to all other areas the Cities could be consolidated with Applicants. This approach of partial consolidation would be consistent with 10 CFR §2.715a which provides for consolidation with respect to all or any one or more issues determined by the extent of similarity of interest.

Respectfully submitted,



Martin G. Malsch
Counsel for AEC Regulatory Staff

Dated at Bethesda, Maryland
this 30th day of November, 1972.

UNITED STATES OF AMERICA
ATOMIC ENERGY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)

SOUTHERN CALIFORNIA EDISON COMPANY)
SAN DIEGO GAS & ELECTRIC COMPANY)

Docket Nos. 50-361
50-362

(San Onofre Nuclear Generating Station)
Units 2 and 3))

CERTIFICATE OF SERVICE

I hereby certify that copies of "Answer of AEC Regulatory Staff to Applicants' Application for Reconsideration of Order of Consolidation," dated November 30, 1972, in the above-captioned matter, have been served on the following by deposit in the United States mail, first class or air mail, this 30th day of November, 1972:

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U. S. Atomic Energy Commission
Washington, D. C. 20545

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University of Delaware
Newark, Delaware 19711

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Southern California Edison Company
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David R. Pigott, Esq.
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Dr. Gerard A. Rohlich
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Elizabeth S. Bowers, Esq.
Atomic Safety and Licensing Board
U. S. Atomic Energy Commission
Washington, D. C. 20545

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Lompoc, California 93436

Kenneth E. Carr, Esq.
City Manager
City of San Clemente
100 Avenida Presidio
San Clemente, California 92672

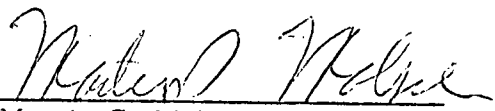
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Mr. Frank W. Karas
Chief, Public Proceedings Staff
Office of the Secretary of the Commission
U. S. Atomic Energy Commission
Washington, D. C. 20545

Atomic Safety and Licensing Appeal
Board
U. S. Atomic Energy Commission
Washington, D. C. 20545


Martin G. Malsch
Counsel for AEC Regulatory Staff

UNITED STATES OF AMERICA
ATOMIC ENERGY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)	
)	
SOUTHERN CALIFORNIA EDISON COMPANY)	
SAN DIEGO GAS AND ELECTRIC COMPANY	)	Docket Nos. 50-361
	)	50-362
(San Onofre Nuclear Generating)	
Station, Units 2 and 3))	

AEC REGULATORY STAFF'S ANSWER
TO PETITION TO INTERVENE BY THE
CITIES OF ANAHEIM, RIVERSIDE AND BANNING

1. By petition filed September 11, 1972, the cities of Anaheim, Riverside, and Banning, California ("Cities"), requested leave to intervene in the captioned proceeding. The petition indicates that the Cities are the operators of municipal electric utilities, are all requirements customers of and are interconnected with Southern California Edison Company ("SCE"), one of the applicants, and are parties to a settlement agreement with SCE whereby the Cities will be afforded the opportunity to participate as owners in the facilities. The settlement agreement is stated to be conditioned upon approval or acceptance by the Federal Power Commission.

2. The petition states that the settlement agreement with SCE gives the Cities an interest that may be affected by this proceeding, that the Cities generally support the grant of construction permits, that to a large extent the Cities' interest as potential part owners will be represented by SCE and that the Cities participation is not expected to broaden the issues or delay the proceeding.

3. The petition further states that the Cities reserve the right to participate as to any matter which may affect the costs, terms, or conditions under which the Cities may participate as owners and that there may develop issues which particularly affect the Cities as potential part owners where their interests and SCE's interest may become divergent.

4. The "Notice of Hearing" in the captioned matter (37 F.R. 16117) and 10 CFR § 2.714 of the Commission's "Rules of Practice" require that petitions to intervene set forth the petitioner's interest in the proceeding, how that interest may be affected by the Commission action, and the petitioner's contentions in reasonable specific detail.

5. The Cities as potential part owners of the facilities have set forth sufficient interest in the proceeding. However, while their interest as potential part owners of the facilities may in many ways be affected by the proceeding, the petition does not set forth with any particularity how their potential ownership interests may be affected by the proceeding in a manner different from applicants. The petition itself acknowledges that to a large extent the Cities' interest will be represented by SCE. Furthermore, the petition lacks any statement of contentions on behalf of the Cities.

6. Accordingly, the AEC regulatory staff believes that the Cities petition is deficient under the provisions of 10 CFR §2.714 of the Commission's "Rules of Practice" and, to the extent the Cities' petition requests that they be permitted to participate in the proceeding as a separate party, it should be denied. However, the AEC regulatory staff would have no objection to granting the Cities' petition on condition that, pursuant to 10 CFR §2.715a^{1/}, the Cities' participation in the proceeding be consolidated with applicants for all purposes of the proceeding.

Respectfully submitted,



Martin G. Malsch
Counsel for AEC Regulatory Staff

Dated at Bethesda, Maryland
this 25th day of September, 1972.

1/ 10 CFR §2.715a, Consolidation of parties in construction permit or operating license proceedings.

UNITED STATES OF AMERICA
ATOMIC ENERGY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)

SOUTHERN CALIFORNIA EDISON COMPANY)
SAN DIEGO GAS & ELECTRIC COMPANY)

Docket Nos. 50-361
50-362

(San Onofre Nuclear Generating Station)
Units 2 and 3)

CERTIFICATE OF SERVICE

I hereby certify that copies of "AEC Regulatory Staff's Answer to Petition to Intervene by the Cities of Anaheim, Riverside and Banning," dated September 25, 1972, in the captioned matter, have been served on the following by deposit in the United States mail, first class or air mail, this 25th day of September, 1972:

Michael Glaser, Esq.
1150 17th Street, N.W.
Washington, D.C. 20036

Sherman Chickering, Esq.
Chickering & Gregory
111 Sutter Street
San Francisco, California 94104

Mr. Lester Kornblith, Jr.
Atomic Safety & Licensing Board
Panel
U.S. Atomic Energy Commission
Washington, D.C. 20545

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1600 Pacific Highway
San Diego, California 92102

Dr. Franklin C. Daiber
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University of Delaware
Newark, Delaware 19711

Dr. John M. Heslep, Chief
Environmental Health and Consumer
Protection Program
Department of Public Health
2151 Berkeley Way
Berkeley, California 94704

Rollin E. Woodbury, Esq.
Southern California Edison Company
2244 Walnut Grove Avenue
Rosemead, California 91770

William R. Johnson, Secretary
Public Utilities Commission
State of California
California State Building
San Francisco, California 94102

Dr. Gerard A. Rohlich
Department of Civil Engineering
University of Texas
Austin, Texas 78712

Elizabeth S. Bowers, Esq.
Atomic Safety & Licensing
Board Panel
U.S. Atomic Energy Commission
Washington, D.C. 20545

Mrs. Phyllis Rauch
San Clemente Public Library
233 Grauada Street
San Clemente, California 92672

Attorney General
State of California
Sacramento, California 95814

Lyn Harris Hicks, Community Liaison
San Clemente Capistrano Bay Branch
American Association of University Women
and Men and Groups United Against
Radiation Dangers
3908 Ariana Street
San Clemente, California

Davene L. Montierth, Esq.
Orange Country Peoples Lobby
P.O. Box 6471
Buena Park, California 90622

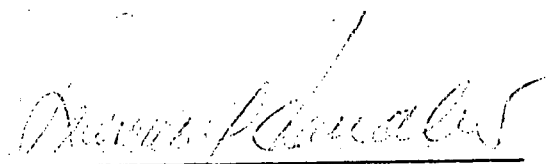
Mr. Frederick Eissler
Scenic Shoreline Preservation
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4623 More Mesa Drive
Santa Barbara, California 93105

Kenneth E. Carr, Esq.
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City of San Clemente
100 Avenida Presidio
San Clemente, California 92672

Atomic Safety & Licensing Board Panel
U.S. Atomic Energy Commission
Washington, D.C. 20545

Atomic Safety & Licensing Appeal Board
U.S. Atomic Energy Commission
Washington, D.C. 20545

Mr. Frank W. Karas
Chief, Public Proceedings Staff
Office of the Secretary of the Commission
U.S. Atomic Energy Commission
Washington, D.C. 20545


Lawrence J. Chandler
Counsel for AEC Regulatory Staff

9-25-72

UNITED STATES OF AMERICA
ATOMIC ENERGY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)	
)	
SOUTHERN CALIFORNIA EDISON COMPANY)	
SAN DIEGO GAS AND ELECTRIC COMPANY	)	Docket Nos. 50-361 ✓
	)	50-362
(San Onofre Nuclear Generating)	
Station, Units 2 and 3))	

AEC REGULATORY STAFF'S ANSWER
TO PETITION TO INTERVENE BY THE
CITIES OF ANAHEIM, RIVERSIDE AND BANNING

1. By petition filed September 11, 1972, the cities of Anaheim, Riverside, and Banning, California ("Cities"), requested leave to intervene in the captioned proceeding. The petition indicates that the Cities are the operators of municipal electric utilities, are all requirements customers of and are interconnected with Southern California Edison Company ("SCE"), one of the applicants, and are parties to a settlement agreement with SCE whereby the Cities will be afforded the opportunity to participate as owners in the facilities. The settlement agreement is stated to be conditioned upon approval or acceptance by the Federal Power Commission.

2. The petition states that the settlement agreement with SCE gives the Cities an interest that may be affected by this proceeding, that the Cities generally support the grant of construction permits, that to a large extent the Cities' interest as potential part owners will be represented by SCE and that the Cities participation is not expected to broaden the issues or delay the proceeding.

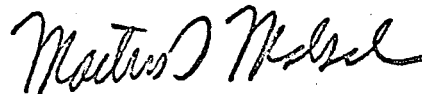
3. The petition further states that the Cities reserve the right to participate as to any matter which may affect the costs, terms, or conditions under which the Cities may participate as owners and that there may develop issues which particularly affect the Cities as potential part owners where their interests and SCE's interest may become divergent.

4. The "Notice of Hearing" in the captioned matter (37 F.R. 16117) and 10 CFR § 2.714 of the Commission's "Rules of Practice" require that petitions to intervene set forth the petitioner's interest in the proceeding, how that interest may be affected by the Commission action, and the petitioner's contentions in reasonable specific detail.

5. The Cities as potential part owners of the facilities have set forth sufficient interest in the proceeding. However, while their interest as potential part owners of the facilities may in many ways be affected by the proceeding, the petition does not set forth with any particularity how their potential ownership interests may be affected by the proceeding in a manner different from applicants. The petition itself acknowledges that to a large extent the Cities' interest will be represented by SCE. Furthermore, the petition lacks any statement of contentions on behalf of the Cities.

6. Accordingly, the AEC regulatory staff believes that the Cities petition is deficient under the provisions of 10 CFR §2.714 of the Commission's "Rules of Practice" and, to the extent the Cities' petition requests that they be permitted to participate in the proceeding as a separate party, it should be denied. However, the AEC regulatory staff would have no objection to granting the Cities' petition on condition that, pursuant to 10 CFR §2.715a^{1/}, the Cities' participation in the proceeding be consolidated with applicants for all purposes of the proceeding.

Respectfully submitted,



Martin G. Malsch
Counsel for AEC Regulatory Staff

Dated at Bethesda, Maryland
this 25th day of September, 1972.

1/ 10 CFR §2.715a, Consolidation of parties in construction permit or operating license proceedings.

UNITED STATES OF AMERICA
ATOMIC ENERGY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)

SOUTHERN CALIFORNIA EDISON COMPANY)
SAN DIEGO GAS & ELECTRIC COMPANY)

Docket Nos. 50-361

50-362

(San Onofre Nuclear Generating Station)
Units 2 and 3))

CERTIFICATE OF SERVICE

I hereby certify that copies of "AEC Regulatory Staff's Answer to Petition to Intervene by the Cities of Anaheim, Riverside and Banning," dated September 25, 1972, in the captioned matter, have been served on the following by deposit in the United States mail, first class or air mail, this 25th day of September, 1972:

Michael Glaser, Esq.
1150 17th Street, N.W.
Washington, D.C. 20036

Sherman Chickering, Esq.
Chickering & Gregory
111 Sutter Street
San Francisco, California 94104

Mr. Lester Kornblith, Jr.
Atomic Safety & Licensing Board
Panel
U.S. Atomic Energy Commission
Washington, D.C. 20545

Hon. Harry F. Scheidle, Chairman
Board of Supervisors
1600 Pacific Highway
San Diego, California 92102

Dr. Franklin C. Daiber
Department of Biological Sciences
University of Delaware
Newark, Delaware 19711

Dr. John M. Heslep, Chief
Environmental Health and Consumer
Protection Program
Department of Public Health
2151 Berkeley Way
Berkeley, California 94704

Rollin E. Woodbury, Esq.
Southern California Edison Company
2244 Walnut Grove Avenue
Rosemead, California 91770

William R. Johnson, Secretary
Public Utilities Commission
State of California
California State Building
San Francisco, California 94102

Dr. Gerard A. Rohlich
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Elizabeth S. Bowers, Esq.
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Board Panel
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Lyn Harris Hicks, Community Liaison
San Clemente Capistrano Bay Branch
American Association of University Women
and Men and Groups United Against
Radiation Dangers
3908 Ariana Street
San Clemente, California

Davene L. Montierth, Esq.
Orange Country Peoples Lobby
P.O. Box 6471
Buena Park, California 90622


Mr. Frederick Eissler
Scenic Shoreline Preservation
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4623 More Mesa Drive
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Kenneth E. Carr, Esq.
City Manager
City of San Clemente
100 Avenida Presidio
San Clemente, California 92672

Atomic Safety & Licensing Board Panel
U.S. Atomic Energy Commission
Washington, D.C. 20545

Atomic Safety & Licensing Appeal Board
U.S. Atomic Energy Commission
Washington, D.C. 20545

Mr. Frank W. Karas
Chief, Public Proceedings Staff
Office of the Secretary of the Commission
U.S. Atomic Energy Commission
Washington, D.C. 20545


Lawrence J. Chandler
Counsel for AEC Regulatory Staff

50-361

September 22, 1972

Professor Eli Chernow
Law Center
University of Southern California
University Park
Los Angeles, California 90007

Dear Professor Chernow:

Your letter dated September 12, 1972, has been directed to this office for response. I am enclosing for your information copies of the notices issued thusfar in the San Onofre 2 and 3 proceedings.

Additionally, I am forwarding your letter to the Office of the Secretary of the Commission for inclusion of your name on the service list for any notices of hearings related to proposed nuclear facilities in Southern California.

Sincerely,

Lawrence J. Chandler
Counsel for AEC Regulatory Staff

Enclosures:

Notice of Hearing

Notice of Designation of the Board

Notice of Pre-Hearing Conference

OFFICE ▶	OGC	OGC				Hearing (Miss)
SURNAME ▶	LJCHANDLER: ml	mm				
DATE ▶	9/22/72	(9/22/72)				

ATOMIC ENERGY COMMISSION

/Docket Nos. 50-361 & 50-362/

SOUTHERN CALIFORNIA EDISON COMPANY
AND
SAN DIEGO GAS AND ELECTRIC COMPANY

Establishment of Atomic Safety and Licensing Board

On August 10, 1972, the Commission published in the Federal Register a notice of hearing to consider the application filed by the Southern California Edison Company and San Diego Gas and Electric Company for a construction permit for the San Onofre Generating Station, Units 2 and 3. That notice indicated that the Safety and Licensing Board for this proceeding would be designated at a later date and that notice of its membership would be published in the Federal Register.

Pursuant to the Atomic Energy Act of 1954, as amended, the regulations in Title 10, Code of Federal Regulations, Part 2 (Rules of Practice) and the notice of hearing referred to above, notice is hereby given that the Safety and Licensing Board in this proceeding will consist of Mr. Lester Kornblith, Jr., Dr. Franklin C. Daiber and Mr. Michael Glaser, Esq., Chairman. Dr. Gerard A. Rohlich has been designated as a technically qualified alternate and Mrs. Elizabeth S. Bowers, Esq., has been designated as an alternate qualified in the conduct of administrative proceedings.

As provided in the notice of hearing, the date and place of a prehearing conference and of a hearing will be scheduled by the Board and will be published in the Federal Register.

James R. Yore
James R. Yore
Executive Secretary
Atomic Safety and Licensing
Board Panel

Dated at Washington, D. C.

This 17th day of August 1972

UNITED STATES OF AMERICA
ATOMIC ENERGY COMMISSION

In the Matter of)

SOUTHERN CALIFORNIA EDISON COMPANY)

SAN DIEGO GAS & ELECTRIC COMPANY)

(San Onofre Nuclear Generating)
Station, Units 2 and 3)

Docket Nos. 50-361
and 50-362

NOTICE OF HEARING ON APPLICATION
FOR CONSTRUCTION PERMITS

Pursuant to the Atomic Energy Act of 1954, as amended (the Act), and the regulations in Title 10, Code of Federal Regulations, Part 50 "Licensing of Production and Utilization Facilities," and Part 2, "Rules of Practice," notice is hereby given that a hearing will be held, at a time and place to be set in the future by an Atomic Safety and Licensing Board (Board), to consider the application filed under the Act by the Southern California Edison Company and the San Diego Gas and Electric Company (the applicants), for construction permits for two pressurized water nuclear reactors designated as the San Onofre Nuclear Generating Station, Units 2 and 3 (the facilities), each of which is designed for initial operation at approximately 3390 thermal megawatts with a net electrical output of approximately 1140 megawatts. The proposed facilities are to be located at the applicants' site at Camp Pendleton, San Diego County, California.

The Board will be designated by the Atomic Energy Commission (Commission). Notice as to its membership will be published in the FEDERAL REGISTER.

The date and place of a prehearing conference and of the hearing will be set by the Board. In setting these dates due regard will be had for the convenience and necessity of the parties or their representatives, as well as of the Board members. Notices of the dates and places of the prehearing conference and the hearing will be published in the FEDERAL REGISTER.

Upon receipt of a favorable report prepared by the Advisory Committee on Reactor Safeguards and upon completion by the Commission's regulatory staff of a favorable safety evaluation of the application and an environmental review, the Director of Regulation will consider making affirmative findings on Items 1-3, a negative finding on Item 4, and an affirmative finding on Item 5 specified below as a basis for the issuance of construction permits to the applicants.

Issues Pursuant to the Atomic Energy Act of 1954, as amended

1. Whether in accordance with the provisions of 10 CFR §50.35(a):
 - (a) The applicants have described the proposed design of the facilities including, but not limited to, the principal architectural and engineering criteria for the design, and has identified the major features or components incorporated therein for the protection of the health and safety of the public;
 - (b) Such further technical or design information as may be required to complete the safety analysis, and which can reasonably be left for

later consideration, will be supplied in the final safety analysis report;

- (c) Safety features or components, if any, which require research and development have been described by the applicants and the applicants have identified, and there will be conducted, a research and development program reasonably designed to resolve any safety questions associated with such features or components; and
- (d) On the basis of the foregoing, there is reasonable assurance that
 - (i) such safety questions will be satisfactorily resolved at or before the latest date stated in the application for completion of construction of the proposed facilities, and (ii) taking into consideration the site criteria contained in 10 CFR Part 100, the proposed facilities can be constructed and operated at the proposed location without undue risk to the health and safety of the public.
- 2. Whether the applicant is technically qualified to design and construct the proposed facilities;
- 3. Whether the applicant is financially qualified to design and construct the proposed facilities; and
- 4. Whether the issuance of permits for construction of the facilities will be inimical to the common defense and security or to the health and safety of the public.

Issue Pursuant to National Environmental Policy Act of 1969 (NEPA)

- 5. Whether, in accordance with the requirements of Appendix D of 10 CFR Part 50, the construction permits should be issued as proposed.

In the event that this proceeding is not a contested proceeding, as defined by 10 CFR §2.4(n) of the Commission's "Rules of Practice," the Board will (1) without conducting a de novo review of the application, consider and determine the issues of whether the application and the record of the proceeding contain sufficient information, and the review of the Commission's regulatory staff has been adequate, to support the findings proposed to be made by the Director of Regulation on Items 1-4 above, and to support, insofar as the Commission's licensing requirements under the Act are concerned, the construction permits proposed to be issued by the Director of Regulation; and (2) determine whether the environmental review conducted by the Commission's regulatory staff pursuant to Appendix D of 10 CFR Part 50 has been adequate.

In the event that this proceeding becomes a contested proceeding, the Board will decide any matters in controversy among the parties and consider and initially decide as issues in this proceeding, Items 1-5 above as a basis for determining whether the construction permits should be issued to the applicants.

With respect to the Commission's responsibilities under NEPA, and regardless of whether the proceeding is contested or uncontested, the Board will, in accordance with section A.11 of Appendix D of 10 CFR Part 50, (1) determine whether the requirements of section 102(2)(C) and (D) of NEPA and Appendix D of 10 CFR Part 50 have been complied with in this proceeding; (2) independently consider the final balance among conflicting factors contained

in the record of the proceeding with a view to determining the appropriate action to be taken; and (3) determine whether the construction permits should be granted, denied, or appropriately conditioned to protect environmental values.

The application for construction permits, the applicants' Environmental Report and Supplemental Environmental Report, and, as they become available, the report of the Commission's Advisory Committee on Reactor Safeguards, the proposed construction permits, the applicants' summary of the application, the Safety Evaluation by the Commission's regulatory staff, the Commission's Draft and Final Environmental Statements, and the transcripts of the prehearing conference and of the hearing will be placed in the Commission's Public Document Room, 1717 H Street, N. W., Washington, D. C., where they will be available for inspection by members of the public.

Copies of those documents will also be made available at the San Clemente Public Library, 233 Granada Street, San Clemente, California, for inspection by members of the public between the hours of 10:00 A.M. and 9:00 P.M. on Monday through Thursday, and between the hours of 10:00 A.M. and 5:00 P.M. on Friday and Saturday. Copies of the applicants' Environmental Report and Supplemental Environmental Report (to the extent of supply), and, when available, the ACRS report, the regulatory staff's Safety Evaluation and the Draft and Final Environmental Statements may be obtained by request to the United States Atomic Energy Commission, Washington, D. C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing.

Any person who wishes to make an oral or written statement in this proceeding setting forth his position on the issues specified, but who does not wish to file a petition for leave to intervene, may request permission to make a limited appearance pursuant to the provisions of 10 CFR §2.715 of the Commission's "Rules of Practice." Limited appearances will be permitted at the time of the hearing at the discretion of the Board. Persons desiring to make a limited appearance are requested to inform the Secretary of the Commission, United States Atomic Energy Commission, Washington, D. C. 20545, not later than thirty (30) days from the date of publication of this notice in the FEDERAL REGISTER.

Any person whose interest may be affected by the proceeding, who does not wish to make a limited appearance and who wishes to participate as a party in the proceeding must file a petition for leave to intervene.

