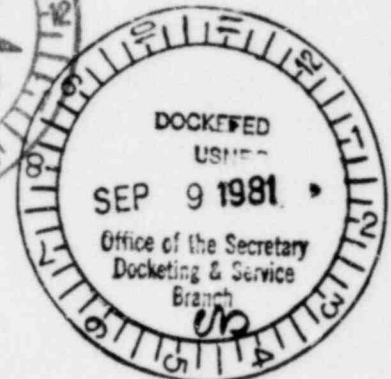


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13 UNITED STATES OF AMERICA

14 NUCLEAR REGULATORY COMMISSION

15 BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

16 In the Matter of	)	
17 SOUTHERN CALIFORNIA	)	Docket Nos. 50-361 OL
18 EDISON COMPANY, <u>ET AL.</u>	)	50-362 OL
19 (San Onofre Nuclear Generating	)	APPLICATION FOR ISSUANCE OF A
20 Station, Units 2 and 3).	)	SUBPOENA TO TESTIFY TO DR.
	)	ERVING LYON AND MEMORANDUM
	)	OF POINTS AND AUTHORITIES

21 TO: ADMINISTRATIVE JUDGE JAMES L. KELLEY, PRESIDING OFFICER,  
 22 ATOMIC SAFETY AND LICENSING BOARD:

23 Intervenors GUARD and A. S. Carstens, et al. ("Intervenors"),  
 24 through their undersigned counsel, pursuant to 10 C.F.R. 52.720(a)  
 25 hereby apply for issuance of a subpoena requiring the attendance  
 26 and testimony of DR. ERVING LYON, 3529 Greenfield, Los Angeles,  
 27 California 90034, at the hearing on emergency planning contentions.

28 This application is based upon this "Application for Issuance  
 29 of a Subpoena to Testify to Dr. Erving Lyon," the accompanying  
 30 "Memorandum of Points and Authorities" in support of issuance of a

1 Subpoena to Testify to Dr. Erving Lyon, the accompanying [pro-  
2 posed] "Subpoena to Testify to Dr. Erving Lyon", the record in the  
3 above-captioned proceeding, and any and all such further briefs,  
4 oral arguments or documentary evidence as may come before the  
5 Board.

6 MEMORANDUM OF POINTS AND AUTHORITIES

7 I.

8 THE PRESIDING OFFICER IS AUTHORIZED  
9 TO ISSUE A SUBPOENA TO TESTIFY TO  
10 DR. ERVING LYON UPON A SHOWING OF  
11 GENERAL RELEVANCY

12 Section 161(c) of the Atomic Energy Act of 1954, as amended,  
13 in pertinent part authorizes the Nuclear Regulatory Commission  
14 "by subpoena to require any person to appear and testify . . . at  
15 any designated place." 42 U.S.C. § 2201(c). The only limitation  
16 on this authority, contained in the Commission's regulations, is  
17 the discretion of the presiding officer to "require a showing of  
18 general relevance of the testimony or evidence sought." 10 C.F.R.  
19 § 2.720(a). The general relevancy standard is satisfied unless  
20 it is "palpable that the evidence sought can have no possible  
21 bearing upon the issues." Commonwealth Edison Company (Zion),  
22 ALAB-196, 7 AEC 457, 462 (1974).

23 II.

24 DR. LYON'S TESTIMONY IS GENERALLY  
25 RELEVANT TO ISSUES IN CONTENTION

26 Dr. Lyon is a professional in the field of public health. He  
is a member of the Los Angeles Federation of Scientists Committee

1 on Evacuation Time Study. Dr. Lyon consulted with the Intervenor's  
2 witness Dr. Sheldon C. Plotkin in the development of Section III  
3 of Dr. Plotkin's written testimony ("Analytical Approach for  
4 Determining Cancers Per Person").

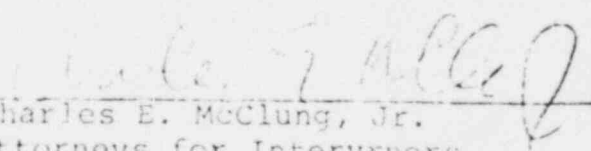
5 Dr. Lyon will address the methodology and conclusions of the  
6 health effects studies contained in Dr. Plotkin's testimony.  
7 Dr. Lyon's testimony will be relevant to contention Number 1 which  
8 considers the capability of the various emergency response organi-  
9 zation to evacuate or otherwise protect the populace in the event  
10 of a radiological emergency.

11 CONCLUSION

12 Based on the foregoing points and authorities, Intervenor's  
13 respectfully request issuance of the attached subpoena to Dr.  
14 Erving Lyon and return to Intervenor's for purposes of personally  
15 serving the subpoena on Dr. Lyon as soon as possible.

16 Dated: August 28, 1981.

17  
18 PHYLLIS M. GALLAGHER  
19 and  
20 CHARLES E. McCLUNG, JR.  
21 OF FLEMING, ANDERSON, McCLUNG &  
22 FINCH

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24  
25  
26  
  
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