Petitions for leave to intervene, pursuant to the provisions of 10 CFR §2.714 of the Commission's "Rules of Practice," must be received in the Office of the Secretary of the Commission, United States Atomic Energy Commission, Washington, D. C. 20545, Attention: Chief, Public Proceedings Branch, or the Commission's Public Document Room, 1717 H Street, N. W., Washington, D. C., not later than thirty (30) days from the date of publication of this notice in the FEDERAL REGISTER. The petition shall set forth the interest of the petitioner in the proceeding, how that interest may be affected by Commission action, and the contentions of the petitioner in

reasonably specific detail. A petition which sets forth contentions relating only to matters outside the Commission's jurisdiction will be denied. A petition for leave to intervene which is not timely will be denied unless, in accordance with 10 CFR §2.714, the petitioner shows good cause for failure to file it on time.

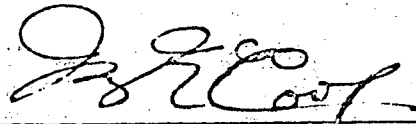
A person permitted to intervene becomes a party to the proceeding and may examine and cross-examine witnesses. A person permitted to make a limited appearance does not become a party, but may state his position and raise questions which he would like to have answered to the extent that the questions are within the scope of the hearing as specified in the issues set out above. A member of the public does not have the right to participate unless he has been granted the right to intervene as a party or the right of limited appearance.

An answer to this notice, pursuant to the provisions of 10 CFR §2.705 of the Commission's "Rules of Practice," must be filed by the applicants not later than twenty (20) days from the date of publication of this notice in the FEDERAL REGISTER. Papers required to be filed in this proceeding may be filed by mail or telegram addressed to the Secretary of the Commission, United States Atomic Energy Commission, Washington, D. C. 20545, Attention: Chief, Public Proceedings Branch, or may be filed by delivery to the Commission's Public Document Room, 1717 H Street, N. W., Washington, D. C.

Pending further order of the Board, parties are required to file, pursuant to the provisions of 10 CFR §2.708 of the Commission's "Rules of Practice," an original and twenty conformed copies of each such paper with the Commission.

With respect to this proceeding, the Commission will delegate to an Atomic Safety and Licensing Appeal Board the authority and the review function which would otherwise be exercised and performed by the Commission. The Commission will establish the Appeal Board pursuant to 10 CFR §2.785 of the Commission's "Rules of Practice," and will make the delegation pursuant to subparagraph (a)(1) of that section. The Appeal Board will be composed of a chairman, an assistant chairman, Dr. John Buck, with a third member to be designated by the Commission. Notice of the Appeal Board's membership will be published in the FEDERAL REGISTER.

UNITED STATES ATOMIC ENERGY COMMISSION



W. B. McCool
Secretary of the Commission

Dated at Germantown, Maryland
this 2nd day of August 1972.

UNITED STATES OF AMERICA
ATOMIC ENERGY COMMISSION

ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)

SOUTHERN CALIFORNIA EDISON COMPANY)
SAN DIEGO GAS & ELECTRIC COMPANY)

(San Onofre Nuclear Generating)
Station, Units 2 and 3))

Docket Nos. 50-361
and 50-362

NOTICE AND ORDER FOR PREHEARING CONFERENCE

On August 10, 1972, the Atomic Energy Commission published in the Federal Register (37 Fed. Reg. 16117) a Notice of Hearing on Application for Construction Permits (Notice of Hearing) before an Atomic Safety and Licensing Board to consider the application filed under the Atomic Energy Act by the Southern California Edison Company and the San Diego Gas and Electric Company for construction permits for two pressurized water nuclear reactors, designated as the San Onofre Generating Station, Units 2 and 3, to be located at a site at Camp Pendleton, San Diego County, California. The Notice of Hearing further provided that an Atomic Safety and Licensing Board would be designated by the Atomic Energy Commission, and that the Board's membership would be published in the Federal Register. Finally, the Notice of Hearing provided that the date and place of a prehearing conference and of the hearing would be set by the Board.

On August 24, 1972, the Atomic Energy Commission published in the Federal Register (37 Fed. Reg. 17079) the establishment of the Atomic Safety and Licensing Board and its membership.

Pursuant to the Atomic Energy Commission's establishment of the Atomic Safety and Licensing Board and the authorization therein for the Board to set the date and place of a prehearing conference, notice is hereby given that a prehearing conference will be held at 10:00 a.m. on Thursday, October 5, 1972, at the City Council Chamber, San Clemente Civic Center, 100 Avenida Presidio, San Clemente, California 92672.

All members of the public are entitled to attend this prehearing conference, any subsequent prehearing conferences, and the full evidentiary hearing to be held in this proceeding. The evidentiary hearing in this proceeding will be scheduled at a later date and public notice thereof will be given.

The prehearing conference on October 5, 1972, will be conducted in accordance with Section 2.752 of the Commission's Rules of Practice, 10 C.F.R. 2.752, which provides for consideration of procedures for an evidentiary hearing.

The procedures to be considered at this prehearing conference will be related to simplification and clarification of the issues, the possibility of obtaining stipulations and admissions of fact in order to avoid

duplication in presentation of evidence, and other matters which will aid in an orderly disposition of the case to be presented in the subsequent evidentiary hearing in this proceeding.

The prehearing conference on October 5, 1972, will not receive any evidence, nor will there be an opportunity for presentation of statements by members of the public who desire to make a limited appearance in this proceeding for that purpose. All statements that members of the public desire to make in this proceeding by way of limited appearance pursuant to Section 2.715 of the Commission's Rules of Practice, 10 C.F.R. 2.715, will be received on the initial day of the evidentiary hearing.

WHEREFORE, IT IS ORDERED, in accordance with the Atomic Energy Act, as amended, and the Rules of Practice of the Atomic Energy Commission, that a prehearing conference in this proceeding shall convene at 10:00 a.m. on Thursday, October 5, 1972, at the City Council Chamber, San Clemente Civic Center, 100 Avenida Presidio, San Clemente, California 92672.

ATOMIC SAFETY AND LICENSING BOARD

By:

Michael L. Glaser

Michael L. Glaser
Chairman

Issued: September 1, 1972
Washington, D.C.

Reg. Files
9-20-72

UNITED STATES OF AMERICA
ATOMIC ENERGY COMMISSION

In the Matter of)
)
SOUTHERN CALIFORNIA EDISON)
COMPANY, ET AL.)
(San Onofre Nuclear Generating)
Station, Units 2 and 3))

Docket Nos. 50-361, ✓
50-362

CERTIFICATE OF SERVICE

I hereby certify that copies of a letter from American Association of University Women, Ms. Marilyn O'Brien, President, dated September 20, 1972 requesting to take active opposition to the proposed installation and presentations of hearings, w/attachments dated September 20, 1972 in the captioned matter have been served on the following by deposit in the United State mail, first class or air mail, this 25th day of September, 1972:

Michael Glaser, Esq., Chairman
Atomic Safety and Licensing Board
1150 17th Street, N.W.
Washington, D. C. 20036

Mr. Lester Kornblith, Jr.
Atomid Safety and Licensing Board
U. S. Atomic Energy Commission
Washington, D. C. 20545

Dr. Franklin C. Daiber
Department of Biological Sciences
University of Delaware
Newark, Delaware 19711

Dr. Gerard A. Rohlich
Department of Civil Engineering
University of Texas
Austin, Texas 78712

Elizabeth S. Bowers, Esq., Alternate
Chairman
Atomic Safety and Licensing Board
U. S. Atomic Energy Commission
Washington, D. C. 20545

Martin G. Malsch, Esq.
Regulatory Staff Counsel
U. S. Atomic Energy Commission
Washington, D. C. 20545

Rollin E. Woodbury, Esq., Vice
President and General Counsel
Southern California Edison Company
P. O. Box 800
2244 Walnut Grove Avenue
Rosemead, California 91770

Robert J. Cahall, Esq.
Southern California Edison
Company
2244 Walnut Grove Avenue
Rosemead, California 91770

David N. Barry, III, Esq.
Southern California Edison
Company
2244 Walnut Grove Avenue
Rosemead, California 91770

Charles E. Kocher, Esq.
Southern California Edison Company
2244 Walnut Grove Avenue
Rosemead, California 91770

Kingsley B. Hines, Esq.
Southern California Edison
Company
2244 Walnut Grove Avenue
Rosemead, California 91770

Sherman Chickering, Esq.
C. Hayden Ames, Esq.
Frank S. Bayley, III, Esq.
David R. Pigott, Esq.
Chickering & Gregory
111 Sutter Street
San Francisco, California 94104

Ellen S. Holmes
Office of the Secretary of the Commission

cc: Mr. Glaser
ASLBP
M. Malsch
V. Wilson
Reg. Files

AMERICAN ASSOCIATION  OF UNIVERSITY WOMEN

SAN CLEMENTE BRANCH

SAN CLEMENTE, CALIFORNIA 92672

September 20, 1972

Chief, Public Proceedings Branch
Office of the Secretary of the Commission
United States Atomic Energy Commission
Washington, D. C.

Dear Sir:

This letter is to attest that Lyn Harris Hicks, as Community Liaison, and Leah Schlegel, as Beleaguered Earth Chairman, are duly authorized by the San Clemente-Capistrano Bay Branch of American Association of University Women to express and instrument the branch's active opposition to installation of two additional nuclear reactors at San Onofre.

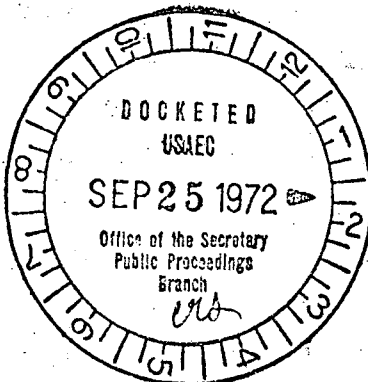
This letter is also to attest that the San Clemente-Capistrano Bay Branch has been duly authorized by the branches of American Association of University Women of Orange County to take active opposition to the proposed installation.

These authorizations are the result of lengthy processes during the past two and a half years...of gathering of materials, study, reports, discussion and votes at board, branch and county levels, a process which will be culminated in presentation of our contentions in your winter hearings, and we trust, your favorable response to our appeals.

Sincerely,

Marilyn O'Brien

Marilyn O'Brien, President
San Clemente-Capistrano Bay Branch
American Association of University Women



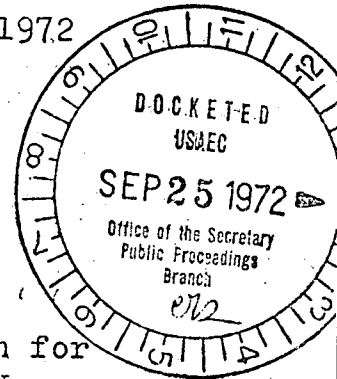
AMERICAN ASSOCIATION  OF UNIVERSITY WOMEN

SAN CLEMENTE BRANCH

SAN CLEMENTE, CALIFORNIA 92672

September 20, 1972

Chief, Public Proceedings Branch
Office of the Secretary of the Commission
United States Atomic Energy Commission
Washington, D. C.



Dear Sir:

Please accept this as necessary addenda to the petition for leave to intervene filed by San Clemente-Capistrano Bay Branch of American Association of University Women, and for Groups United Against Radiation Dangers, re application by Southern California Edison Co. and San Diego Gas and Electric Co. for construction permits for San Onofre Nuclear Generating Station Units 2 and 3, Docket Numbers 50-361 and 50-362.

These addenda are drafted without legal aid, since the attorney who will assist us in the proceedings is not available to us yet. If it is insufficient in any respect, we request your assistance, and we will comply promptly with your instructions.

Our contentions will be in the matter of item #4 of your issues: the common defense and security and the health and safety of the public.

As residents of the immediate area of the San Onofre site, we ask permission to contend that the applicants have not proven that their proposed installation would not be inimical to our health, nor have they proven that it would not subject us to the potential of death and destruction to persons and property in an area where evacuation is not feasible.

Specifically, we contend that the applicants have not proven themselves able to provide nuclear generation impervious to: human error, mechanical failure, sabotage, nor to natural disaster. More specifically, we contend there is potential of earthquake severity beyond the design criteria of the proposed installation.

Our concerns are much broader than these specifics; some may not be within the purvey of the coming hearings. They include: hazard to the public in the transportation and storage of radioactive wastes and fuel rods, cooling system flaws, damage to the marine environment and destruction of the priceless recreational and aesthetic (continued on next page)

L.S. L.A.A.

AMERICAN ASSOCIATION OF UNIVERSITY WOMEN

SAN CLEMENTE BRANCH

SAN CLEMENTE, CALIFORNIA 92672

heritage of the southern California coast.

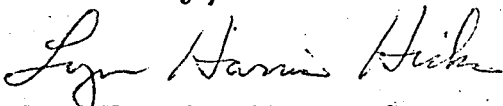
Our opposition is based in myriad specifics, ranging from uncertainty of safety of emission standards, to our protest of conflicting information provided by the utility companies regarding such matters as earthquake hazard and fish kills.

Our concern is as personal as our frustration at the utility companies' arrogance in operating the existing unit 1 for these many years without planting one stick of foliage nor making any other attempt to shield the ugliness of their installation from the millions who drive California's most traveled freeway from Los Angeles to San Diego, in spite of the fact that their presentations to our community when they were seeking approval for unit 1 included assurances of landscaping to render the installation aesthetic.

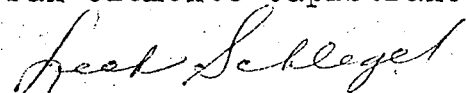
Our concern is much deeper than aesthetics...as humanitarian as our guilt that we as a people continue to produce deadly radioactive wastes in full knowledge that their life-span is in the many thousands of years, an unconscionable heritage to future generations.

Our combined organizations represent a large number of concerned citizens of this area who feel threatened by the proposed installation and who oppose it. We have waited long and studied laboriously for this opportunity to voice our opinions, to call our expert witnesses and to question utility company spokesmen under oath. We respectfully and urgently petition you to grant us this opportunity.

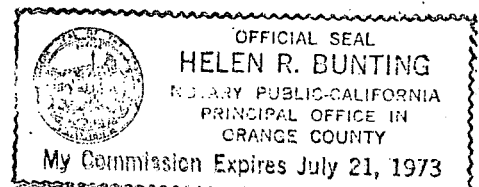
Sincerely,



Lyn Harris Hicks, Community Liaison
San Clemente-Capistrano Bay Branch, American Association of University Women



Leah Schlegel
Beleaguered Earth Chairman, San Clemente-Capistrano Bay Branch, AAUW



Form 3001—(Individual) First American Title Company

STATE OF CALIFORNIA

COUNTY OF Orange } ss.

On September 21, 1972, before me, the undersigned, a Notary Public in and for said State, personally appeared

Ryan Harris Hicks and
Reah Sehlge

known to me to be the person s whose name sare

subscribed to the within instrument and acknowledged to me

that they executed the same.

WITNESS my hand and official seal.

Signature

Helen R. Bunting

Name (Typed or Printed)



OFFICIAL SEAL
HELEN R. BUNTING
NOTARY PUBLIC-CALIFORNIA
PRINCIPAL OFFICE IN
ORANGE COUNTY

My Commission Expires July 21, 1973

(This area for official notarial seal)

AMERICAN ASSOCIATION OF UNIVERSITY WOMEN

SAN CLEMENTE BRANCH

SAN CLEMENTE, CALIFORNIA 92672

September 20, 1972

Chief, Public Proceedings Branch
Office of the Secretary of the Commission
United States Atomic Energy Commission
Washington, D. C.

Dear Sir:

This letter is to attest that Lyn Harris Hicks, as Community Liaison, and Leah Schlegel, as Beleaguered Earth Chairman, are duly authorized by the San Clemente-Capistrano Bay Branch of American Association of University Women to express and instrument the branch's active opposition to installation of two additional nuclear reactors at San Onofre.

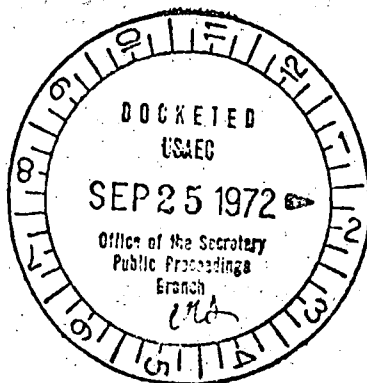
This letter is also to attest that the San Clemente-Capistrano Bay Branch has been duly authorized by the branches of American Association of University Women of Orange County to take active opposition to the proposed installation.

These authorizations are the result of lengthy processes during the past two and a half years...of gathering of materials, study, reports, discussion and votes at board, branch and county levels, a process which will be culminated in presentation of our contentions in your winter hearings, and we trust, your favorable response to our appeals.

Sincerely,

Marilyn O'Brien

Marilyn O'Brien, President
San Clemente-Capistrano Bay Branch
American Association of University Women



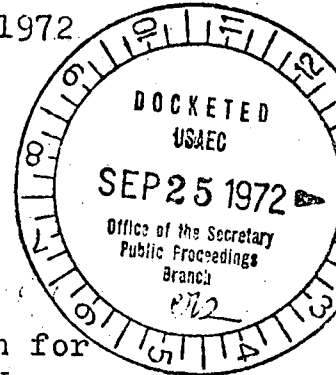
AMERICAN ASSOCIATION  OF UNIVERSITY WOMEN

SAN CLEMENTE BRANCH

SAN CLEMENTE, CALIFORNIA 92672

September 20, 1972

Chief, Public Proceedings Branch
Office of the Secretary of the Commission
United States Atomic Energy Commission
Washington, D. C.



Dear Sir:

Please accept this as necessary addenda to the petition for leave to intervene filed by San Clemente-Capistrano Bay Branch of American Association of University Women, and for Groups United Against Radiation Dangers, re application by Southern California Edison Co. and San Diego Gas and Electric Co. for construction permits for San Onofre Nuclear Generating Station Units 2 and 3, Docket Numbers 50-361 and 50-362.

These addenda are drafted without legal aid, since the attorney who will assist us in the proceedings is not available to us yet. If it is insufficient in any respect, we request your assistance, and we will comply promptly with your instructions.

Our contentions will be in the matter of item #4 of your issues: the common defense and security and the health and safety of the public.

As residents of the immediate area of the San Onofre site, we ask permission to contend that the applicants have not proven that their proposed installation would not be inimical to our health, nor have they proven that it would not subject us to the potential of death and destruction to persons and property in an area where evacuation is not feasible.

Specifically, we contend that the applicants have not proven themselves able to provide nuclear generation impervious to: human error, mechanical failure, sabotage, nor to natural disaster. More specifically, we contend there is potential of earthquake severity beyond the design criteria of the proposed installation.

Our concerns are much broader than these specifics; some may not be within the purvey of the coming hearings. They include: hazard to the public in the transportation and storage of radioactive wastes and fuel rods, cooling system flaws, damage to the marine environment and destruction of the priceless recreational and aesthetic (continued on next page)

P. J. L. A. H.

AMERICAN ASSOCIATION OF UNIVERSITY WOMEN

SAN CLEMENTE BRANCH

SAN CLEMENTE, CALIFORNIA 92672

heritage of the southern California coast.

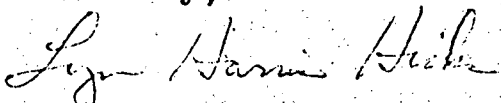
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Our concern is as personal as our frustration at the utility companies' arrogance in operating the existing unit 1 for these many years without planting one stick of foliage nor making any other attempt to shield the ugliness of their installation from the millions who drive California's most traveled freeway from Los Angeles to San Diego, in spite of the fact that their presentations to our community when they were seeking approval for unit 1 included assurances of landscaping to render the installation aesthetic.

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Our combined organizations represent a large number of concerned citizens of this area who feel threatened by the proposed installation and who oppose it. We have waited long and studied laboriously for this opportunity to voice our opinions, to call our expert witnesses and to question utility company spokesmen under oath. We respectfully and urgently petition you to grant us this opportunity.

Sincerely,



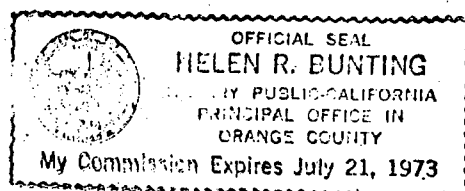
Lyn Harris Hicks, Community Liaison

San Clemente-Capistrano Bay Branch, American Association of University Women



Leah Schlegel

Beleaguered Earth Chairman, San Clemente-Capistrano Bay Branch, AAUW



Form 3001—(Individual) First American Title Company

STATE OF CALIFORNIA

COUNTY OF Orange } ss.

On September 21, 1972, before me, the undersigned, a Notary Public in and for said State, personally appeared

Ryan Harris Hicks and
Mark Sehlge

known to me to be the person s whose name sare

subscribed to the within instrument and acknowledged to me

that they executed the same.

WITNESS my hand and official seal:

Signature

Helen R. Bunting



OFFICIAL SEAL
HELEN R. BUNTING
NOTARY PUBLIC-CALIFORNIA
PRINCIPAL OFFICE IN
ORANGE COUNTY

My Commission Expires July 21, 1973

Name (Typed or Printed)

(This area for official notarial seal)

Southern California Edison Company

P. O. BOX 800

2244 WALNUT GROVE AVENUE

ROSEMEAD, CALIFORNIA 91770

LAW DEPARTMENT

(213) 872-1931

ROLLIN E. WOODBURY
VICE PRESIDENT AND
GENERAL COUNSELROBERT J. CAHALL
ASSISTANT GENERAL COUNSELDAVID N. DARRY III
JOHN R. BURY
WILLIAM E. MARK
SENIOR COUNSELNORMAN E. CARROLL
H. CLINTON TINKER
H. ROBERT BARNES
TOM P. GILFOY
F. LEONARD SISK
JERRY A. BRODY
L. CHRISTIAN HAUCK
CHARLES R. KOCHER
H. D. BELKNAP, JR.
MARVIN HOMER
DENNIS C. MONGE
THOMAS E. TABER
JAMES A. TRECARTIN
HARRY W. YOUNG
KINGSLEY B. HINES
D. LAURENCE MINNING
JEROLD M. SCHULTZ
PHILIP WALSH
ASSISTANT COUNSEL

September 20, 1972

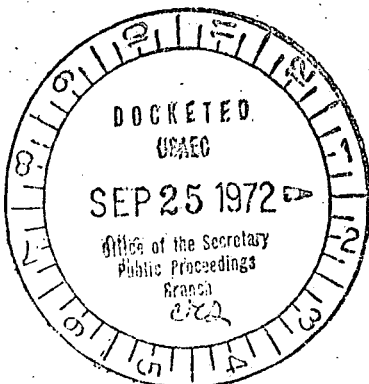
Our File No.
6168-1Michael L. Glaser, Esq.
1150 17th Street, N. W.
Washington, D. C. 20036Re: San Onofre Nuclear Generating
Station, Units Nos. 2 and 3:
A.E.C. Docket Nos. 50-361 and
50-362

Dear Sir:

The Notice and Order for Prehearing Conference in the above proceeding, published at 37 Fed. Reg. 18409, on September 9, 1972, indicates that the prehearing conference on October 5, 1972 will be conducted in accordance with section 2.752 of the Rules of Practice [10 C.F.R. § 2.752].

On July 28, 1972, at 37 Fed. Reg. 15127, the Commission gave notice of rather extensive revisions to its facility license application review and hearing processes. The amendments, which became effective August 28, 1972, provided, inter alia, for a special prehearing conference, pursuant to section 2.751a of the Rules of Practice [10 C.F.R. § 2.751a], to:

- 1) Permit identification of the key issues in the proceeding;
- 2) Take any steps necessary for further identification of the issues;
- 3) Consider all intervention petitions to allow the presiding officer to make such preliminary or final determination as to the parties to the proceeding, as may be appropriate; and
- 4) Establish a schedule for further actions in the proceeding.



September 20, 1972

Applicant Southern California Edison Company recognizes, as did the Commission at 37 Fed. Reg. 15130, that some of the provisions of the amendments to the facility license application review and hearing processes will not be appropriate for application to pending proceedings in various stages. However, applicant is unaware of any factors which would render the above enumerated matters inappropriate for consideration at the prehearing conference on October 5, 1972. Applicant therefore requests that the agenda adopted for the prehearing conference make provision for consideration of the above enumerated matters.

Similarly, it is the position of applicant that the provisions of section 2.714 of the Rules of Practice [10 C.F.R. § 2.714], as amended on August 28, 1972, are applicable to the purported petitions to intervene in this proceeding. The Commission's example that "...petitions for leave to intervene that were filed without an accompanying affidavit before the effective date of the amendments will not be denied for that reason..." [37 Fed. Reg. 15130] clearly indicates a Commission policy that petitions for leave to intervene filed after the effective date of the amendments must comply with the revised rules.

In view of the broad range of matters to be considered at the prehearing conference on October 5, 1972, applicant requests that provision be made for stenographic reporting of the prehearing conference and preparation of transcripts on an expedited basis.

Very truly yours,

CHARLES R. KOCHER

Charles R. Kocher
Assistant Counsel

cc: Elizabeth S. Bowers, Esq.
Dr. Franklin C. Daiber
Mr. Lester Kornblith, Jr.
Dr. Gerard A. Rohlich
Nathaniel H. Goodrich, Esq.
Atomic Safety and Licensing Board Panel
Lawrence J. Chandler, Esq.
Chief, Public Proceedings Branch
Chickering & Gregory
Hon. Harry Scheidle
George Spiegel, Esq.
Lyn Harris Hicks
Davene L. Montierth
Frederick Eissler

Req. Files

9-20-72

UNITES STATES OF AMERICA
ATOMIC ENERGY COMMISSION

In the Matter of

SOUTHERN CALIFORNIA EDISON COMPANY, ET AL.
(San Onofre Nuclear Generating Stations
Units 2 and 3)

Docket No. 50-361,
362

CERTIFICATE OF SERVICE

I hereby certify that copies of a TWX from Lyn Harris Hicks to the SECY dated September 20, 1972 in the captioned matter have been served on the following by deposit in the United States mail, first class or air mail, this 20th day of September 1972:

Michael Glaser, Esq., Chairman
Atomic Safety and Licensing Board
1150 17th Street, N. W.
Washington, D. C. 20036

Mr. Lester Kornblith, Jr.
Atomic Safety and Licensing Board
U. S. Atomic Energy Commission
Washington, D. C. 20545

Dr. Franklin C. Daiber
Department of Biological Sciences
University of Delaware
Newark, Delaware 19711

Dr. Gerard A. Rohlich
Department of Civil Engineering
University of Texas
Austin, Texas 78712

Elizabeth S. Bowers, Esq, Alternate
Chairman
Atomic Safety and Licensing Board
U. S. Atomic Energy Commission
Washington, D. C. 20545

Martin G. Malsch, Esq.
Regulatory Staff Counsel
U. S. Atomic Energy Commission
Washington, D. C. 20545

Rollin E. Woodbury, Esq.,
Vice President and General
Counsel
Southern California Edison
Company

P. O. Box 800
2244 Walnut Grove Avenue
Rosemead, California 91770

Robert J. Cahall, Esq.
Southern California Edison
Company
2244 Walnut Grove Avenue
Rosemead, California 91770

David N. Barry, III, Esq.
Southern California Edison
Company
2244 Walnut Grove Avenue
Rosemead, California 91770

Charles E. Kocher, Esq.
Southern California Edison
Company
2244 Walnut Grove Avenue
Rosemead, California 91770

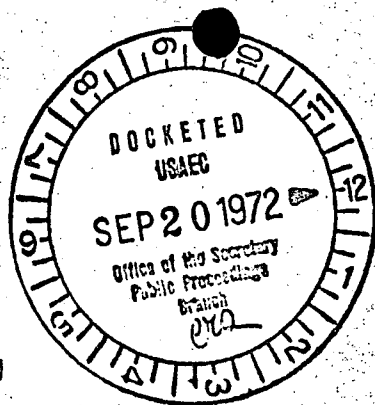
Kingsley B. Hines, Esq.
Southern California Edison
Company
2244 Walnut Grove Avenue
Rosemead, California 91770

Mrs. Phyllis Rauch
San Clemente Public Library
233 Granada Street
San Francisco, California 94104

Sherman Chickering, Esq.
C. Hayden Ames, Esq.
Frank S. Bayley, III, Esq.
David R. Pigott, Esq.
Chickering & Gregory
111 Sutter Street
San Francisco, California

Suzanne Lightning
Office of the Secretary of the
Commission

cc: Mr. Glaser
ASLBP
M. Malsch
V. Wilson
→ Reg. Files



R B

TWX NR 618

USAEC HQS GTWN

WU WSHA

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PMS CHIEF PUBLIC PROCEEDINGS BRANCH OFFICE OF THE SECRETARY OF THE COMMISSION

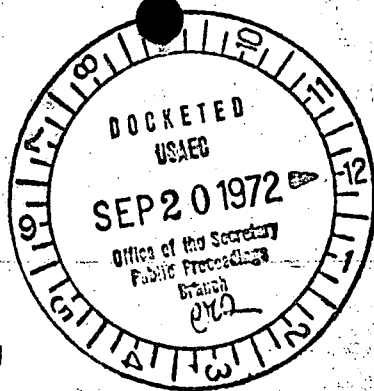
UNITED STATES ATOMIC ENERGY COMMISSION WASHDC
RE THE APPLICATIONS OF SAN CLEMENTE CAPISTRANO BAY BRANCH AMERICAN ASSOCIATION OF UNIVERSITY WOMEN AND GROUPS UNITED AGAINST RADIATION DANGERS FOR INTERVENER STATIS IN THE MATTER OF SOUTHERN CALIFORNIA EDISON COMPANY SAN DICEO GAS AND ELECTRIC COMPANY SAN ONOFRE NUCLEAR GENERATION STATION UNITS 2 AND 3 RECEIVED YESTERDAY AND TODAY YOUR TWO MAILINGS INCLUDED INSTRUCTIONS FOR APPLICATION FOR INTERVENTION THOUGH THE TIME HAS ELAPSED WE ARE PROCEEDING ON THE HOPE YOU WILL GRANT A TIME EXCEPTION WE WILL PUT IN MAIL TOMORROW ABOVE MY NOTARIZED SIGNATURE OUR BASIC POINTS OF CONTENTION THANK YOU FOR YOUR ASSISTANCE

LYN HARRIS HICKS

COMMUNITY LIAISON SAN CLEMENTE CAPISTRANO BAY BRANCH AMERICAN ASSOCIATION OF UNIVERSITY WOMEN EOP 3908 ARIANA SAN CLEMENTE CALIF

SEPT. 20 1972 7 809

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PMS CHIEF PUBLIC PROCEEDINGS BRANCH OFFICE OF THE SECRETARY OF THE COMMISSION

UNITED STATES ATOMIC ENERGY COMMISSION WASHDC
RE THE APPLICATIONS OF SAN CLEMENTE CAPISTRANO BAY BRANCH AMERICAN ASSOCIATION OF UNIVERSITY WOMEN AND GROUPS UNITED AGAINST RADIATION DANGERS FOR INTERVENER STATUS IN THE MATTER OF SOUTHERN CALIFORNIA EDISON COMPANY SAN DIEGO GAS AND ELECTRIC COMPANY SAN ONOFE NUCLEAR GENERATION STATION UNITS 2 AND 3 RECEIVED YESTERDAY AND TODAY YOUR TWO MAILINGS INCLUDED INSTRUCTIONS FOR APPLICATION FOR INTERVENTION THOUGH THE TIME HAS ELAPSED WE ARE PROCEEDING ON THE HOPE YOU WILL GRANT A TIME EXCEPTION WE WILL PUT IN MAIL TOMORROW ABOVE MY NOTARIZED SIGNATURE OUR BASIC POINTS OF CONTENTION THANK YOU FOR YOUR ASSISTANCE

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COMMUNITY LIAISON SAN CLEMENTE CAPISTRANO BAY BRANCH AMERICAN ASSOCIATION OF UNIVERSITY WOMEN EOP 3908 ARIANA SAN CLEMENTE CALIF

SEPT 20 1972 7 809

USAEC HQS GTWN

UNITED STATES OF AMERICA
ATOMIC ENERGY COMMISSION

9/19/72

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)

SOUTHERN CALIFORNIA EDISON COMPANY)
SAN DIEGO GAS AND ELECTRIC COMPANY)

(San Onofre Nuclear Generating)
Station, Units 2 and 3))

Docket Nos. 50-361
50-362

AEC REGULATORY STAFF ANSWERS TO REQUESTS
AND PETITIONS TO INTERVENE

1. On August 10, 1972, the Commission published in the Federal Register a "Notice of Hearing on Application for Construction Permits" for Southern California Edison Company's and San Diego Gas and Electric Company's (applicants') proposed San Onofre Nuclear Generating Station, Units 2 and 3 (37 F.R. 16117). This Notice provided that any petitions for leave to intervene must be received in the Office of the Secretary of the Commission not later than thirty days from the date of publication in the Federal Register or by September 11, 1972 (10 CFR §2.710). The Notice also provided that any petitions for leave to intervene must set forth the petitioner's interest in the proceeding, how that interest may be affected by Commission actions, and the petitioner's contentions in reasonably specific detail.
2. The Commission also published notice of the above-described hearing and opportunity to file petitions for leave to intervene in four

newspapers near the proposed plants - the Sun Post in San Clemente (published August 11, 1972); the Orange Coast Pilot, Costa Mesa (published August 11, 1972); the Santa Ana Register (published August 9, 1972), and the Los Angeles Times, Orange County Edition (published August 10, 1972). (See attached copies of the notices as published, Appendix A.) The Commission also sent copies of a public announcement of the forthcoming public hearing and opportunity to file petitions for leave to intervene to virtually every paper, daily and weekly, and TV and radio station, from just north of Los Angeles to the Mexican border (over 100 papers and stations). Finally, the Los Angeles Times, the Sun Post in San Clemente, the San Francisco Chronicle, the San Diego Union, the Santa Ana Register, TV Channel 7 in Los Angeles, NBC-TV in Los Angeles (Burbank), and AP and UPI were directly contacted by phone concerning the forthcoming hearing.

3. In addition, the Notice was served by the Office of the Secretary of the Commission upon numerous persons and organizations, including Mrs. Van Fleming, GUARD (Groups United Against Radiation Dangers), 245 Montalvo, San Clemente, California 92672. (See attached Certificate of Service, Appendix B.)
4. On September 11, 1972, the Office of the Secretary of the Commission received three telegrams from Davene L. Montierth, Orange County Peoples Lobby; Lyn Harris Hicks, San Clemente Capistrano Bay Branch, American

Association of University Women and Groups United Against Radiation Dangers; and Frederick Eissler, Scenic Shoreline Preservation Conference. Each telegram requested leave to intervene in the captioned proceeding.

5. By letter dated September 9, 1972, Lyn Harris Hicks, San Clemente Capistrano Bay Branch, American Association of University Women and GUARD (Groups United Against Radiation Dangers), complained that these organizations had not received notice of the forthcoming hearing and requested that the letter be regarded as formal request to intervene.
6. By letter dated September 8, 1972, David Sakai requested participation in the hearing as an opponent of the proposed plants. The letter was received in the Office of the Secretary of the Commission on September 13, 1972.
7. If construed as petitions for leave to intervene, the above-described telegrams and letters are deficient under the Commission's rules (10 CFR §2.714) and the above-described Notice in that they do not set forth the petitioners' interest, how that interest may be affected by Commission action, or any contentions in reasonably specific detail. A general statement of interest with respect to the proposed plants such as that arguably set forth in the letter from Lyn Harris Hicks, the telegram from Frederick Eissler, and the letter from David Sakai

is not sufficient. Sierra Club v. Morton, 405 U.S. 727 (1972);
"Memorandum and Order," In the Matter of Omaha Public Power District
(Fort Calhoun Station, Unit No. 1), AEC Docket No. 50-285 (Commission,
August 16, 1972).^{1/}

8. For the reasons set forth above, the AEC regulatory staff requests that the above-described letters and telegrams of Davene L. Montierth, Lyn Harris Hicks, Frederick Eissler, and David Sakai, if construed as petitions for leave to intervene, be denied. However, we would have no objection to any of these persons or organizations expressing their views by way of limited appearances under 10 CFR §2.715(a).

Respectfully submitted,



Martin G. Malsch
Counsel for AEC Regulatory Staff

Attachments:
Appendix A.
Appendix B.

^{1/} We also point out that none of the letters and telegrams were submitted under oath or affirmation as required by 10 CFR §2.714, or meet the formal requirements for docketing set forth in 10 CFR §2.708.

Dated at Bethesda, Maryland,
this 19th day of September, 1972.

STATE OF CALIFORNIA
County of Orange

Legal Advertising covered by
this affidavit is set in 6 point
with 11 pica column width.

Appendix A

I am a citizen of the United States and a resident of the County aforesaid; I am over the age of eighteen years, and not a party to or interested in the below entitled matter. I am a principal clerk of the Orange Coast DAILY PILOT, with which is combined the NEWS-PRESS, a newspaper of general circulation, printed and published in the City of Costa Mesa, County of Orange, State of California, and that a Notice of opportunity for public participation in AEC Public Hearing on the San Onofre Generating Station, Units 2 and 3 of which copy attached hereto is a true and complete copy, was printed and published in the regular Costa Mesa, Fountain Valley, Huntington Beach, Laguna Beach, Newport Beach, Saddleback, San Clemente/Capistrano and Irvine issue (s) of said newspaper for One (1) consecutive weeks to wit the issue(s) of

August 11, 1972

_____, 197_____

_____, 197_____

_____, 197_____

_____, 197_____

I declare, under penalty of perjury, that the foregoing is true and correct.

Executed on August 11, 1972

at Costa Mesa, California.

Joseph E. Hauer
(Signature)

proof of Publication of

Paste Clipping
of Notice
SECURELY
In This Space

The Commission has arranged for documents and correspondence relating to the hearing of the facility to be kept on file for public inspection at the San Clemente Public Library, 211 Granada Street, San Clemente, California.
Orange Coast Daily Pilot August 11, 1972

LEGAL NOTICE

LEGAL NOTICE

LEGAL NOTICE

NOTICE OF OPPORTUNITY FOR PUBLIC PARTICIPATION IN AEC PUBLIC HEARING ON THE SAN ONOFRÉ NUCLEAR GENERATING STATION, UNITS 2 AND 3
The Atomic Energy Commission will hold a public hearing, to be conducted by an Atomic Energy and Licensing Board, to determine whether construction permits should be issued to the Southern California Edison Company and the San Diego Gas and Electric Company authorizing construction of the proposed San Onofre Nuclear Generating Station, Units 2 and 3, at the applicants' site at Camp Pendleton, San Diego County, California. The time and place of the hearing will be set later. Issues to be considered at the hearing will be both technical and environmental matters. These issues are specified in a Federal Register notice to be published on August 11, 1972.

Members of the public who wish to participate in the hearing may do so in one of two ways:

1. They make oral, a limited appearance. A person making a limited appearance need not become a party to the proceeding nor may state the questions and raise questions which he or she has been assured to the extent that the questions are within the scope of the hearing, and are pertinent to the Atomic Safety and Licensing Board. Persons desiring to make a limited appearance are requested to inform the Secretary of the Commission, U. S. Atomic Energy Commission, Washington, D. C. 20545, Attention: Chief, Public Proceedings Branch by September 11, 1972. Failure to provide notice will be precluded at the time of the public hearing by the licensee's lawyer.
2. They may submit for review to the Atomic Energy Commission a written statement, for example, a party to the proceeding and has a right to participate in the conduct of the hearing. For example, he may present evidence and examine and cross-examine witnesses.

Any person whose interest may be affected by the proceeding who wishes to participate as a party must file a petition for leave to intervene. Such petitions must be filed with the Secretary of the Commission, U. S. Atomic Energy Commission, Washington, D. C. 20545, Attention: Chief, Public Proceedings Branch by September 11, 1972.

A petition for leave to intervene should state the petitioner's interest in the proceeding, how it is affected by the proposed licensing action and the reasons why the petitioner's intervention is necessary. Intervention action is reasonably specific denial. Petitions stating conclusory statements will be denied. Petitions will be acted upon by the Board.

LEGAL NOTICE

LEGAL NOTICE

LEGAL NOTICE

NOTICE OF OPPORTUNITY FOR PUBLIC PARTICIPATION IN AEC PUBLIC HEARING ON
THE SAN Geronimo NUCLEAR GENERATING STATION, UNITS 2 AND 3

The Atomic Energy Commission will hold a public hearing, to be conducted by an Atomic Safety and Licensing Board, to determine whether construction permits should be issued to the Southern California Edison Company and the San Diego Gas and Electric Company authorizing construction of the proposed San Geronimo Nuclear Generating Station, Units 2 and 3, at the applicant's site at Camp Pendleton, San Diego County, California. The time and place of the hearing will be set later. Issues to be considered at the hearing include both radiological and environmental matters. These issues are specified in a Federal Register notice to be published on August 11, 1972.

Members of the public who wish to participate in the hearing may do so in one of two ways:

1. They make make a limited appearance. A person making a limited appearance does not become a party to the proceeding but may state his position and raise questions which he would like to have answered to the extent that the questions are within the scope of the hearing, and are permitted by the Atomic Safety and Licensing Board. Persons desiring to make a limited appearance are requested to inform the Secretary of the Commission, U. S. Atomic Energy Commission, Washington, D. C. 20545, Attention: Chief, Public Proceedings Branch, by September 11, 1972. Limited appearances will be permitted at the time of the public hearing by the Licensing Board.

2. They may petition for leave to intervene. A person permitted to intervene becomes a party to the proceeding and has a right to participate in the conduct of the hearing. For example, he may present evidence and examine and cross-examine witnesses.

Any person whose interest may be affected by the proceeding who wishes to participate as a party must file a petition for leave to intervene. Such petitions must be filed with the Secretary of the Commission, U. S. Atomic Energy Commission, Washington, D. C. 20545, Attention: Chief, Public Proceedings Branch, by September 11, 1972.

A petition for leave to intervene should state the petitioner's interest in the proceeding, how it may be affected by the proposed licensing action and the petitioner's contentions regarding the proposed licensing action in reasonably specific detail. Petitions raising contentions relating only to matters outside the Commission's jurisdiction will be denied. Petitions will be considered by the Licensing Board.

The Commission has arranged for documents and correspondence relating to the licensing of this facility to be kept on file for public inspection at the San Clemente Public Library, 233 Granada Street, San Clemente, California.
Published Orange Coast Daily Pilot, August 11, 1972

2673-72

STATE OF CALIFORNIA,

County of Orange

City of San Clemente

I am a citizen of the United States and a resident of the County aforesaid; I am over the age of eighteen years, and not a party to or interested in the above-entitled matter. I am the principal clerk of the printer of the San Clemente Sun-Post a newspaper of general circulation printed and published daily

in the City of San Clemente County of Orange, and which newspaper has been adjudged a newspaper of general circulation by the Superior Court of the County of Orange, State of California under the date of March 11, 1960,

Case Number A9140; that the notice, of which the annexed is a printed copy (set in type not smaller than nonpareil), has been published in each regular and entire issue of said newspaper and not in any supplement thereof

on the following dates, to-wit: August 11, all in the year 1972.

I certify (or declare) under penalty of perjury that the foregoing is true and correct.

Dated at San Clemente, California, this

11th day of August, 1972.

William M. Miller

Signature

SAN CLEMENTE PUBLISHING CORP.

1542 North El Camino Real - P.O. Box 367

NOTICE OF OPPORTUNITY FOR
PUBLIC PARTICIPATION IN ABC PUBLIC
HEARING ON THE SAN ONOFRE NUCLEAR
GENERATING STATION, UNITS 2 AND 3

The Atomic Energy Commission will hold a public hearing, to be conducted by an Atomic Safety and Licensing Board, to determine whether construction permits should be issued to the Southern California Edison Company and the San Diego Gas and Electric Company authorizing construction of the proposed San Onofre Nuclear Generating Station, Units 2 and 3, at the applicants' site at Camp Pendleton, San Diego County, California. The time and place of the hearing will be set later. Issues to be considered at the hearing include both radiological and environmental matters. These issues are specified in a FEDERAL REGISTER notice to be published on August 11, 1972.

Members of the public who wish to participate in the hearing may do so in one of two ways:

1. They may make a limited appearance. A person making a limited appearance does not become a party to the proceeding but may state his position and raise questions which he would like to have answered to the extent that the questions are within the scope of the hearing, and are permitted by the Atomic Safety and Licensing Board. Persons desiring to make a limited appearance are requested to inform the Secretary of the Commission, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention:

Chief, Public Proceedings Branch, by September 11, 1972. Limited appearances will be permitted at the time of the public hearing by the licensing board.

2. They may petition for leave to intervene. A person permitted to intervene becomes a party to the proceeding and has a right to participate in the conduct of the hearing. For example, he may present evidence and examine and cross-examine witnesses.

Any person whose interest may be affected by the proceeding who wishes to participate as a party must file a petition for leave to intervene. Such petitions must be filed with the Secretary of the Commission, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Branch, by September 11, 1972.

A petition for leave to intervene should state the person's interest in the proceeding, how it may be affected by the proposed licensing action and the person's contentions regarding the proposed licensing action in reasonably specific detail. Petitions stating contentions relating only to matters outside the Commission's jurisdiction will be denied. Petitions will be acted upon by the licensing board.

The Commission has arranged for documents and correspondence relating to the licensing of this facility to be kept on file for public inspection at the San Clemente Public Library, 233 Granada Street, San Clemente, California.

Published in the San Clemente Sun-Post, San Clemente, Calif. — August 11, 1972.

Proof of Publication of

NOTICE OF OPPORTUNITY

The Register

PROOF OF PUBLICATION

(2015.5 C.C.P.)

STATE OF CALIFORNIA,

County of Orange,

ss.

Rose Stanfield

I am a citizen of the United States and a resident of the County aforesaid; I am over the age of eighteen years, and not a party to or interested in the above entitled matter. I am the principal clerk of the printer of The Register, a newspaper of general circulation, published in the City of Santa Ana, County of Orange, and which newspaper has been adjudged a newspaper of general circulation by the Superior Court of the County of Orange, State of California, under the date of November 29, 1905, Case Number A21046; that the notice of which the annexed is a printed copy, has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to-wit:

August 9, 1972

I certify (or declare) under penalty of perjury that the foregoing is true and correct.

Executed at Santa Ana, California.

Date August 9, 1972

Rose Stanfield
Rose Stanfield Signature - Legals

This space is for the County Clerk's Filing Stamp

Proof of Publication of

Notice of Opportunity for

Public Participation etc.

San Onofre Nuclear Generating

Station. Units 2 and 3

Paste Clipping of
Notice
SECURELY
In This Space

NOTICE OF OPPORTUNITY FOR PUBLIC PARTICIPATION IN AYES PUBLIC HEARING ON THE SAN ONOFRE NUCLEAR GENERATING STATION, UNITS 2 AND 3

The Atomic Energy Commission will hold a public hearing, to be conducted by an Atomic Energy Commission Hearing Committee and the San Diego Gas and Electric Company, on the proposed San Onofre Nuclear Generating Station, Units 2 and 3, at the applicant's site at Escondido, San Diego County, California. The time and place of the hearing will be set forth in a notice to be published in the Escondido Daily News and in the San Diego Union Tribune. The notice will be published in the Escondido Daily News and in the San Diego Union Tribune on August 11, 1972.

Any person who wishes to participate in the hearing should appear in person or by proxy to the hearing. A person may bring a limited number of witnesses and a limited number of questions to ask. The questions should be asked in writing and submitted to the Atomic Energy Commission Hearing Committee. The questions should be submitted to the Atomic Energy Commission Hearing Committee by August 11, 1972. The questions should be submitted to the Atomic Energy Commission Hearing Committee by August 11, 1972. The questions should be submitted to the Atomic Energy Commission Hearing Committee by August 11, 1972.

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In the Matter of

SOUTHERN CALIFORNIA Edison Company
(San Onofre Units 2 and 3)

Date: Aug. 22-23, 1972

CERTIFICATE OF SERVICE

I hereby certify that copies of NOTICE OF HEARING ON APPLICATION FOR CONSTRUCTION PERMIT dated August 2, 1972, has been served on the following by deposit with the United States mail, first class or air mail, this 4th day of August 1972:

Martin G. Malsch, Esq.
Regulatory Staff Counsel
U. S. Atomic Energy Commission
Washington, D. C.

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Mr. Thomas E. Glass, Chairman
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P. O. Box 525
San Francisco, California 92112

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2120 Carter Avenue
Saint Paul, Minnesota 55108

Mr. William W. Dunlop, Secretary
Public Utilities Commission
State of California
California State Building
San Francisco, California 94102

50-361,362

Page 2

Mr. Truman Benedict
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Secretary to the Board of Trustees
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Mr. Douglas Yingst
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Mr. John T. Quirk
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Mr. Frederick Eliasler, President
Scenic Shoreline Preservation
Conference, Inc.
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James H. H. H.
Office of the Secretary of the Commission

cc: Mr. Malsch
ASLEP
V. Wilson
Reg. Files

UNITED STATES OF AMERICA
ATOMIC ENERGY COMMISSION

9/19/72

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)	
)	
SOUTHERN CALIFORNIA EDISON COMPANY)	
SAN DIEGO GAS & ELECTRIC COMPANY	)	Docket Nos. 50-361
	)	50-362
(San Onofre Nuclear Generating Station)	
Units 2 and 3))	

CERTIFICATE OF SERVICE

I hereby certify that copies of "AEC Regulatory Staff Answers to Requests and Petitions to Intervene," in the captioned matter, were served on the following by deposit in the United States mail, first class or air mail, this 19th day of September, 1972:

Michael Glaser, Esq.
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Washington, D.C. 20036

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San Clemente Capistrano Bay Branch
American Association of University Women
and Men and Groups United Against
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3908 Ariana Street
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Davene L. Montierth, Esq.
Orange Country Peoples Lobby
P.O. Box 6471
Buena Park, California 90622

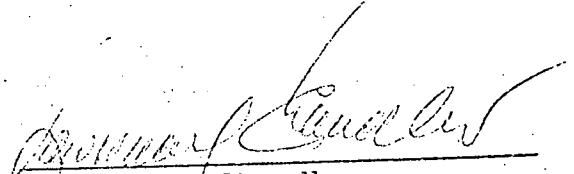
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Atomic Safety & Licensing Board Panel
U.S. Atomic Energy Commission
Washington, D.C. 20545

Atomic Safety & Licensing Appeal Board
U.S. Atomic Energy Commission
Washington, D.C. 20545

Mr. Frank W. Karas
Chief, Public Proceedings Staff
Office of the Secretary of the Commission
U.S. Atomic Energy Commission
Washington, D.C. 20545


Lawrence J. Chandler
Counsel for AEC Regulatory Staff

9-18-72

UNITED STATES OF AMERICA
ATOMIC ENERGY COMMISSION

ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)

SOUTHERN CALIFORNIA EDISON COMPANY)
SAN DIEGO GAS & ELECTRIC COMPANY)

(San Onofre Nuclear Generating)
Station, Units 2 and 3))

DOCKET NOS. 50-361
AND 50-362

APPLICANT'S RESPONSE IN OPPOSITION
TO PETITION TO INTERVENE

PRELIMINARY STATEMENT

On September 11, 1972, a joint petition to intervene by the Cities of Anaheim, Banning, and Riverside, California, was docketed in this proceeding. The petition appears to comply with the formal requirements for documents. However, as is indicated below, the petition is substantively defective.

I.

THE PETITION FAILS TO SET FORTH
WITH PARTICULARITY THE CONTENTIONS
OF PETITIONERS

10 C.F.R. § 2.714 (a) and (b) require that the petition set forth a statement identifying the specific aspects of the subject matter of the proceeding with respect to which intervention is sought and the basis for the petitioner's contentions with respect to each such aspect. A petition which fails to set forth the contentions of the petitioner or which, as in this instance, sets forth contentions of a vague

or generalized nature may be denied. In re Florida Power & Light Company (Turkey Point Units 2 and 3), Docket Nos. 50-250 and 50-251, Memorandum and Order dated March 30, 1972.

II.

THE INTERESTS OF PETITIONER ARE
PROPERLY WITHIN THE PURVIEW OF
COMMISSION REVIEW OF THE ANTI-
TRUST ASPECTS OF THE APPLICATION

Petitioner's contentions, though vague and generalized, appear to be directed to matters which may affect the costs, terms, or conditions under which the petitioner may participate as owners of the Units in accordance with the Settlement Agreement. As such, the petitioner's interests and contentions are properly within the purview of the Commission's review of the antitrust aspects of the application, and its petition to participate in health and safety matters should be denied.

In re Boston Edison Company (Pilgrim Nuclear Power Station) Docket No. 50-293, Memorandum and Order dated July 12, 1971.

CONCLUSION

It is respectfully submitted that the petition of the Cities of Anaheim, Banning, and Riverside, California, should

be denied.

DATED: September 18, 1972.

ROLLIN E. WOODBURY
ROBERT J. CAHALL
DAVID N. BARRY, III
CHARLES R. KOCHER
KINGSLEY B. HINES

Attorneys for Applicant
SOUTHERN CALIFORNIA EDISON COMPANY

CHARLES R. KOCHER

By

Charles R. Kocher
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Southern California Edison Company
2244 Walnut Grove Avenue
Rosemead, California 91770

9-18-72

UNITED STATES OF AMERICA
ATOMIC ENERGY COMMISSION

ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)	
)	
SOUTHERN CALIFORNIA EDISON COMPANY	)	Docket Nos. 50-361
SAN DIEGO GAS & ELECTRIC COMPANY	)	and 50-362
)	
(San Onofre Nuclear Generating)	
Station, Units 2 and 3))	

APPLICANT'S RESPONSE IN OPPOSITION
TO PURPORTED PETITION TO INTERVENE

PRELIMINARY STATEMENT

On September 11, 1972, a telegram, from Scenic Shoreline Preservation Conference Inc., petitioning for leave to intervene, was docketed in this proceeding.

For the reasons set forth below, Applicant SOUTHERN CALIFORNIA EDISON COMPANY urges denial of the purported petition to intervene.

I.

THE PURPORTED PETITION FAILS TO
SET FORTH SUFFICIENT INTEREST
IN THIS PROCEEDING

In an attempt to meet the requirements of 10 C.F.R. § 2.714 (a) and (b), that a petition to intervene set forth

with particularity the interest of the petitioner and the manner in which that interest may be affected by the results of the proceeding, the purported petitioner makes a general statement of the organization's interest. This statement of interest was "...IN PROPER PROTECTION OF THE COASTAL ECOLOGY AND THE HEALTH, SAFETY AND WELFARE OF CITIZENS INCLUDING CONFERENCE MEMBERS IN THE AREA OF THE UNITS..." This general concern of the purported petitioner is insufficient and fails to meet the requirements of 10 C.F.R. § 2.714 (a) and (b).

A petitioner must make a showing that he himself will suffer injury in order to have standing to intervene in an administrative proceeding. Sierra Club vs. Morton, ____ U.S. ____, 92 S.Ct. 1361, 1366 (1972). A general concern for the preservation of the California shoreline is, under the Sierra Club vs. Morton, *supra*, insufficient interest to "render the organization 'adversely effected' or 'aggrieved'", 92 S.Ct. 1368, such that it would have standing to intervene.

The Commission denied in In re Omaha Public Power District (Fort Calhoun Station), Docket No. 50-285 Memorandum and Order, August 16, 1972, a petition for intervention on the ground that allegations did not show sufficient interest for standing to intervene. The instant purported petition contains only the above quoted unsupported allegation of interest and it

is just such an allegation upon which the Commission denied the petition in the Omaha Public Power District case, supra. The instant purported petition merely says "members in the area". It does not say what the members are doing in the area nor is there anything to define the limits of the area referred to.

II.

THE PURPORTED PETITION FAILS TO
SET FORTH ADEQUATE CONTENTIONS
WITH RESPECT TO THIS PROCEEDING

10 C.F.R. § 2.714 (a) requires a statement identifying the specific aspects of the subject matter of the proceeding as to which intervention is sought and the basis for his contentions with regard to each such aspect. A purported petition which fails to set forth the contentions of the petitioner or sets forth contentions of a vague or generalized nature may be denied. In re Florida Power & Light Company (Turkey Point Units 3 and 4), Docket Nos. 50-250 and 50-251, Memorandum and Order dated March 30, 1972.

Petitioner in his attempt to comply with this requirement has obviously failed to do so. In the purported petition, petitioner states "The contentions of petitioner as to risks versus benefits of the units cannot be definite until Applicants' case has been presented, subject to cross examination. Considerations are siesmic (sic) standards related to the recent San Fernando Earthquake." This language is a wholly unparticularized

assertion that maybe the Applicants have failed on a risk/benefit basis to give proper assurances that the new reactors to be built can be operated safely in view of the recent quake. It was this type of "vague and generalized attack upon the safety of the reactors" which the Commission ruled defective under 10 C.F.R. § 2.714 (a) In re Florida Power & Light Company, supra.

III.

THE PURPORTED PETITION WAS NOT
ACCOMPANIED BY THE REQUIRED
AFFIDAVITS

10 C.F.R. § 2.714 (a) requires that supporting affidavits accompany the filing of a petition for intervention. Such affidavits are to set forth with particularity facts pertaining to petitioner's interest and those that form the basis of his contentions. There was no such affidavit accompanying the instant purported petition.

CONCLUSION

It is respectfully submitted that the purported petition of the Scenic Shoreline Preservation Conference Inc.

should be denied.

DATED: September 18, 1972.

ROLLIN E. WOODBURY
ROBERT J. CAHALL
DAVID N. BARRY, III
CHARLES R. KOCHER
KINGSLEY B. HINES

Attorneys for Applicant
SOUTHERN CALIFORNIA EDISON COMPANY

CHARLES R. KOCHER

By

Charles R. Kocher
Assistant Counsel
Southern California Edison Company
2244 Walnut Grove Avenue
Rosemead, California 91770

9-18-72

UNITED STATES OF AMERICA
ATOMIC ENERGY COMMISSION

ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)

SOUTHERN CALIFORNIA EDISON COMPANY)
SAN DIEGO GAS & ELECTRIC COMPANY)

(San Onofre Nuclear Generating)
Station, Units 2 and 3))

Docket Nos. 50-361
and 50-362

APPLICANT'S RESPONSE IN OPPOSITION
TO PURPORTED PETITION TO INTERVENE

PRELIMINARY STATEMENT

On September 11, 1972, a telegram "...ASKING INTERVENOR STATUS FOR SAN CLEMENTE CAPISTRANO BAY BRANCH AMERICAN ASSOCIATION OF UNIVERSITY WOMEN AND MEN AND GROUPS UNITED AGAINST RADIATION DANGERS..." was docketed in this proceeding. On September 13, 1972, a letter purporting to formalize the telegraphic request was similarly docketed. The letter, on the stationery of the American Association of University Women, San Clemente Branch, made reference only to the American Association of University Women and Groups United Against Radiation Dangers.

For the reasons set forth below, applicant SOUTHERN CALIFORNIA EDISON COMPANY urges denial of the purported petition to intervene.

I.

THE PURPORTED PETITION
FAILS TO SET FORTH ANY
INTEREST IN THIS PROCEEDING

The purported petition sets forth no statement of an interest in this proceeding. As a result, it wholly and completely fails to comply with the requirements of 10 C.F.R. § 2.714 (a) and (b) that the petition set forth with particularity the interest of the petitioner and the manner in which that interest may be affected by the results of the proceeding.

A petitioner must make a showing that he, himself, will suffer injury in order to have standing to intervene in an administrative proceeding. Sierra Club v. Morton, _____ U.S. _____, 92 S. Ct. 1361, 1366 (1972). A purported petition which does not set forth a showing of standing to intervene may be denied. In re Omaha Public Power District (Fort Calhoun Station), Docket No. 50-285, Memorandum and Order dated August 16, 1972.

II.

THE PURPORTED PETITION FAILS TO
SET FORTH ANY CONTENTIONS WITH
RESPECT TO THIS PROCEEDING

The purported petition fails to comply with the requirements of 10 C.F.R. § 2.714 (a), which requires a statement identifying the specific aspects of the subject

matter of the proceeding as to which intervention is sought and the basis for his contentions with regard to each such aspect. A purported petition which fails to set forth the contentions of the petitioner or sets forth contentions of a vague or generalized nature may be denied. In re Florida Power & Light Company (Turkey Point Units 3 and 4), Docket Nos. 50-250 and 50-251, Memorandum and Order dated March 30, 1972.

III.

THE PURPORTED PETITION WAS NOT
ACCOMPANIED BY THE REQUIRED
AFFIDAVITS

10 C.F.R. § 2.714 (a) requires that supporting affidavits accompany the filing of a petition for intervention. Such affidavits are to set forth with particularity facts pertaining to petitioner's interest and those that form basis of his contentions. There was no such affidavit accompanying the instant purported petition.

CONCLUSION

It is respectfully submitted that the purported petition of the San Clemente-Capistrano Bay Branch of the American Association of University Women and Men and Groups United

Against Radiation Dangers should be denied.

DATED: September 18, 1972.

ROLLIN E. WOODBURY
ROBERT J. CAHALL
DAVID N. BARRY, III
CHARLES R. KOCHER
KINGSLEY B. HINES

Attorneys for Applicant
SOUTHERN CALIFORNIA EDISON COMPANY

By CHARLES R. KOCHER
Charles R. Kocher
Assistant Counsel
Southern California Edison Company
2244 Walnut Grove Avenue
Rosemead, California 91770

9-18-72

Applicant, Southern California Edison Company, respectfully moves the foregoing referenced telegram be stricken from the docket in this proceeding on the grounds that it fails to comply with the requirements of 10 C.F.R., § 2.708.

MEMORANDUM OF POINTS AND AUTHORITIES

10 C.F.R. § 2.708 (f) provides, as follows:

"A document filed by telegraph need not comply with the formal requirements of paragraphs (b), and (c), and (d) of this section if an original and copies otherwise complying with all of the requirements of this section are mailed within two (2) days thereafter to the Secretary, U. S. Atomic Energy Commission, Washington, D.C. 20545, attention: Chief, Public Proceedings Branch."

No documentation was later mailed within the time limit to be docketed in compliance with the requirements of 10 C.F.R. § 2.708, and therefore the telegraphic request was not validated. As a result, the telegram is not entitled to the status of a filed document.

CONCLUSION

It is respectfully submitted that the foregoing referenced telegram should be stricken from the docket in

this proceeding.

DATED: September 18, 1972.

ROLLIN E. WOODBURY
ROBERT J. CAHALL
DAVID N. BARRY, III
CHARLES R. KOCHER
KINGSLEY B. HINES

Attorneys for Applicant
SOUTHERN CALIFORNIA EDISON COMPANY

CHARLES R. KOCHER

By

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2244 Walnut Grove Avenue
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9-18-72

UNITED STATES OF AMERICA
ATOMIC ENERGY COMMISSION

ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)
)
SOUTHERN CALIFORNIA EDISON COMPANY) Docket Nos. 50-361
SAN DIEGO GAS & ELECTRIC COMPANY) and 50-362
)
(San Onofre Nuclear Generating)
Station, Units 2 and 3))

MOTION TO STRIKE: MEMORANDUM OF
POINTS AND AUTHORITIES IN SUPPORT THEREOF

PRELIMINARY STATEMENT

On September 11, 1972 a telegram "...ASKING INTERVENOR STATUS FOR SAN CLEMENTE CAPISTRANO BAY BRANCH AMERICAN ASSOCIATION OF UNIVERSITY WOMEN AND MEN AND GROUPS UNITED AGAINST RADIATION DANGERS...." was docketed in this proceeding. On September 13, 1972, a letter purporting to formalize the telegraphic request was similarly docketed. The letter, on the stationery of the American Association of University Women, San Clemente Branch, made reference only to the American Association of University Women and Groups United Against Radiation Dangers.

MOTION TO STRIKE

Applicant, Southern California Edison Company, respectfully moves the foregoing referenced telegram and letter be stricken from the docket in this proceeding on the grounds that they fail to comply with the requirements of 10 C.F.R.

§ 2.708.

MEMORANDUM OF POINTS AND AUTHORITIES

10 C.F.R. § 2.708 (f) provides, as follows:

"A document filed by telegraph need not comply with the formal requirements of paragraphs (b), (c), and (d) of this section if an original and copies otherwise complying with all of the requirements of this section are mailed within two (2) days thereafter to the Secretary, U. S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Branch."

The foregoing referenced letter wholly and completely fails to comply with the requirements of 10 C.F.R. § 2.708, and therefore is ineffective to validate the telegraphic request. As a result, neither document is entitled to the status of a filed document.

CONCLUSION

It is respectfully submitted that the foregoing referenced telegram and letter should be stricken from the

docket in this proceeding.

DATED: September 18, 1972.

ROLLIN E. WOODBURY
ROBERT J. CAHALL
DAVID N. BARRY, III
CHARLES R. KOCHER
KINGSLEY B. HINES

Attorneys for Applicant
SOUTHERN CALIFORNIA EDISON COMPANY

CHARLES R. KOCHER

By

Charles R. Kocher
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2244 Walnut Grove Avenue
Rosemead, California 91770

9-18-72

UNITED STATES OF AMERICA
ATOMIC ENERGY COMMISSION

ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)

SOUTHERN CALIFORNIA EDISON COMPANY)
SAN DIEGO GAS & ELECTRIC COMPANY)

Docket Nos. 50-361
and 50-362

(San Onofre Nuclear Generating)
Station, Units 2 and 3))

APPLICANT'S RESPONSE IN OPPOSITION
TO PURPORTED PETITION TO INTERVENE

PRELIMINARY STATEMENT

On September 11, 1972, a telegram "...RESPECTFULLY
PETITION[ing] FOR LEAVE TO INTERVENE IN THE PUBLIC HEARING
THIS FALL REGARDING THE EXPANSION OF SAN ONOFRE NUCLEAR
PLANT IN SAN CLEMENTE CALIFORNIA...", from the Orange County
People's Lobby, was docketed in this proceeding.

For the reasons set forth below, applicant SOUTHERN
CALIFORNIA EDISON COMPANY urges denial of the purported
petition to intervene.

I.

THE PURPORTED PETITION FAILS TO SET
FORTH ANY INTEREST IN THIS PROCEEDING

The purported petition sets forth no statement of an
interest in this proceeding. As a result, it wholly and
completely fails to comply with the requirements of 10 C.F.R.
§ 2.714 (a) and (b) that the petition set forth with

particularity the interest of the petitioner and the manner in which that interest may be affected by the results of the proceeding.

A petitioner must make a showing that he, himself, will suffer injury in order to have standing to intervene in an administrative proceeding. Sierra Club v. Morton, _____ U.S. _____, 92 S. Ct. 1361, 1366 (1972). A purported petition which does not set forth a showing of standing to intervene may be denied. In re Omaha Public Power District (Fort Calhoun Station), Docket No. 50-285, Memorandum and Order dated August 16, 1972.

II.

THE PURPORTED PETITION FAILS TO SET FORTH ANY CONTENTIONS WITH RESPECT TO THIS PROCEEDING

The purported petition fails to comply with the requirements of 10 C.F.R. § 2.714 (a), which requires a statement identifying the specific aspects of the subject matter of the proceeding as to which intervention is sought and the basis for his contentions with regard to each such aspect. A purported petition which fails to set forth the contentions of the petitioner or sets forth contentions of a vague or generalized nature may be denied. In re Florida Power & Light Company (Turkey Point Units 3 and 4), Docket Nos. 50-250 and 50-251, Memorandum and Order dated March 30, 1972.

III.

THE PURPORTED PETITION WAS NOT
ACCOMPANIED BY THE REQUIRED AFFIDAVITS

10 C.F.R. § 2.714 (a) requires that supporting affidavits accompany the filing of a petition for intervention. Such affidavits are to set forth with particularity facts pertaining to petitioner's interest and those that form basis of his contentions. There was no such affidavit accompanying the instant purported petition.

CONCLUSION

It is respectfully submitted that the purported petition of Orange County People's Lobby should be denied.

DATED: September 18, 1972.

ROLLIN E. WOODBURY
ROBERT J. CAHALL
DAVID N. BARRY, III
CHARLES R. KOCHER
KINGSLEY B. HINES

Attorneys for Applicant
SOUTHERN CALIFORNIA EDISON COMPANY

CHARLES R. KOCHER

By

Charles R. Kocher
Assistant Counsel
Southern California Edison Company
2244 Walnut Grove Avenue
Rosemead, California 91770

UNITED STATES OF AMERICA
ATOMIC ENERGY COMMISSION

9-15-72

In the Matter of)
SOUTHERN CALIFORNIA EDISON COMPANY) Docket Nos. 50-361
SAN DIEGO GAS & ELECTRIC COMPANY) and 50-362
(San Onofre Nuclear Generating)
Station, Units 2 and 3))

APPLICANTS REPLY
TO PETITION FOR LEAVE TO INTERVENE OF
LYN HARRIS HICKS SAN CLEMENTE CAPISTRANO
BAY BRANCH AMERICAN ASSOCIATION OF
UNIVERSITY WOMEN AND MEN AND GROUPS
UNITED AGAINST RADIATION DAMAGES

1. On September 11, 1972, a petition for leave to intervene in this proceeding was filed by Lyn Harris Hicks, Community Liaison, San Clemente Capistrano Bay Branch American Association of University Women and Men and Groups United Against Radiation Dangers. For the reasons set forth below, San Diego Gas & Electric Company (hereinafter "Applicant") believes that the petition should be denied. If the Commission accepts the letter from Petitioners, Applicant respectfully requests permission to amend this reply.

I. STANDING

2. Petitioner has not complied with the Commission's Rules of Practice, 10 CFR § 2.714(b), which require that the petition set forth the interest of the petitioners in the proceeding, and the way that interest may be affected by the results of the proceeding. Petitioner is identified as

Lyn Harris Hicks, Community Liaison, San Clemente Capistrano Bay Branch American Association of University Women and Men and Groups United Against Radiation Dangers. The petition does not show that Lyn Harris Hicks, the San Clemente Capistrano Bay Branch of American Association of Women and Men and Groups United Against Radiation Dangers has any interest in the plant area which is in San Diego County. There is no showing that the petitioners live, work, or use the land or water in the area.

3. Petitioners have not shown how any interest of theirs will suffer injury from the proposed construction as required by the Commission's Rules of Practice. They have not shown any property, financial or other interest that would be affected by the results of the proceeding. Petitioners have not set forth any facts or reasons why they should be permitted to intervene.

4. The Commission has recently denied a petition to intervene that was much more specific than the instant petition. An allegation of interest that petitioner was a nonprofit corporation established to protect the environmental interests of all persons in the Midwest was ruled inadequate. In the Matter of Omaha Public Power District (Fort Calhoun Station), Docket No. 50-285, Memorandum and Order, August 16, 1972. The instant petition is less expansive than the Fort

Calhoun petition. The petition should therefore be denied for failing to show Petitioners' interest.

II. CONTENTIONS

5. Petitioner has not complied with the Commission's Rules of Practice, 10 CFR § 2.714(a), published in 37 F.R. No. 146, dated July 28, 1972 at 15132. The Rules require a petition to be accompanied by a supporting affidavit. Petitioner only sent notice of a petition to intervene in the form of a telegram. Such notice does not comply with the Commission's Rules of Practice.

6. Petitioner has not complied with the Commission's Rules of Practice, 10 CFR § 2.714(a), which require that a petition to intervene be under oath or affirmation. The petition to intervene was in the form of a telegram. The telegram was not under oath, did not carry words of affirmation, and carried no signature.

7. Petitioner has not complied with the Commission's Rules of Practice, 10 CFR § 2.714(a), which requires that the supporting affidavit identify "the specific aspect or aspects of the subject matter of the proceeding as to which he wishes to intervene and setting forth with particularity both the facts pertaining to his interest and the basis for his contentions with regard to each aspect on which he desires to intervene."


8. Petitioners failed to identify any specific aspect of the subject matter of the proceeding. The petitioner only made reference to "the San Onofre Hearing." This statement only identifies the proceeding, it does not set forth any contentions, any facts which would justify intervention, and does not even identify the subject matter of the intervention. The petition should therefore be denied for failing to set forth appropriate contentions.

CONCLUSION

9. Applicant requests that the petition for leave to intervene be denied.

Respectfully submitted,

Chickering & Gregory

By 
C. Hayden Ames
Counsel for Applicant

Dated: September 15, 1972

UNITED STATES OF AMERICA
ATOMIC ENERGY COMMISSION

9-15-72

In the Matter of)

SOUTHERN CALIFORNIA EDISON COMPANY)
SAN DIEGO GAS & ELECTRIC COMPANY)

(San Onofre Nuclear Generating)
Station, Units 2 and 3))

Docket Nos. 50-361
and 50-362

APPLICANTS REPLY
TO PETITION FOR LEAVE TO INTERVENE
OF DAVENE L. MONTIERTH, ORANGE
COUNTY PEOPLES LOBBY

1. On September 11, 1972, a petition for leave to intervene in this proceeding was filed by Davene L. Montierth, Orange County Peoples Lobby. For the reasons set forth below, San Diego Gas & Electric Company (hereinafter "applicant") believes that the petition should be denied.

I. STANDING

2. Petitioner has not complied with the Commission's Rules of Practice, 10 CFR § 2.714(b), which require that the petition set forth the interest of the petitioners in the proceeding, and the way that interest may be affected by the results of the proceeding. Petitioner is identified as Davene L. Montierth, Orange County Peoples Lobby. The petition

does not show that Davene L. Montierth or the Orange County Peoples Lobby has any interest in the plant area which is in San Diego County. There is no showing that the petitioners live, work, or use the land or water in the area.

3. Petitioners have not shown how any interest of theirs will suffer injury from the proposed construction as required by the Commission's Rules of Practice. They have not shown any property, financial or other interest that would be affected by the results of the proceeding. Petitioners have not set forth any facts or reasons why they should be permitted to intervene.

4. The Commission has recently denied a petition to intervene that was much more specific than the instant petition. An allegation of interest that petitioner was a nonprofit corporation established to protect the environmental interests of all persons in the Midwest was ruled inadequate. In the Matter of Omaha Public Power District (Fort Calhoun Station), Docket No. 50-285, Memorandum and Order, August 16, 1972. The instant petition is less expansive than the Fort Calhoun petition. The petition should therefore be denied for failing to show Petitioners' interest.

II. CONTENTIONS

5. Petitioner has not complied with the Commission's Rules of Practice, 10 CFR § 2.714(a), which requires a petition to be accompanied by a supporting affidavit. Petitioner only sent notice of a petition to intervene in the form of a telegram. Such notice does not comply with the Commission's Rules of Practice.

6. Petitioner has not complied with the Commission's Rules of Practice, 10 CFR § 2.714(a), which requires that a petition to intervene be under oath or affirmation. The petition to intervene was in the form of a telegram. The telegram was not under oath, did not carry words of affirmation, and carried no signature.

7. Petitioner has not complied with the Commission's Rules of Practice, 10 CFR § 2.714(a), which requires that the supporting affidavit identify "the specific aspect or aspects of the subject matter of the proceeding as to which he wishes to intervene and setting forth with particularity both the facts pertaining to his interest and the basis for his contentions with regard to each aspect on which he desires to intervene."

8. Petitioners failed to identify any specific aspect of the subject matter of the proceeding. The petitioner only made reference to "the expansion of the San Onofre Nuclear


Plant in San Clemente, California." This statement only identifies the proceeding, it does not set forth any contentions, any facts which would justify intervention, and does not even identify the subject matter of the intervention. The petition should therefore be denied for failing to set forth appropriate contentions.

CONCLUSION

9. Applicant requests that the petition for leave to intervene be denied.

Respectfully submitted,

Chickering & Gregory

By 
C. Hayden Ames
Counsel for Applicant

Dated: September 15, 1972

9-15-72

Docket Nos. 50-361
and 50-362

(San Onofre Nuclear Generating
Station, Units 2 and 3)

1. On September 11, 1972, a petition for leave to intervene in this proceeding was filed by Scenic Shoreline Preservation Conference. For the reasons set forth below, San Diego Gas & Electric Company (hereinafter "Applicant") believes that the petition should be denied.

2. Petitioner has not complied with the Commission's Rules of Practice, 10 CFR § 2.714(b), which requires that the petition set forth the interest of the Petitioners in the proceeding, and the way that interest may be affected by the results of the proceeding. Petitioner is identified as Scenic Shoreline Preservation Conference. The petition does not show that the Scenic Shoreline Preservation Conference

has any interest in the plant area which is in San Diego County. There is no showing that the petitioners live, work, or use the land or water in the area.

3. Petitioners have not shown how any interest of theirs will suffer injury from the proposed construction as required by the Commission's Rules of Practice. They have not shown any property, financial or other interest that would be affected by the results of the proceeding. Petitioners have not set forth any facts or reasons why they should be permitted to intervene.

4. The Commission has recently denied a petition to intervene that was much more specific than the instant petition. An allegation of interest that Petitioner was a nonprofit corporation established to protect the environmental interests of all persons in the Midwest was ruled inadequate. In the Matter of Omaha Public Power District (Fort Calhoun Station), Docket No. 50-285, Memorandum and Order, August 16, 1972. The instant petition is equally vague in citing its interest in the proper protection of the coastal ecology and the health, safety and welfare of citizens. The petition should therefore be denied for failing to show Petitioners' interest.

II. CONTENTIONS

5. Petitioner has not complied with the Commission's

Rules of Practice, 10 CFR § 2.714(a). The Rules require a petition to be accompanied by a supporting affidavit.

Petitioner only sent notice of a petition to intervene in the form of a telegram. Such notice does not comply with the Commission's Rules of Practice.


6. Petitioner has not complied with the Commission's Rules of Practice, 10 CFR § 2.714(a), which require that a petition to intervene be under oath or affirmation. The petition to intervene was in the form of a telegram. The telegram was not under oath, did not carry words of affirmation, and carried no signature. The petition should therefore be denied for failing to comply with the Commission's Rules of Practice.

CONCLUSION

7. Applicant requests that the petition for leave to intervene be denied.

Respectfully submitted,

Chickering & Gregory

By 
C. Hayden Ames
Counsel for Applicant

Dated: September 15, 1972

9-13-72

In the Matter of

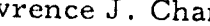
Docket Nos. 50-361
50-362

NOTICE OF APPEARANCE

Notice is hereby given that the undersigned attorney herewith enters an appearance in the captioned matter. In accordance with §2.713, 10 CFR Part 2, the following information is provided:

Name	- Lawrence J. Chandler
Address	- U.S. Atomic Energy Commission Washington, D.C. 20545
Telephone Number	- Area Code 301-973-7311 (Or Code 119 - Ext. 7311)
Admissions	- United States District Court for the District of Columbia
Name of Party	- Regulatory Staff U.S. Atomic Energy Commission Washington, D.C. 20545

Notice is further given pursuant to §2.708, 10 CFR Part 2, that service upon the regulatory staff should be made upon the undersigned.


Lawrence J. Chandler
Counsel for AEC Regulatory Staff

Dated at Bethesda, Maryland
this 13th day of September, 1972.

UNITED STATES OF AMERICA
ATOMIC ENERGY COMMISSION

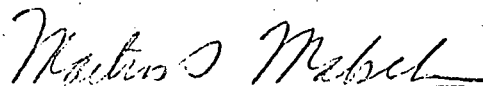
BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)	
)	
SOUTHERN CALIFORNIA EDISON COMPANY)	
SAN DIEGO GAS & ELECTRIC COMPANY	)	Docket Nos. 50-361
	)	50-362
(San Onofre Nuclear Generating Station,)	
Units 2 and 3))	

NOTICE OF APPEARANCE

Notice is hereby given that the undersigned attorney herewith enters an appearance in the captioned matter. In accordance with §2.713, 10 CFR Part 2, the following information is provided:

Name	-	Martin G. Malsch
Address	-	U.S. Atomic Energy Commission Washington, D.C. 20545
Telephone Number	-	Area Code 301-973-7311 (Or Code 119 - Ext. 7311)
Admissions	-	Supreme Court of Connecticut
Name of Party	-	Regulatory Staff U.S. Atomic Energy Commission Washington, D.C. 20545


Martin G. Malsch
Counsel for AEC Regulatory Staff

Dated at Bethesda, Maryland
this 13th day of September, 1972.

UNITED STATES OF AMERICA
ATOMIC ENERGY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)

)
SOUTHERN CALIFORNIA EDISON COMPANY)

SAN DIEGO GAS & ELECTRIC COMPANY)

(San Onofre Nuclear Generating Station)
Units 2 and 3))

Docket Nos. 50-361
50-362

CERTIFICATE OF SERVICE

I hereby certify that copies of "Notice of Appearances" for Lawrence J. Chandler and Martin G. Malsch both dated September 13, 1972 in the captioned matter, were served on the following by deposit in the United States mail, first class or air mail, this 13th day of September, 1972:

Michael Glaser, Esq.
1150 17th Street, N.W.
Washington, D.C. 20036

Mr. Lester Kornblith, Jr.
Atomic Safety & Licensing Board
Panel
U.S. Atomic Energy Commission
Washington, D.C. 20545

Dr. Franklin C. Daiber
Department of Biological Sciences
University of Delaware
Newark, Delaware 19711

Rollin E. Woodbury, Esq.
Southern California Edison Company
2244 Walnut Grove Avenue
Rosemead, California 91770

Sherman Chickering, Esq.
Chickering & Gregory
111 Sutter Street
San Francisco, California 94104

Hon. Harry F. Scheidle, Chairman
Board of Supervisors
1600 Pacific Highway
San Diego, California 92102

Dr. John M. Heslep, Chief
Environmental Health and Consumer
Protection Program
Department of Public Health
2151 Berkeley Way
Berkeley, California 94704

William R. Johnson, Secretary
Public Utilities Commission
State of California
California State Building
San Francisco, California 94102

Dr. Gerard A. Rohlich
Department of Civil Engineering
University of Texas
Austin, Texas 78712

Elizabeth S. Bowers, Esq.
Atomic Safety & Licensing
Board Panel
U.S. Atomic Energy Commission
Washington, D.C. 20545

Mrs. Phyllis Rauch
San Clemente Public Library
233 Grauada Street
San Clemente, California 92672

Attorney General
State of California
Sacramento, California 95814

Lyn Harris Hicks, Community Liaison
San Clemente Capistrano Bay Branch
American Association of University Women
and Men and Groups United Against
Radiation Dangers
3908 Ariana Street
San Clemente, California

Davene L. Montierth, Esq.
Orange Country Peoples Lobby
P.O. Box 6471
Buena Park, California 90622


Mr. Frederick Eissler
Scenic Shoreline Preservation
Conference, Inc.
4623 More Mesa Drive
Santa Barbara, California 93105

Kenneth E. Carr, Esq.
City Manager
City of San Clemente
100 Avenida Presidio
San Clemente, California 92672

Atomic Safety & Licensing Board Panel
U.S. Atomic Energy Commission
Washington, D.C. 20545

Atomic Safety & Licensing Appeal Board
U.S. Atomic Energy Commission
Washington, D.C. 20545

Mr. Frank W. Karas
Chief, Public Proceedings Staff
Office of the Secretary of the Commission
U.S. Atomic Energy Commission
Washington, D.C. 20545



Lawrence J. Chandler
Counsel for AEC Regulatory Staff

Reg. Files
9-12-72

UNITED STATES OF AMERICA
ATOMIC ENERGY COMMISSION

In the Matter of)

SOUTHERN CALIFORNIA EDISON)

COMPANY, ET AL.)

(San Onofre Nuclear Generating)

Station Units 2 and 3))

Docket Nos. 50-361

50-362

CERTIFICATE OF SERVICE

I hereby certify that copies of limited appearance request from Larry E. Moss to the Secretary of the Atomic Energy Commission, undated, in the captioned matter have been served on the following by deposit in the United States mail, first class or air mail, this 12th day of September 1972:

Michael Glaser, Esq., Chairman
Atomic Safety and Licensing Board
1150 17th Street, N. W.
Washington, D. C. 20036

Mr. Lester Kornblith, Jr.
Atomic Safety and Licensing Board
U. S. Atomic Energy Commission
Washington, D. C. 20545

Dr. Franklin C. Daiber
Department of Biological Sciences
University of Delaware
Newark, Delaware 19711

Dr. Gerard A. Rohlich
Department of Civil Engineering
University of Texas
Austin, Texas 78712

Elizabeth S. Bowers, Esq., Alternate
Chairman
Atomic Safety and Licensing Board
U. S. Atomic Energy Commission
Washington, D. C. 20545

Martin G. Malsch, Esq.
Regulatory Staff Counsel
U. S. Atomic Energy Commission
Washington, D. C. 20545

Rollin E. Woodbury, Esq., Vice
President and General Counsel
Southern California Edison Company
P. O. Box 800
2244 Walnut Grove Avenue
Rosemead, California 91770

Robert J. Cahall, Esq.
Southern California Edison
Company
2244 Walnut Grove Avenue
Rosemead, California 91770

David N. Barry, III, Esq.
Southern California Edison
Company
2244 Walnut Grove Avenue
Rosemead, California 91770

Charles E. Kocher, Esq.
Southern California Edison
Company
2244 Walnut Grove Avenue
Rosemead, California 91770

Kingsley B. Hines, Esq.
Southern California Edison
Company
2244 Walnut Grove Avenue
Rosemead, California 91770

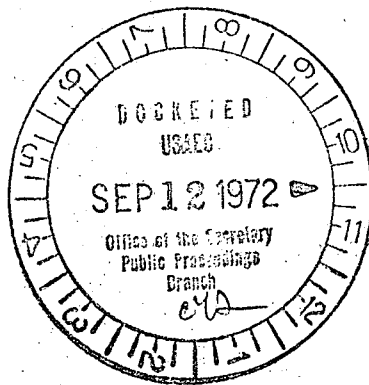
Sherman Chickering, Esq.
C. Hayden Ames, Esq.
Frank S. Bayley, III, Esq.
David R. Pigott, Esq.
Chickering & Gregory
111 Sutter Street
San Francisco, California 94104

Mrs. Phyllis Rauch (10)
San Clemente Public Library
233 Granada Street
San Clemente, California 92672



Office of the Secretary of the Commission

cc: Mr. Glaser
ASLBP
M. Malsch
V. Wilson
Reg. Files



Secretary of the Commission
U.S. Atomic Energy Commission
Washington, D.C. 20545
Attention: Chief, Public Proceedings Branch

Dear Sir,

I would like to make a limited appearance before the public hearing conducted by the Atomic Safety and Licensing Board as regards the application of Southern California Edison Company and San Diego Gas and Electric Company to build units 2 and 3 of the San Onofre Nuclear Generating Station near San Clemente, California. I wish to speak and raise questions as regards both radiological safety and environmental matters. Of particular interest are questions of nuclear waste transport, reprocessing, storage, and disposal which are certainly serious questions which have not been adequately addressed by either the AEC or the electric utility industry.

Sincerely,

Larry E. Moss

Larry E. Moss
15201 DePauw
Pacific Palisades, CA 90272

Reg files
9-11-72

UNITED STATES OF AMERICA
ATOMIC ENERGY COMMISSION

In the Matter of)

SOUTHERN CALIFORNIA EDISON COMPANY)
(San Onofre Units 2 and 3))

Docket No. 50-361, 362

CERTIFICATE OF SERVICE

I hereby certify that copies of telegrams petitioning to intervene in the captioned matter from Scenic Shoreline Preservation Conference, San Clemente Capistrano Bay Branch American Association of University Men and Women, et al., and Orange County Peoples Lobby, have been served on the following by deposit in the United States mail, first class or air mail, this 11th day of September 1972:

Michael Glaser, Esq., Chairman
Atomic Safety and Licensing Board
1150 17th Street, N. W.
Washington, D. C. 20036

Martin G. Malsch, Esq.
Regulatory Staff Counsel
U. S. Atomic Energy Commission
Washington, D. C. 20545

Mr. Lester Kornblith, Jr.
Atomic Safety and Licensing Board
U. S. Atomic Energy Commission
Washington, D. C. 20545

Rollin E. Woodbury, Esq., Vice
President and General Counsel
Southern California Edison Company
P. O. Box 800
2244 Walnut Grove Avenue
Rosemead, California 91770

Dr. Franklin C. Daiber
Department of Biological Sciences
University of Delaware
Newark, Delaware 19711

Robert J. Cahill, Esq.
Southern California Edison
Company
2244 Walnut Grove Avenue
Rosemead, California 91770

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Department of Civil
Engineering
University of Texas
Austin, Texas 78712

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Southern California Edison
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2244 Walnut Grove Avenue
Rosemead, California 91770

Elizabeth S. Bowers, Esq., Alternate
Chairman
Atomic Safety and Licensing Board
U. S. Atomic Energy Commission
Washington, D. C. 20545

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Rosemead, California 91770

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Southern California Edison
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Rosemead, California 91770

Sherman Chickering, Esq.
C. Hayden Ames, Esq.
Frank S. Bayley, III, Esq.
David R. Pigott, Esq.
Chickering & Gregory
111 Sutter Street
San Francisco, California 94104

Patricia M. Krentzen
Office of the Secretary of the Commission

cc: Mr. Glaser
Mr. Malsch
ASLBP
V. Wilson
Reg. Files

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DOCKET NUMBER

PROD. & UTIL. FAC.

50-361,362

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PMS U S ATOMIC ENERGY COMMISSION

PUBLIC PROCEEDING BRANCH WASHDC 20545

IN THE MATTER OF SAN ONOFRE UNITS TWO AND THREE SECINIC SHORLINE
PREVENTION CONFRANCE INC PETITIONS FOR LEAVE TO
INTERVENE ON THE BASIS OF ITS INTERESTS IN PROPER PROTECTION OF THE
COASTAL ECOLOGY AND THE HEALTH, SAFETY AND WELFARE OF CITIZENS

INCLUDING CONFRANCE MEMBERS IN THE AREA OF THE UNITS.

THE CONTENTIONS OF PETITIONEER AS TO RISKS VERCES BENIFITS OF THE
THE UNITS CANNOT BE DEFINITE UNTIL APPLICANTS CASE HAS BEEN
PRESENTED,

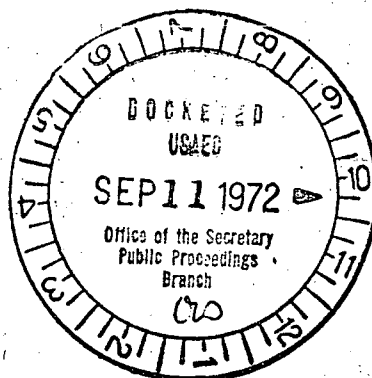
SUBJECT TO CROSS EXAMINATION. CONSIDERATIONS ARE SIESMIC STANDARDS
RELATED TO THE RECENT SAN FERNANDO EARTHQUAKE.

AS PRESIDENT OF CONFRANCE I AFFIRM THIS REQUEST.LETTER TO FOLLOW

FREDERICK EISSLER

1124PM EDT.

USAEC HQS GTWN
WU WSH

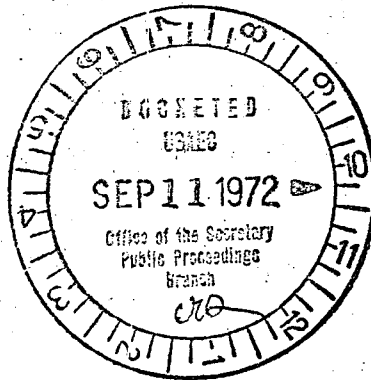


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PMS UNITED STATES ATOMIC

ENERGY COMMISSION WASH DC

ATTN CHIEF PUBLIC PROCEEDINGS BRANCH DEAR SIR:

WE RESPECTFULLY PETITION FOR LEAVE TO INTERVENE IN THE PUBLIC HEARING
THIS FALL REGARDING THE EXPANSION OF THE SAN ONOFRE NUCLEAR PLANT
IN SAN CLEMENTE CALIFORNIA. WE WILL EXPECT TO HEAR FROM YOU
CONCERNING THE HEARING DATE AND LOCATION THANK YOU SINCERELY

DAVENE L MONTIERTH ORANGE COUNTRY PEOPLES LOBBY

PO BOX 6471 BUENA PARK CALIF 90622

WW

836PEDI SEPT 9 1972

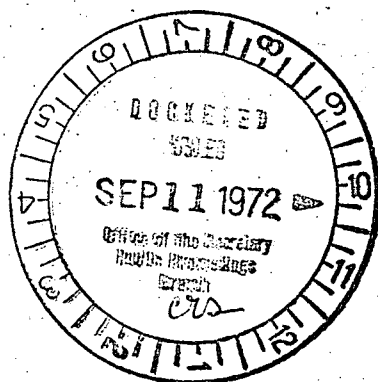
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WU WSH

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ZCZC 138 A CP NL PDF TDSA SAN CLEMENTE CALIF 9
PMS DIRECTOR OF PUBLIC HEARINGS ATOMIC ENERGY COMMISSION
WASHDC 20545

FORMAL LETTER OF APPLICATION IS IN MAIL TO YOU ASKING INTERVENER
STATUS FOR SAN CLEMENTE CAPISTRANO BAY BRANCH AMERICAN ASSOCIATION
OF UNIVERSITY WOMEN AND MEN AND GROUPS UNITED AGAINST RADIATION
DANGERS

IN SAN ONOFRE HEARING. PLEASE ACCEPT THIS TELEGRAM AS REQUESTED
BY DEADLINE PENDING YOUR RECEIPT OF OUR LETTER.

LYN HARRIS HICKS COMMUNITY LIAISON SAN CLEMENTE CAPISTRANO
BAY BRANCH 3908 ARIANA SAN CLEMENTE CALIF

SEPT 9 1012P

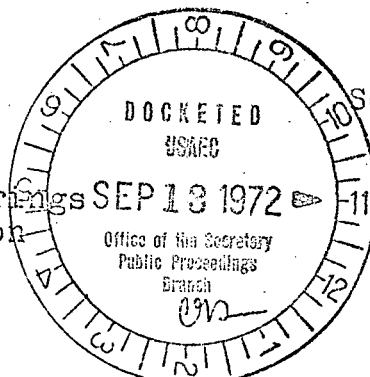
USAEC HQS GTWN

AMERICAN ASSOCIATION  OF UNIVERSITY WOMEN

SAN CLEMENTE BRANCH

SAN CLEMENTE, CALIFORNIA 92672

Director of Public Hearings
Atomic Energy Commission
Washington D.C. 20545



September 9, 1972

Dear Director:

This letter is in explanation of the haste in which our telegraphed request for intervenor status in the forthcoming San Onofre Nuclear plant hearings was dispatched to you.

I have been in contact with several AEC officials and was grateful for suggestions and information which they sent relative to our study report on atomic power production. I asked to be kept informed about the San Onofre application progress, yet I received no notification of the coming hearings, nor did our branch president.

It is difficult for us to understand how we could have been overlooked. Our study of more than a year resulted in a unanimous vote of our branch board and approval without a nay vote by our branch members on our proposals to oppose the San Onofre application. This information was included in the materials we sent to the AEC and on which we received comment from AEC officials.

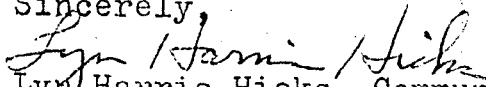
Fortunately the San Onofre process has been long enough that we have presented our report to the 12 Orange County branches of AAUW and have obtained their unanimous permission for our opposition to the installation. This process had not been completed at the time of the Public Utilities Commission hearings, thus we could not speak for the organization and in the name of AAUW, then.

We await our opportunity to express our convictions, to provide expert testimony and to question utility company men under oath.

Similarly, Groups United Against Radiation Dangers received no notice, although we were recognized officially as opponents in the PUC hearings. GUARD is a coalition of members of many community organizations of the Capistrano Bay area which has, instead of officers, spokesmen. I am one of three spokesmen, currently. We expected that Patrick O'Brien, who was our most publicized spokesman during the PUC hearings, would be notified of the AEC hearings.

Please consider this letter a formal request for the inclusion of both groups as interveners. We will cooperate to avoid duplication in our presentation.

Sincerely,



Lyn Harris Hicks, Community Liaison of
San Clemente-Capistrano Bay Branch AAUW

Reg. file.
98-72

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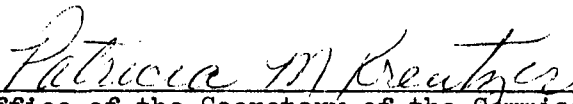
)

CERTIFICATE OF SERVICE

Charles E. Kocher, Esq.
Southern California Edison Company
2244 Walnut Grove Avenue
Rosemead, California 91770

Kingsley B. Hines, Esq.
Southern California Edison
Company
2244 Walnut Grove Avenue
Rosemead, California 91770

Sherman Chickering, Esq.
C. Hayden Ames, Esq.
Frank S. Bayley, III, Esq.
David R. Pigott, Esq.
Chickering & Gregory
111 Sutter Street
San Francisco, California 94104

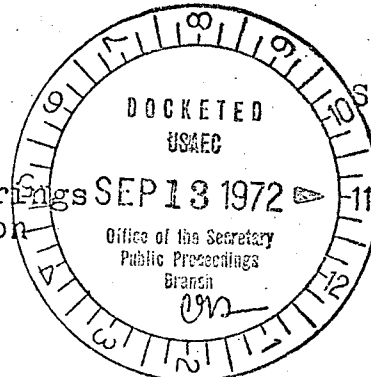

Office of the Secretary of the Commission

cc: Mr. Glaser
ASLBP
M. Malsch
V. Wilson
Reg. Files

AMERICAN ASSOCIATION  OF UNIVERSITY WOMEN

SAN CLEMENTE BRANCH

SAN CLEMENTE, CALIFORNIA 92672



September 9, 1972

Director of Public Hearings
Atomic Energy Commission
Washington D.C. 20545

Dear Director:

This letter is in explanation of the haste in which our telegraphed request for intervenor status in the forthcoming San Onofre Nuclear plant hearings was dispatched to you.

I have been in contact with several AEC officials and was grateful for suggestions and information which they sent relative to our study report on atomic power production. I asked to be kept informed about the San Onofre application progress, yet I received no notification of the coming hearings, nor did our branch president.

It is difficult for us to understand how we could have been overlooked. Our study of more than a year resulted in a unanimous vote of our branch board and approval without a nay vote by our branch members on our proposals to oppose the San Onofre application. This information was included in the materials we sent to the AEC and on which we received comment from AEC officials.

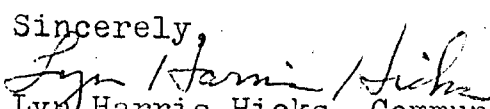
Fortunately the San Onofre process has been long enough that we have presented our report to the 12 Orange County branches of AAUW and have obtained their unanimous permission for our opposition to the installation. This process had not been completed at the time of the Public Utilities Commission hearings, thus we could not speak for the organization and in the name of AAUW, then.

We await our opportunity to express our convictions, to provide expert testimony and to question utility company men under oath.

Similarly, Groups United Against Radiation Dangers received no notice, although we were recognized officially as opponents in the PUC hearings. GUARD is a coalition of members of many community organizations of the Capistrano Bay area which has, instead of officers, spokesmen. I am one of three spokesmen, currently. We expected that Patrick O'Brien, who was our most publicized spokesman during the PUC hearings, would be notified of the AEC hearings.

Please consider this letter a formal request for the inclusion of both groups as interveners. We will cooperate to avoid duplication in our presentation.

Sincerely,



Lyn Harris Hicks, Community Liaison of
San Clemente-Capistrano Bay Branch AAUW

Sep. 8, 1972

Atomic Energy Commission
Washington DC

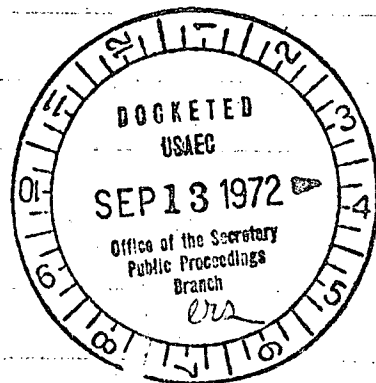
Dear Sirs:

Regarding the hearings for expansion of the San Onofre nuclear plant by SDG and E and So. Cal Edison, I hereby request participation as an opponent of the expansion. My reasons are: 1.) Environmental - the ten fold increase in hot water outfall proposed would endanger local micro and macro-organisms, 2.) Safety - more important than local water animals are the human populations of this state whose safety depends on whether these reactors are truly "safe." As People's Lobby warns, the back-up core cooling system has never been successfully tested.

Thank-you,

David Sakai

Biology major - UC Irvine

845 N. Perry Ave
Montebello Calif 90640

2:ds

UNITED STATES OF AMERICA
BEFORE THE
ATOMIC ENERGY COMMISSION

In the Matter of)
)
Southern California Edison Company)
and San Diego Gas and Electric) Docket Nos. 50-361
Company) 50-362
)
(San Onofre Nuclear Generating)
Station Units 2 and 3))

PETITION TO INTERVENE

The Cities of Anaheim, Riverside and Banning, California (collectively referred to herein as "the Cities"), hereby petition to intervene as parties to this proceeding in accordance with Section 2.714 of the Commission's Rules of Practice. In support thereof, the Cities state:

1. The Cities are the operators of municipal electric utilities. Each is presently an all requirements customer of Southern California Edison Company (sometimes hereinafter "SCE"), one of the applicants herein. In 1970, Anaheim had a maximum demand of 171,400 kw, and purchased from SEC 990,000,000 kwh of energy for \$7.4 million to serve

its 40,300 customers. In the same period, Riverside had a maximum demand of 183,600 kw and purchased from Edison 808,512,000 kwh of energy for \$6.3 million to serve its 46,900 customers. Banning had a maximum demand of 9,520 kw and purchased 43,128,000 kwh for \$368,000 to serve its citizen-customers during that period.^{*/} Anaheim and Riverside are presently interconnected with SCE at 66 kv, respectively, while Banning is interconnected at 33 kv.

2. The Cities' interests may be affected by the proceeding in that by Settlement Agreement of August 4, 1972 Edison and the Cities have agreed on the basis upon which Edison will afford the Cities an opportunity to participate as owners in San Onofre Nuclear Generating Station, Units 2 and 3. Attached hereto as Appendix A and incorporated herein is a letter from Edison to the Commission to this effect. It is requested that the Commission take official notice of the Settlement Agreement referenced in said letter, copies of which were filed with the letter. As noted, the Settlement Agreement is conditioned upon approval or

^{*/} All data as to sales figures are taken from SCE's FPC Form 1 for 1970.

acceptance by the Federal Power Commission. The potential ownership shares are as follows: Anaheim 1.66%, Banning 0.10%, Riverside 1.79%. Accordingly, the Cities have an interest in this proceeding as potential part owners.

3. The Cities desire to intervene to protest their interests as they may appear. The Cities generally support, and do not oppose, the grant of the construction permit. They do not request a hearing. The Cities reserve the right to participate as to any matter which may affect the costs, terms or conditions under which the Cities may participate as owners in accordance with the Settlement Agreement.

4. There are no other means whereby the Cities' interests will be protected without intervention herein. Because of the Cities' interest as potential part owners, they may reasonably be expected to assist in developing a sound record. To a large extent the Cities' interest as potential part owners will be represented by Edison, there may develop issues which particularly affect the Cities as potential participants in relatively small ownership interests in the plant where the interests of Edison and the Cities may become divergent. The Cities' participation is not

expected to broaden the issues or delay the proceeding.

WHEREFORE and for the foregoing reasons, the Cities pray that an order be entered by the Commission granting their intervention as parties to this proceeding.

Respectfully submitted,

Cities of Anaheim, Riverside and
Banning, California

By George Spiegel
George Spiegel
Their attorney

September 11, 1972

Law Offices:

George Spiegel
2600 Virginia Avenue, N. W.
Washington, D. C.

August 29, 1972

Our File No.
6168-10

United States Atomic Energy Commission
Washington, D. C. 20545

Attention: Marcus Rowden, Esq.
Associate General Counsel

Re: Docket Nos. 50-361-A and
50-362-A

Gentlemen:

Southern California Edison Company and the Cities of Anaheim, Riverside and Banning entered into a Settlement Agreement on August 4, 1972, which provided, among other things, that the objections lodged by those Cities in the dockets set forth above were to be withdrawn and that the Cities would have the opportunity to participate as owners in San Onofre Nuclear Generating Station, Units 2 and 3. The Settlement Agreement was filed for approval by the Federal Power Commission in Docket No. E-7618 but has yet to be acted upon by the Commission. The Settlement Agreement is conditioned expressly upon the approval or acceptance of the Federal Power Commission of all its terms and conditions.

We believe that since access to San Onofre has now been offered to the objecting Cities, the issues discussed in the July 12, 1971 letter of the Department of Justice in this proceeding have been satisfactorily resolved, and there is, therefore, no need for a hearing under Section 105 of the Atomic Energy Act of 1954, as amended by P. L. 91-560.

We, therefore, request that you seek further advice from the Department of Justice regarding the Settlement Agreement and whether there is now need of an

United States Atomic Energy Commission
August 29, 1972
Page Two

antitrust hearing by the Atomic Energy Commission.

We are transmitting six copies of the Settlement Agreement for your information and use in this respect.

Very truly yours,

DAVID N. BARRY, III

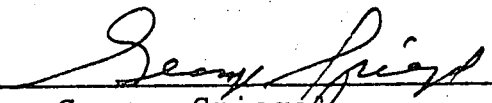
David N. Barry, III
Senior Counsel

Attachment
DNB:ak

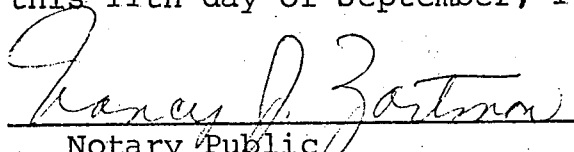
AFFIDAVIT

DISTRICT OF COLUMBIA, SS:

George Spiegel, being first duly sworn, deposes and says that he is an attorney for the Cities of Anaheim, Riverside and Banning, California and that as such he has signed the foregoing Petition to Intervene for and on behalf of said parties; that he is authorized so to do; that he has read said Petition and is familiar with the contents thereof; and that the matters and things therein set forth are true and correct to the best of his knowledge, information or belief.


George Spiegel

Subscribed and sworn to before me
this 11th day of September, 1972.


Notary Public

My commission expires: September 30, 1974

CERTIFICATE OF SERVICE

I hereby certify that I have this 11th day of September 1972 served the foregoing Petition to Intervene by mailing copies thereof, first class postage prepaid, to counsel at the following addresses:

Joseph Rutberg, Esq.
Atomic Energy Commission
Washington, D. C. 20545

Mr. Abraham Braitman, Chief
Office of Antitrust and
Indemnity
Directorate of Licensing
Atomic Energy Commission
Washington, D. C. 20545

Mr. Michael Glaser, Chairman
Atomic Safety & Licensing Board
1150 - 17th Street, N. W.
Washington, D. C. 20036

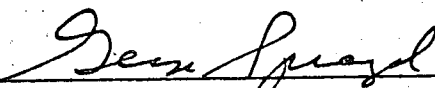
Mr. Lester Cornblith Jr.
Atomic Energy Commission
Atomic Safety & Licensing Board
Washington, D. C. 20545

Dr. F. C. Daiber
Department of Biological Sciences
University of Delaware
Newark, Delaware 19711

Martin G. Masch, Esq.
Regulation Staff Counsel
Atomic Energy Commission
Washington, D. C. 20545

Rollin E. Woodbury, Esq.
Vice President & General Counsel
Southern California Edison Company
P. O. Box 800
2244 Walnut Grove Avenue
Rosemead, California 97110

Sherman Chickering, Esq.
Chickering & Gregory
111 Sutter Street
San Francisco, California 94104


George Spiegel

Reg. Files 1

UNITED STATES OF AMERICA
ATOMIC ENERGY COMMISSION

In the Matter of)
)
SOUTHERN CALIFORNIA EDISON COMPANY)
(San Onofree Units 2 and 3))

Docket No. 50-361,362

CERTIFICATE OF SERVICE

I hereby certify that copies of NOTICE AND ORDER FOR PREHEARING CONFERENCE dated September 1, 1972, in the captioned matter have been served on the following by deposit in the United States mail, first class or air mail, this 5th day of September 1972:

Michael Glaser, Esq., Chairman
Atomic Safety and Licensing Board
1150 17th Street, N. W.
Washington, D. C. 20036

F. S. Bayley, Esq.
Chickering & Gregory
111 Sutter Street
San Francisco, California

Mr. Lester Kornblith, Jr.
Atomic Safety and Licensing Board
U. S. Atomic Energy Commission
Washington, D. C. 20545

Rollin E. Woodbury, Esq., Vice
President and General Counsel
Southern California Edison Company
P. O. Box 800
2244 Walnut Grove Avenue
Rosemead, California 91770

Dr. Franklin C. Daiber
Department of Biological Sciences
University of Delaware
Newark, Delaware 19711

Mrs. Phyllis Rauch
San Clemente Public Library
233 Granada Street
San Clemente, California 92672

Dr. Gerard A. Rohlich
Department of Civil Engineering
University of Texas
Austin, Texas 78712

Dr. John M. Heslep, Chief
Environmental Health and Consumer
Protection Program
Department of Public Health
2151 Berkeley Way
Berkeley, California 94704

Elizabeth S. Bowers, Esq., Alternate
Chairman
Atomic Safety and Licensing Board
U. S. Atomic Energy Commission
Washington, D. C. 20545

Attorney General
State of California
Sacramento, California 95814

Martin G. Malsch, Esq.
Regulatory Staff Counsel
U. S. Atomic Energy Commission
Washington, D. C. 20545

Mr. A. W. Phillips
P. O. Box 943
Culver City, California 90230

Mr. Thomas M. Class, Chairman
Sierra Club, San Diego Chapter
P. O. Box 525
San Francisco, California 92112

Mr. Steve J. Gadler
2120 Carter Avenue
Saint Paul, Minnesota 55108

George Spiegel, Esq.
2600 Virginia Avenue, N. W.
Washington, D. C. 20037

Mrs. Van Fleming
GUARD
245 Montalvo
San Clemente, California 92672

Mr. William R. Johnson, Secretary
Public Utilities Commission
State of California
California State Building
San Francisco, California 94102

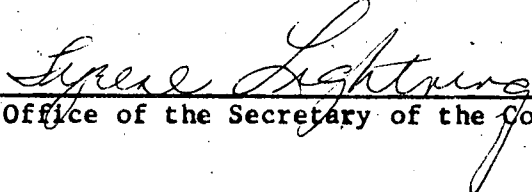
Mr. Truman Benedict
Superintendent of Schools and
Secretary to the Board of Trustees
Capistrano United School District
26126 Victoria Boulevard
Capistrano Beach, California 92672

Mr. Kenneth E. Carr, City Manager
City of San Clemente
100 Avenida Presidio
San Clemente, California 92672

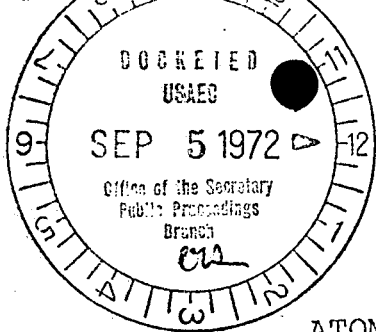
Mr. Douglas Yingst
795A Elvira
Redondo Beach, California 90277

Mrs. John T. Quirk
941 North G Street
Oxnard, California 93030

Mr. Frederick Eissler, President
Scenic Shoreline Preservation
Conference, Inc.
4623 More Mesa Drive
Santa Barbara, California 93105


Office of the Secretary of the Commission

cc: Mr. Glaser
Mr. Malsch
ASLBP
V. Wilson
✓ Reg. Files



DOCKET NUMBER
PROD. & UTIL. FAC. 50-361, 362

UNITED STATES OF AMERICA
ATOMIC ENERGY COMMISSION

ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)

SOUTHERN CALIFORNIA EDISON COMPANY)
SAN DIEGO GAS & ELECTRIC COMPANY)

(San Onofre Nuclear Generating)
Station, Units 2 and 3))

) Docket Nos. 50-361
) and 50-362
)
)
)
)

NOTICE AND ORDER FOR PREHEARING CONFERENCE

On August 10, 1972, the Atomic Energy Commission published in the Federal Register (37 Fed. Reg. 16117) a Notice of Hearing on Application for Construction Permits (Notice of Hearing) before an Atomic Safety and Licensing Board to consider the application filed under the Atomic Energy Act by the Southern California Edison Company and the San Diego Gas and Electric Company for construction permits for two pressurized water nuclear reactors, designated as the San Onofre Generating Station, Units 2 and 3, to be located at a site at Camp Pendleton, San Diego County, California. The Notice of Hearing further provided that an Atomic Safety and Licensing Board would be designated by the Atomic Energy Commission, and that the Board's membership would be published in the Federal Register. Finally, the Notice of Hearing provided that the date and place of a prehearing conference and of the hearing would be set by the Board.

On August 24, 1972, the Atomic Energy Commission published in the Federal Register (37 Fed. Reg. 17079) the establishment of the Atomic Safety and Licensing Board and its membership.

Pursuant to the Atomic Energy Commission's establishment of the Atomic Safety and Licensing Board and the authorization therein for the Board to set the date and place of a prehearing conference, notice is hereby given that a prehearing conference will be held at 10:00 a.m. on Thursday, October 5, 1972, at the City Council Chamber, San Clemente Civic Center, 100 Avenida Presidio, San Clemente, California 92672.

All members of the public are entitled to attend this prehearing conference, any subsequent prehearing conferences, and the full evidentiary hearing to be held in this proceeding. The evidentiary hearing in this proceeding will be scheduled at a later date and public notice thereof will be given.

The prehearing conference on October 5, 1972, will be conducted in accordance with Section 2.752 of the Commission's Rules of Practice, 10 C.F.R. 2.752, which provides for consideration of procedures for an evidentiary hearing.

The procedures to be considered at this prehearing conference will be related to simplification and clarification of the issues, the possibility of obtaining stipulations and admissions of fact in order to avoid

duplication in presentation of evidence, and other matters which will aid in an orderly disposition of the case to be presented in the subsequent evidentiary hearing in this proceeding.

The prehearing conference on October 5, 1972, will not receive any evidence, nor will there be an opportunity for presentation of statements by members of the public who desire to make a limited appearance in this proceeding for that purpose. All statements that members of the public desire to make in this proceeding by way of limited appearance pursuant to Section 2.715 of the Commission's Rules of Practice, 10 C.F.R. 2.715, will be received on the initial day of the evidentiary hearing.

WHEREFORE, IT IS ORDERED, in accordance with the Atomic Energy Act, as amended, and the Rules of Practice of the Atomic Energy Commission, that a prehearing conference in this proceeding shall convene at 10:00 a.m. on Thursday, October 5, 1972, at the City Council Chamber, San Clemente Civic Center, 100 Avenida Presidio, San Clemente, California 92672.

ATOMIC SAFETY AND LICENSING BOARD

By:

Michael L. Glaser

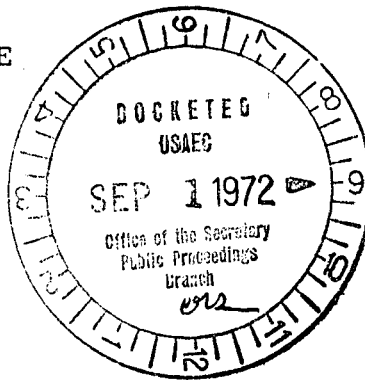
Michael L. Glaser
Chairman

Issued: September 1, 1972
Washington, D.C.

From
Southern California
Edison Company

DOCKET NUMBER *R. J. Cones*
PROD. & UTIL. FAC. 50 361,362

FOR IMMEDIATE RELEASE



9-1-72.

CASE FOR NUCLEAR POWER GENERATION
PROVED, SAYS EDISON DISTRICT MANAGER

The case for nuclear generation of electricity for present and future needs has been proved through a record of reliability and safety unmatched by most of man's modern inventions, _____, Southern California Edison district manager, said today.

"Nuclear power is now being harnessed in the United States and throughout the world for peaceful uses such as the generation of electricity for the benefit of thousands of people."

"An outstanding example of this is the San Onofre Nuclear Generating Station which has been operating safely and efficiently over the past five years by Edison," _____ said.

As the San Onofre plant generates power, thousands of motorists drive by on the adjacent Interstate Route 5 and several hundred tourists visit the Nuclear Information Center every day. Thousands more play on the neighboring state beaches. Nearby, in San Clemente and other small communities, more than 78,000 people live and work.

-more-

Located just south of San Clemente in the United States Marine Corps Base, Camp Pendleton, the San Onofre plant has a net generating capacity of 430 megawatts, enough to provide for the electrical needs of about 350,000 people.

"San Onofre is a symbol of what can be done with today's engineering expertise to safely produce smog-free electrical power," _____ said.

Edison officials have announced they will construct two additional nuclear power generating units at the San Onofre site. Units 2 and 3 will each produce about 1,140 megawatts of electricity.

The safe operating record of San Onofre and other nuclear plants in the United States has proved that their conservative design standards and stringent operating procedures make nuclear power a safe and clean method to provide vital electric energy to our homes and factories," said _____.

"In the entire history of commercially operated nuclear power plants no member of the public has been injured from any kind of accident involving radioactivity."

The Edison official pointed out that while thousands of people are killed every year in automobile accidents, airplane crashes and industrial incidents, San Onofre and other commercial nuclear power plants have a perfect safety record.

A recent University of California at Los Angeles report to the State Resources Agency stated in its conclusions that the public health risk from the routine operations of generating plants using either nuclear fuel or oil, is in the range of "very low hazards."

In fact, the report added, the operation of a nuclear plant is a "significantly smaller public health risk than the typical oil fired plant."

Results of continuous monitoring in the vicinity of the San Onofre plant site have shown the lack of radioactivity above the natural background radiation of the area where the plant is located.

This is the best-possible indication that the operation of the unit is not radiologically affecting its surroundings.

In a similar manner, oceanographic studies have shown a lack of any significant adverse effect on the marine environment adjacent to the San Onofre Nuclear plant.

Radioactive wastes are disposed of in strict compliance with AEC and local regulations. Spent fuel containing radioactive fission products is removed from plants in special leak-tight fuel handling casks and shipped under special care to a reprocessing plant. Small amounts of solid wastes are removed periodically to an AEC-licensed disposal contractor.

Edison is now moving ahead with plans for the construction of the two additional nuclear power units at San Onofre. The U. S. Atomic Energy Commission is expected to schedule public hearings on the expansion project for October. The Company hopes actual construction may begin in 1973.

"If the future construction of nuclear plants and other sources of power are delayed, electrical energy will be severely limited in the next decade," said _____, Edison district manager.

He noted that Southern California is already facing a potential power shortage in the mid-1970's because of the forced delay in the construction of conventional power plants.

-SCE-

D115 082472

BEFORE THE UNITED STATES
ATOMIC ENERGY COMMISSION

In the Matter of the Application of)
Southern California Edison Company)
and San Diego Gas & Electric Company)
For a Construction Permit and a Class)
104(b) License to Acquire, Possess and)
Use Two Utilization Facilities as Parts)
of Units Nos. 2 and 3 of the San Onofre)
Nuclear Generating Station of Southern)
California Edison Company and San Diego)
Gas & Electric Company)
_____)

8-28-72.

Docket Nos.

50-361

50-362

NOTICE OF APPEARANCES

Pursuant to 10 CFR § 2.713, notice is hereby given that the undersigned attorneys herewith enter their appearances in the above entitled dockets. The undersigned attorneys appear on behalf of San Diego Gas & Electric Company. The names and qualifications of said attorneys are as follows:

Name	Sherman Chickering
Business Address	Chickering & Gregory 111 Sutter Street San Francisco, California 94104
Business Telephone	(415) 421-3430
Basis of Eligibility	Duly qualified and admitted to practice before the Supreme Court of the State of California
Party Represented	San Diego Gas & Electric Company

Address of Party Represented 101 Ash Street
San Diego, California 92101

Name C. Hayden Ames

Business Address Chickering & Gregory
111 Sutter Street
San Francisco, California 94104

Business Telephone (415) 421-3430

Basis of Eligibility Duly qualified and admitted to
practice before the Supreme Court
of the State of California

Party Represented San Diego Gas & Electric Company

Address of Party Represented 101 Ash Street
San Diego, California 92101

Name Frank S. Bayley, III

Business Address Chickering & Gregory
111 Sutter Street
San Francisco, California 94104

Business Telephone (415) 421-3430

Basis of Eligibility Duly qualified and admitted to
practice before the Supreme Court
of the State of California

Party Represented San Diego Gas & Electric Company

Address of Party Represented 101 Ash Street
San Diego, California 92101

Name David R. Pigott

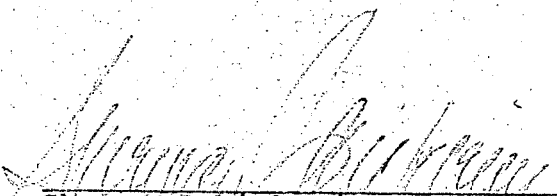
Business Address Chickering & Gregory
111 Sutter Street
San Francisco, California 94104

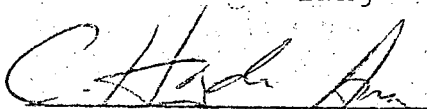
Business Telephone (415) 421-3430
Basis of Eligibility Duly qualified and admitted to
practice before the Supreme Court
of the State of California
Party Represented San Diego Gas & Electric Company
Address of Party Represented 101 Ash Street
San Diego, California 92101


Pursuant to 10 CFR § 2.708(e), it is requested that
service of documents be addressed as follows:

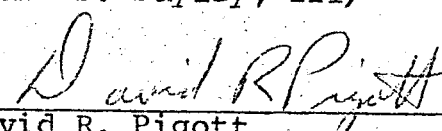
Sherman Chickering
C. Hayden Ames
Frank S. Bayley, III
David R. Pigott
Chickering & Gregory
111 Sutter Street
San Francisco, California 94104

Dated: August 28th, 1972.


Sherman Chickering


C. Hayden Ames


Frank S. Bayley, III


David R. Pigott

BEFORE THE UNITED STATES
ATOMIC ENERGY COMMISSION

In the Matter of the Application of)
Southern California Edison Company)
and San Diego Gas & Electric Company)
For a Construction Permit and a Class)
104(b) License to Acquire, Possess and)
Use Two Utilization Facilities as Parts)
of Units Nos. 2 and 3 of the San Onofre)
Nuclear Generating Station of Southern)
California Edison Company and San Diego)
Gas & Electric Company)
_____)

8-28-72.

Docket Nos.
50-361
50-362

ANSWER TO NOTICE OF HEARING
ON APPLICATION FOR CONSTRUCTION PERMITS

Pursuant to 10 C.F.R. § 2.705, applicant SAN DIEGO GAS & ELECTRIC COMPANY ("San Diego") hereby answers the Notice of Hearing on Application for Construction Permits published in Volume 37 of the Federal Register on August 10, 1972 at pages 16117 and 16118, as follows:

I

San Diego's position is that its application for a construction permit and a class 104(b) license to acquire, possess and use two utilization facilities as parts of Units No. 2 and 3 of the San Onofre Nuclear Generating Station of Southern California Edison Company and San Diego Gas & Electric Company should be granted.

Affirmative findings should be made by the Director of Regulation on issues 1, 2, 3 and 5 and a negative finding should be made on issue 4 as said issues are set forth in the above described Notice of Hearing. Said findings should serve as the basis for granting the above described applications.

II

San Diego will not controvert affirmative findings on issues 1, 2, 3 and 5 set forth in the above described Notice of Hearing and will not controvert a negative finding on issue 4 contained in said Notice of Hearing.

III

San Diego proposes to appear and present evidence on all issues relevant to the issuance of the construction permit for which it has applied. San Diego will appear and present evidence in support of affirmative findings on issues 1, 2, 3 and 5 and a negative finding on issue 4 as said issues are set forth in the above referenced Notice of Hearing.

DATED: August 28th, 1972.

Respectfully submitted,

SHERMAN CHICKERING
C. HAYDEN AMES
FRANK S. BAYLEY, III
DAVID R. PIGOTT
CHICKERING & GREGORY

By David R. Pigott
David R. Pigott

Attorneys for Applicant
San Diego Gas & Electric Company

CERTIFICATE OF SERVICE

I hereby certify that I have this day served the foregoing Answer to Notice of Hearing on Application for Construction Permits upon all parties of record in this proceeding and upon whom service must be made in accordance with 10 C.F.R. § 2.712, as follows:

Mr. Frank W. Karas
Chief, Public Proceedings Staff
Office of the Secretary of the Commission
U.S. Atomic Energy Commission
Washington, D.C. 20545

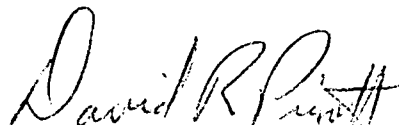
U.S. Atomic Energy Commission
Washington, D.C. 20545
Attention: Martin Malsch, Esq.
Staff Counsel

Rollin E. Woodbury
Southern California Edison Company
2244 Walnut Grove Avenue
Rosemead, California 91770

Clerk, Board of Supervisors
San Diego County
1600 Pacific Highway
San Diego, California 92102

Hon. Harry F. Scheidle
Chairman, Board of Supervisors
1600 Pacific Highway
San Diego, California 92102

Dated at San Francisco, California this 28th day of August, 1972.



David R. Pigott

One of Counsel for
San Diego Gas & Electric Company

BEFORE THE UNITED STATES ATOMIC ENERGY COMMISSION

In the Matter of the Application)
of SOUTHERN CALIFORNIA EDISON COMPANY)
and SAN DIEGO GAS & ELECTRIC COMPANY)
for a Construction Permit and a Class)
104 (b) License to Acquire, Possess,)
and Use Two Utilization Facilities as)
Parts of Units Nos. 2 and 3 of the San)
Onofre Nuclear Generating Station of)
SOUTHERN CALIFORNIA EDISON COMPANY and)
SAN DIEGO GAS & ELECTRIC COMPANY)
)

DOCKET NOS.

50-361

50-362

NOTICE OF APPEARANCE

Notice is hereby given that the undersigned attorney herewith enters an appearance in the above entitled matter on behalf of applicant, SOUTHERN CALIFORNIA EDISON COMPANY. Pursuant to 10 C.F.R. § 2.713, the following information is submitted:

1. Name Charles R. Kocher
2. Business Address 2244 Walnut Grove Avenue
Rosemead, California 91770
3. Business Telephone (213) 572-1917
4. Basis of Eligibility Admission in good standing
to practice before the
Supreme Court of California
5. Party Represented Southern California Edison
Company
6. Address of Party
Represented 2244 Walnut Grove Avenue
Rosemead, California 91770

DATED: August 25, 1972

/s/ Charles R. Kocher
CHARLES R. KOCHER

BEFORE THE UNITED STATES ATOMIC ENERGY COMMISSION

In the Matter of the Application)
of SOUTHERN CALIFORNIA EDISON COMPANY)
and SAN DIEGO GAS & ELECTRIC COMPANY)
for a Construction Permit and a Class)
104 (b) License to Acquire, Possess)
and Use Two Utilization Facilities as)
Parts of Units Nos. 2 and 3 of the San)
Onofre Nuclear Generating Station of)
SOUTHERN CALIFORNIA EDISON COMPANY and)
SAN DIEGO GAS & ELECTRIC COMPANY)
_____)

DOCKET NOS.

50-361

50-362

NOTICE OF APPEARANCE

Notice is hereby given that the undersigned attorney herewith enters an appearance in the above entitled matter on behalf of applicant, SOUTHERN CALIFORNIA EDISON COMPANY. Pursuant to 10 C.F.R. § 2.713, the following information is submitted:

- | | |
|------------------------------------|---|
| 1. Name | David N. Barry, III |
| 2. Business Address | 2244 Walnut Grove Avenue
Rosemead, California 91770 |
| 3. Business Telephone | (213) 572-1920 |
| 4. Basis of Eligibility | Admission in good standing
to practice before the
Supreme Court of California |
| 5. Party Represented | Southern California Edison
Company |
| 6. Address of Party
Represented | 2244 Walnut Grove Avenue
Rosemead, California 91770 |

DATED: August 25, 1972

/s/ David N. Barry, III
DAVID N. BARRY, III

BEFORE THE UNITED STATES ATOMIC ENERGY COMMISSION

In the Matter of the Application)
of SOUTHERN CALIFORNIA EDISON COMPANY)
and SAN DIEGO GAS & ELECTRIC COMPANY)
for a Construction Permit and a Class)
104 (b) License to Acquire, Possess)
and Use Two Utilization Facilities as)
Parts of Units Nos. 2 and 3 of the San)
Onofre Nuclear Generating Station of)
SOUTHERN CALIFORNIA EDISON COMPANY and)
SAN DIEGO GAS & ELECTRIC COMPANY)

DOCKET NOS.

50-361
50-362

NOTICE OF APPEARANCE

Notice is hereby given that the undersigned attorney herewith enters an appearance in the above entitled matter on behalf of applicant, SOUTHERN CALIFORNIA EDISON COMPANY. Pursuant to 10 C.F.R. § 2.713, the following information is submitted:

- | | |
|------------------------------------|---|
| 1. Name | Robert J. Cahall |
| 2. Business Address | 2244 Walnut Grove Avenue
Rosemead, California 91770 |
| 3. Business Telephone | (213) 572-1906 |
| 4. Basis of Eligibility | Admission in good standing
to practice before the
Supreme Court of California |
| 5. Party Represented | Southern California Edison
Company |
| 6. Address of Party
Represented | 2244 Walnut Grove Avenue
Rosemead, California 91770 |

DATED: August 25, 1972

/s/ Robert J. Cahall
ROBERT J. CAHALL

BEFORE THE UNITED STATES ATOMIC ENERGY COMMISSION

In the Matter of the Application)	
of SOUTHERN CALIFORNIA EDISON COMPANY	)	DOCKET NOS.
and SAN DIEGO GAS & ELECTRIC COMPANY)	
for a Construction Permit and a Class	)	50-361
104 (b) License to Acquire, Possess	)	50-362
and Use Two Utilization Facilities as)	
Parts of Units Nos. 2 and 3 of the San)	
Onofre Nuclear Generating Station of)	
SOUTHERN CALIFORNIA EDISON COMPANY and)	
SAN DIEGO GAS & ELECTRIC COMPANY)	

ANSWER

Pursuant to 10 C.F.R. § 2.705. Applicant SOUTHERN CALIFORNIA EDISON COMPANY answers the notice of hearing published at 37 Fed. Reg. 16117 on August 10, 1972, as follows:

1. The position of Applicant is that the Application for a construction permit for San Onofre Nuclear Generating Station, Units Nos. 2 and 3, should be granted and that, as a basis therefor, affirmative findings with respect to Items 1, 2, 3, and 5, and negative findings with respect to Item 4, should be made by the Director of Regulation.
2. Applicant does not controvert the affirmative findings with respect to Items 1, 2, 3, and 5, or the negative findings with respect to

Item 4, under consideration by the
Director of Regulation.

3. Applicant proposes to appear and
present evidence in support of
issuance of a construction permit and
in support of affirmative findings
with respect to Items 1, 2, 3, and 5,
and negative findings with respect to
Item 4.

DATED; August 25, 1972

ROLLIN E. WOODBURY
ROBERT J. CAHALL
DAVID N. BARRY, III
CHARLES R. KOCHER
KINGSLEY B. HINES

Attorneys for Applicant
SOUTHERN CALIFORNIA EDISON COMPANY

By /s/ Charles R. Kocher
Charles R. Kocher
Assistant Counsel
Southern California Edison Company
2244 Walnut Grove Avenue
Rosemead, California 91770

BEFORE THE UNITED STATES ATOMIC ENERGY COMMISSION

In the Matter of the Application)
of SOUTHERN CALIFORNIA EDISON COMPANY)
and SAN DIEGO GAS & ELECTRIC COMPANY)
for a Construction Permit and a Class)
104 (b) License to Acquire, Possess)
and Use Two Utilization Facilities as)
Parts of Units Nos. 2 and 3 of the San)
Onofre Nuclear Generating Station of)
SOUTHERN CALIFORNIA EDISON COMPANY and)
SAN DIEGO GAS & ELECTRIC COMPANY)

DOCKET NOS.

50-361
50-362

NOTICE OF APPEARANCE

Notice is hereby given that the undersigned attorney herewith enters an appearance in the above entitled matter on behalf of applicant, SOUTHERN CALIFORNIA EDISON COMPANY. Pursuant to 10 C.F.R. § 2.713, the following information is submitted:

- | | |
|------------------------------------|---|
| 1. Name | Kingsley B. Hines |
| 2. Business Address | 2244 Walnut Grove Avenue
Rosemead, California 91770 |
| 3. Business Telephone | (213) 572-2902 |
| 4. Basis of Eligibility | Admission in good standing
to practice before the
Supreme Court of California |
| 5. Party Represented | Southern California Edison
Company |
| 6. Address of Party
Represented | 2244 Walnut Grove Avenue
Rosemead, California 91770 |

DATED: August 25, 1972

/s/ Kingsley B. Hines
KINGSLEY B. HINES

UNITED STATES OF AMERICA
ATOMIC ENERGY COMMISSION

Reg files
8-17-72

In the Matter of)

SOUTHERN CALIFORNIA EDISON COMPANY,)
ET AL.)
(San Onofre Units 2 and 3))

Docket No. 50-361, 362

CERTIFICATE OF SERVICE

I hereby certify that copies of Establishment of Atomic Safety and Licensing Board dated August 17, 1972 in the captioned matter have been served on the following by deposit in the United States mail, first class or air mail, this 17th day of August 1972:

Michael Glaser, Esq., Chairman
Atomic Safety and Licensing Board
1150 17th Street, N. W.
Washington, D. C. 20036

Martin G. Malsch, Esq.
Regulatory Staff Counsel
U. S. Atomic Energy Commission
Washington, D. C. 20545

Mr. Lester Kornblith, Jr.
Atomic Safety and Licensing Board
U. S. Atomic Energy Commission
Washington, D. C. 20545

F. S. Bayley, Esq.
Chickering & Gregory
111 Sutter Street
San Francisco, California 94104

Dr. Franklin C. Daiber
Department of Biological Sciences
University of Delaware
Newark, Delaware 19711

Rollin E. Woodbury, Esq., Vice
President and General Counsel
Southern California Edison Company
P. O. Box 800
2244 Walnut Grove Avenue
Rosemead, California 91770

Dr. Gerard A. Rohlich
Department of Civil
Engineering
University of Texas
Austin, Texas 78712

Mrs. Phyllis Rauch
San Clemente Public Library
233 Granada Street
San Clemente, California 92672

Elizabeth S. Bowers, Esq.
Alternate Chairman
Atomic Safety and Licensing Board
U. S. Atomic Energy Commission
Washington, D. C. 20545

Dr. John M. Heslep, Chief
Environmental Health and Consumer
Protection Program
Department of Public Health
2151 Berkeley Way
Berkeley, California 94704

Attorney General
State of California
Sacramento, California 95814

Mr. A. W. Phillips
P. O. Box 943
Culver City, California 90230

Mr. Thomas M. Glass, Chairman
Sierra Club, San Diego Chapter
P. O. Box 525
San Francisco, California 92112

Mr. Steve J. Gadler
2120 Carter Avenue
Saint Paul, Minnesota 55108

George Spiegel, Esq.
2600 Virginia Avenue, N. W.
Washington, D. C. 20037

Mrs. Van Fleming
GUARD
245 Montalvo
San Clemente, California 92672

Mr. Frederick Eissler, President
Scenic Shoreline Preservation
Conference, Inc.
4623 More Mesa Drive
Santa Barbara, California 93105

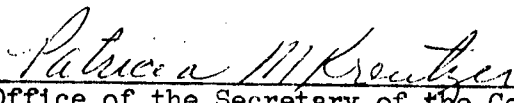
Mr. William R. Johnson, Secretary
Public Utilities Commission
State of California
California State Building
San Francisco, California 94102

Mr. Truman Benedict, Superintendent
of Schools and Secretary to the
Board of Trustees
Capistrano Unified School District
26126 Victoria Boulevard
Capistrano Beach, California 92672

Mr. Kenneth E. Carr, City Manager
City of San Clemente
100 Avenida Presidio
San Clemente, California 92672

Mr. Douglas Yingst
795A Elvira
Redondo Beach, California 90277

Mrs. John T. Quirk
941 North G. Street
Oxnard, California 93030


Office of the Secretary of the Commission

cc: Mr. Glaser
Mr. Malsch
ASLBP
V. Wilson
Reg. Files

ATOMIC ENERGY COMMISSION

/Docket Nos. 50-361 & 50-362/

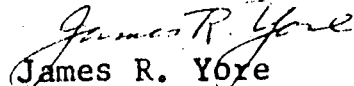
SOUTHERN CALIFORNIA EDISON COMPANY
AND
SAN DIEGO GAS AND ELECTRIC COMPANY

Establishment of Atomic Safety and Licensing Board

On August 10, 1972, the Commission published in the Federal Register a notice of hearing to consider the application filed by the Southern California Edison Company and San Diego Gas and Electric Company for a construction permit for the San Onofre Generating Station, Units 2 and 3. That notice indicated that the Safety and Licensing Board for this proceeding would be designated at a later date and that notice of its membership would be published in the Federal Register.

Pursuant to the Atomic Energy Act of 1954, as amended, the regulations in Title 10, Code of Federal Regulations, Part 2 (Rules of Practice) and the notice of hearing referred to above, notice is hereby given that the Safety and Licensing Board in this proceeding will consist of Mr. Lester Kornblith, Jr., Dr. Franklin C. Daiber and Mr. Michael Glaser, Esq., Chairman. Dr. Gerard A. Rohlich has been designated as a technically qualified alternate and Mrs. Elizabeth S. Bowers, Esq., has been designated as an alternate qualified in the conduct of administrative proceedings.

As provided in the notice of hearing, the date and place of a prehearing conference and of a hearing will be scheduled by the Board and will be published in the Federal Register.


James R. Yore
Executive Secretary
Atomic Safety and Licensing
Board Panel

Dated at Washington, D. C.

This 17th day of August 1972

50-361/362

8-11-72

PUBLIC NOTICE	PUBLIC NOTICE	PUBLIC NOTICE
NOTICE OF OPPORTUNITY FOR PUBLIC PARTICIPATION IN AEC PUBLIC HEARING ON THE SAN ONOFRE NUCLEAR GENERATING STATION, UNITS 2 AND 3		
<p>The Atomic Energy Commission will hold a public hearing, to be conducted by an Atomic Safety and Licensing Board, to determine whether construction permits should be issued to the Southern California Edison Company and the San Diego Gas and Electric Company authorizing construction of the proposed San Onofre Nuclear Generating Station, Units 2 and 3, at the applicants' site at Camp Pendleton, San Diego County, California. The time and place of the hearing will be set later. Issues to be considered at the hearing include both radiological and environmental matters. These issues are specified in a Federal Register notice to be published on August 11, 1972.</p>		
<p>Members of the public who wish to participate in the hearing may do so in one of two ways:</p>		
<ol style="list-style-type: none">1. They make make a limited appearance. A person making a limited appearance does not become a party to the proceeding, but may state his position, and raise questions which he would like to have answered to the extent that the questions are within the scope of the hearing, and are permitted by the Atomic Safety and Licensing Board. Persons desiring to make a limited appearance are requested to inform the Secretary of the Commission, U. S. Atomic Energy Commission, Washington, D. C. 20545, Attention: Chief, Public Proceedings Branch, by September 11, 1972. Limited appearances will be permitted at the time of the public hearing by the licensing board.2. They may petition for leave to intervene. A person permitted to intervene becomes a party to the proceeding and has a right to participate in the conduct of the hearing. For example, he may present evidence and examine and cross-examine witnesses.		
<p>Any person whose interest may be affected by the proceeding who wishes to participate as a party must file a petition for leave to intervene. Such petitions must be filed with the Secretary of the Commission, U. S. Atomic Energy Commission, Washington, D. C. 20545, Attention: Chief, Public Proceedings Branch, by September 11, 1972.</p>		
<p>A petition for leave to intervene should state the person's interest in the proceeding, how it may be affected by the proposed licensing action and the person's contentions regarding the proposed licensing action in reasonably specific detail. Petitions stating contentions relating only to matters outside the Commission's jurisdiction will be denied. Petitions will be acted upon by the licensing board.</p>		
<p>The Commission has arranged for documents and correspondence relating to the licensing of this facility to be kept on file for public inspection at the San Clemente Public Library, 233 Granada Street, San Clemente, California.</p>		
<p>Published Orange Coast Daily Pilot, August 11, 1972</p>		

hearing
(Miss.)

COMMISSIONERS
J. P. VUKASIN, JR., ~~Commissioner~~
WILLIAM SYMONS, JR.
THOMAS MORAN
VERNON L. STURGEON, President
DAVID W. HOLMES



DOCKET NUMBER *Ref Cases*
PROD. & UTIL. FAC. *50-361, 362*

ADDRESS ALL COMMUNICATIONS
TO THE COMMISSION
CALIFORNIA STATE BUILDING
SAN FRANCISCO, CALIF. 94102
TELEPHONE: (415) 857-

1487

Public Utilities Commission
STATE OF CALIFORNIA

August 7, 1972

FILE NO.

Mr. W. B. McCool, Secretary
United States Atomic Energy Commission
Washington, D.C. 20545

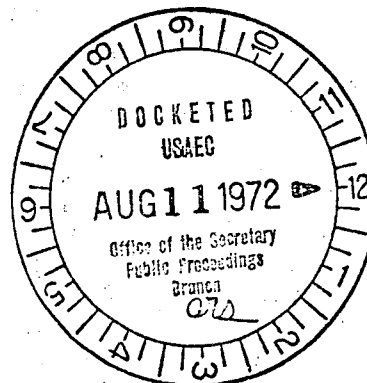
Dear Mr. McCool:

We are in receipt of a recent communication from you addressed to Mr. William W. Dunlop. Please change your records to show that Mr. William R. Johnson is now the Secretary of the California Public Utilities Commission.

Very truly yours,

William R. Johnson
WILLIAM R. JOHNSON, Secretary

Enclosed was Notice of Hearing on Application for
Construction Permits - Docket Nos. 50-361 and 50-362.



Reg. Files

UNITED STATES OF AMERICA
ATOMIC ENERGY COMMISSION

In the Matter of)
)
SOUTHERN CALIFORNIA EDISON COMPANY)
(San Onofre Units 2 and 3))

Docket Nos. 50-361,362

CERTIFICATE OF SERVICE

I hereby certify that copies of NOTICE OF HEARING ON APPLICATION FOR CONSTRUCTION PERMITS dated August 2, 1972 in the captioned matter have been served on the following by deposit in the United States mail, first class or air mail, this 4th day of August 1972:

Martin G. Malsch, Esq.
Regulatory Staff Counsel
U. S. Atomic Energy Commission
Washington, D. C.

F. S. Bayley, Esq.
Chickering & Gregory
111 Sutter Street
San Francisco, California 94104

Rollin E. Woodbury, Esq., Vice
President and General Counsel
Southern California Edison Company
P. O. Box 800
2244 Walnut Grove Avenue
Rosemead, California 91770

Mrs. Phyllis Rauch
San Clemente Public Library
233 Granada Street
San Clemente, California 92672

George Spiegel, Esq.
2600 Virginia Avenue, N. W.
Washington, D. C. 20037

Mrs. Van Fleming
GUARD
245 Montalvo
San Clemente, California 92672

Dr. John M. Heslep, Chief
Environmental Health and Consumer
Protection Program
Department of Public Health
2151 Berkeley Way
Berkeley, California 94704

Attorney General
State of California
Sacramento, California 95814

Mr. A. W. Phillips
P. O. Box 943
Culver City, California 90230

Mr. Thomas M. Glass, Chairman
Sierra Club, San Diego Chapter
P. O. Box 525
San Francisco, California 92112

Mr. Steve J. Gadler
2120 Carter Avenue
Saint Paul, Minnesota 55108

Mr. William W. Dunlop, Secretary
Public Utilities Commission
State of California
California State Building
San Francisco, California 94102

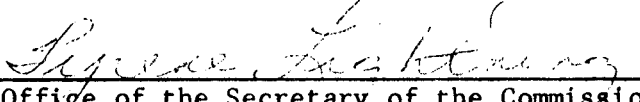
Mr. Truman Benedict
Superintendent of Schools and
Secretary to the Board of Trustees
Capistrano United School District
26126 Victoria Boulevard
Capistrano Beach, California 92672

Mr. Kenneth E. Carr, City Manager
City of San Clemente
100 Avenida Presidio
San Clemente, California

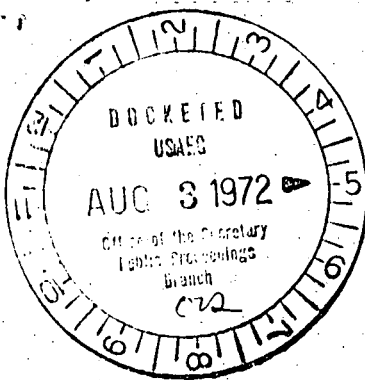
Mr. Douglas Yingst
795A Elvira
Redondo Beach, California 90277

Mr. John T. Quirk
941 North G Street
Oxnard, California 93030

Mr. Frederick Eissler, President
Scenic Shoreline Preservation
Conference, Inc.
4623 More Mesa Drive
Santa Barbara, California 93105


Office of the Secretary of the Commission

cc: Mr. Malsch
ASLBP
V. Wilson
Reg. Files



DOCKET NUMBER
PROD. & UTIL. EAC. 50-361,362

UNITED STATES OF AMERICA
ATOMIC ENERGY COMMISSION

In the Matter of)

SOUTHERN CALIFORNIA EDISON COMPANY)
SAN DIEGO GAS & ELECTRIC COMPANY)

(San Onofre Nuclear Generating)
Station, Units 2 and 3)

Docket Nos. 50-361
and 50-362

NOTICE OF HEARING ON APPLICATION
FOR CONSTRUCTION PERMITS

Pursuant to the Atomic Energy Act of 1954, as amended (the Act), and the regulations in Title 10, Code of Federal Regulations, Part 50 "Licensing of Production and Utilization Facilities," and Part 2, "Rules of Practice," notice is hereby given that a hearing will be held, at a time and place to be set in the future by an Atomic Safety and Licensing Board (Board), to consider the application filed under the Act by the Southern California Edison Company and the San Diego Gas and Electric Company (the applicants), for construction permits for two pressurized water nuclear reactors designated as the San Onofre Nuclear Generating Station, Units 2 and 3 (the facilities), each of which is designed for initial operation at approximately 3390 thermal megawatts with a net electrical output of approximately 1140 megawatts. The proposed facilities are to be located at the applicants' site at Camp Pendleton, San Diego County, California.

The Board will be designated by the Atomic Energy Commission (Commission). Notice as to its membership will be published in the FEDERAL REGISTER.

The date and place of a prehearing conference and of the hearing will be set by the Board. In setting these dates due regard will be had for the convenience and necessity of the parties or their representatives, as well as of the Board members. Notices of the dates and places of the prehearing conference and the hearing will be published in the FEDERAL REGISTER.

Upon receipt of a favorable report prepared by the Advisory Committee on Reactor Safeguards and upon completion by the Commission's regulatory staff of a favorable safety evaluation of the application and an environmental review, the Director of Regulation will consider making affirmative findings on Items 1-3, a negative finding on Item 4, and an affirmative finding on Item 5 specified below as a basis for the issuance of construction permits to the applicants.

Issues Pursuant to the Atomic Energy Act of 1954, as amended

1. Whether in accordance with the provisions of 10 CFR §50.35(a):
 - (a) The applicants have described the proposed design of the facilities including, but not limited to, the principal architectural and engineering criteria for the design, and has identified the major features or components incorporated therein for the protection of the health and safety of the public;
 - (b) Such further technical or design information as may be required to complete the safety analysis, and which can reasonably be left for

later consideration, will be supplied in the final safety analysis report;

- (c) Safety features or components, if any, which require research and development have been described by the applicants and the applicants have identified, and there will be conducted, a research and development program reasonably designed to resolve any safety questions associated with such features or components; and
 - (d) On the basis of the foregoing, there is reasonable assurance that
 - (i) such safety questions will be satisfactorily resolved at or before the latest date stated in the application for completion of construction of the proposed facilities, and (ii) taking into consideration the site criteria contained in 10 CFR Part 100, the proposed facilities can be constructed and operated at the proposed location without undue risk to the health and safety of the public.
2. Whether the applicant is technically qualified to design and construct the proposed facilities;
 3. Whether the applicant is financially qualified to design and construct the proposed facilities; and
 4. Whether the issuance of permits for construction of the facilities will be inimical to the common defense and security or to the health and safety of the public.

Issue Pursuant to National Environmental Policy Act of 1969 (NEPA)

5. Whether, in accordance with the requirements of Appendix D of 10 CFR Part 50, the construction permits should be issued as proposed.

In the event that this proceeding is not a contested proceeding, as defined by 10 CFR §2.4(n) of the Commission's "Rules of Practice," the Board will (1) without conducting a de novo review of the application, consider and determine the issues of whether the application and the record of the proceeding contain sufficient information, and the review of the Commission's regulatory staff has been adequate, to support the findings proposed to be made by the Director of Regulation on Items 1-4 above, and to support, insofar as the Commission's licensing requirements under the Act are concerned, the construction permits proposed to be issued by the Director of Regulation; and (2) determine whether the environmental review conducted by the Commission's regulatory staff pursuant to Appendix D of 10 CFR Part 50 has been adequate.

In the event that this proceeding becomes a contested proceeding, the Board will decide any matters in controversy among the parties and consider and initially decide as issues in this proceeding, Items 1-5 above as a basis for determining whether the construction permits should be issued to the applicants.

With respect to the Commission's responsibilities under NEPA, and regardless of whether the proceeding is contested or uncontested, the Board will, in accordance with section A.11 of Appendix D of 10 CFR Part 50, (1) determine whether the requirements of section 102(2)(C) and (D) of NEPA and Appendix D of 10 CFR Part 50 have been complied with in this proceeding; (2) independently consider the final balance among conflicting factors contained

in the record of the proceeding with a view to determining the appropriate action to be taken; and (3) determine whether the construction permits should be granted, denied, or appropriately conditioned to protect environmental values.

The application for construction permits, the applicants' Environmental Report and Supplemental Environmental Report, and, as they become available, the report of the Commission's Advisory Committee on Reactor Safeguards, the proposed construction permits, the applicants' summary of the application, the Safety Evaluation by the Commission's regulatory staff, the Commission's Draft and Final Environmental Statements, and the transcripts of the prehearing conference and of the hearing will be placed in the Commission's Public Document Room, 1717 H Street, N. W., Washington, D. C., where they will be available for inspection by members of the public.

Copies of those documents will also be made available at the San Clemente Public Library, 233 Granada Street, San Clemente, California, for inspection by members of the public between the hours of 10:00 A.M. and 9:00 P.M. on Monday through Thursday, and between the hours of 10:00 A.M. and 5:00 P.M. on Friday and Saturday. Copies of the applicants' Environmental Report and Supplemental Environmental Report (to the extent of supply), and, when available, the ACRS report, the regulatory staff's Safety Evaluation and the Draft and Final Environmental Statements may be obtained by request to the United States Atomic Energy Commission, Washington, D. C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing.

Any person who wishes to make an oral or written statement in this proceeding setting forth his position on the issues specified, but who does not wish to file a petition for leave to intervene, may request permission to make a limited appearance pursuant to the provisions of 10 CFR §2.715 of the Commission's "Rules of Practice." Limited appearances will be permitted at the time of the hearing at the discretion of the Board. Persons desiring to make a limited appearance are requested to inform the Secretary of the Commission, United States Atomic Energy Commission, Washington, D. C. 20545, not later than thirty (30) days from the date of publication of this notice in the FEDERAL REGISTER.

Any person whose interest may be affected by the proceeding, who does not wish to make a limited appearance and who wishes to participate as a party in the proceeding must file a petition for leave to intervene.

Petitions for leave to intervene, pursuant to the provisions of 10 CFR §2.714 of the Commission's "Rules of Practice," must be received in the Office of the Secretary of the Commission, United States Atomic Energy Commission, Washington, D. C. 20545, Attention: Chief, Public Proceedings Branch, or the Commission's Public Document Room, 1717 H Street, N. W., Washington, D. C., not later than thirty (30) days from the date of publication of this notice in the FEDERAL REGISTER. The petition shall set forth the interest of the petitioner in the proceeding, how that interest may be affected by Commission action, and the contentions of the petitioner in

reasonably specific detail. A petition which sets forth contentions relating only to matters outside the Commission's jurisdiction will be denied. A petition for leave to intervene which is not timely will be denied unless, in accordance with 10 CFR §2.714, the petitioner shows good cause for failure to file it on time.

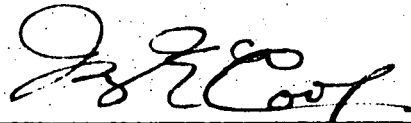
A person permitted to intervene becomes a party to the proceeding and may examine and cross-examine witnesses. A person permitted to make a limited appearance does not become a party, but may state his position and raise questions which he would like to have answered to the extent that the questions are within the scope of the hearing as specified in the issues set out above. A member of the public does not have the right to participate unless he has been granted the right to intervene as a party or the right of limited appearance.

An answer to this notice, pursuant to the provisions of 10 CFR §2.705 of the Commission's "Rules of Practice," must be filed by the applicants not later than twenty (20) days from the date of publication of this notice in the FEDERAL REGISTER. Papers required to be filed in this proceeding may be filed by mail or telegram addressed to the Secretary of the Commission, United States Atomic Energy Commission, Washington, D. C. 20545, Attention: Chief, Public Proceedings Branch, or may be filed by delivery to the Commission's Public Document Room, 1717 H Street, N. W., Washington, D. C.

Pending further order of the Board, parties are required to file, pursuant to the provisions of 10 CFR §2.708 of the Commission's "Rules of Practice," an original and twenty conformed copies of each such paper with the Commission.

With respect to this proceeding, the Commission will delegate to an Atomic Safety and Licensing Appeal Board the authority and the review function which would otherwise be exercised and performed by the Commission. The Commission will establish the Appeal Board pursuant to 10 CFR §2.785 of the Commission's "Rules of Practice," and will make the delegation pursuant to subparagraph (a)(1) of that section. The Appeal Board will be composed of a chairman, an assistant chairman, Dr. John Buck, with a third member to be designated by the Commission. Notice of the Appeal Board's membership will be published in the FEDERAL REGISTER.

UNITED STATES ATOMIC ENERGY COMMISSION



W. B. McCool
Secretary of the Commission

Dated at Germantown, Maryland
this 2nd day of August 1972.

56-361

SCHROER, EICHHORN & MORROW

EDMUND A. SCHROER
FREDERICK F. EICHHORN, JR.
JOSEPH T. MORROW
WILLIAM H. EICHHORN

ATTORNEYS AT LAW
5243 HOHMAN AVENUE
HAMMOND, INDIANA
46320

TELEPHONE
931-0560
AREA CODE 219

JAMES J. HAGY
RICHARD W. JOHNSON
DAVID C. JENSEN

June 27, 1972

Mr. David Dinsmore Comey
Director of Environmental Research
Businessmen for the Public Interest
Suite 1001
109 North Dearborn Street
Chicago, Illinois

Mr. Edward W. Osann, Jr.
Wolfe, Hubbard, Leydig,
Voit & Osann, Ltd.
One North LaSalle Street
Chicago, Illinois

Re: Bailly Nuclear I - Discovery

Gentlemen:

This will confirm my phone conference with both of you during the past two (2) weeks regarding the inspection of the Northern Indiana Public Service Company (NIPSCO) documents.

It is my understanding that Mr. Comey and an engineer will be present at 10:00 a.m. on June 28 at the NIPSCO Gary Offices for the purpose of inspecting and reproducing certain NIPSCO documents. As I advised in our phone conferences, a working space will be provided for you and reproduction facilities will be available.

Pursuant to our agreement at the Pre-Hearing Conference held on May 9, letter or legal size pages will be reproduced for you at the rate of \$0.06 per page. Large prints in the nature of blue-prints will be reproduced at the rate of \$0.43 per print and smaller prints at the rate of \$0.15 per print. NIPSCO would expect to receive payment for all documents reproduced before those documents are released to you.

Additionally, I want to confirm the several conferences that I have had with each of you to the effect that we have had the documents pertaining to the issues of contentions available

SCHROER, EICHHORN & MORROW

Mr. David Dinsmore Comey
Director of Environmental Research
Businessmen for the Public Interest

Mr. Edward W. Osann, Jr.
Wolfe, Hubbard, Leydig,
Voit & Osann, Ltd.

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for your inspection since May 15 pursuant to the agreement that we made at the Pre-Hearing Conference held on May 9 (see Tr. P. 68--Tr. P. 69). The remainder of the schedule for discovery as set forth at the Pre-Hearing Conference was that you were to examine the NIPSCO records pertaining to the issues in contention between May 15 and May 22 and that on or before May 22, you would furnish to NIPSCO a letter identifying particular documents related to the issues in contention which you desired us to make available. Thereafter, you were to furnish us with the major portions of your Interrogatories by June 12 with the remaining Interrogatories to be furnished no later than June 26 (see Tr. P. 69--Tr. P. 70).

NIPSCO's files were available for your inspection on May 15; however, because of other commitments, you were unable to come to Gary to examine those documents and on May 23 you sent a letter to Mr. Lowenstein in Washington with a request for production of an extensive list of documents attached thereto. Because of the delays in mail service between Chicago and Washington and Washington and Hammond, this list of documents was not received by NIPSCO in Hammond until May 30. None the less, on June 16, I advised you that all of the documents contained in your list of May 23 as modified by our phone conferences thereafter were available for your inspection and reproduction. A list of those documents with the number of pages contained in each was forwarded to you on that date.

We would not expect that your failure to take advantage of the discovery which the Applicant has made available to you in accordance with the Pre-Hearing agreement of May 9 to be cause for delaying any hearing date which the Board may set. Let me assure you that NIPSCO is willing to cooperate to the fullest extent in order to complete the discovery procedures in this matter and proceed to the hearing stage at the earliest possible date.

Yours very truly,

SCHROER, EICHHORN & MORROW

By:

William H. Eichhorn
William H. Eichhorn

WHE/dgg

cc: All Parties of Record
and the Board