

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION
BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)	
)	Docket Nos. 50-361 OL
SOUTHERN CALIFORNIA EDISON COMPANY,)	50-362 OL
ET AL.)	
)	
(San Onofre Nuclear Generating Station,)	
Units 2 and 3))	

INTERVENORS', FOE ET AL. PROPOSED
CONTENTION RE: EMERGENCY PLANNING

Intervenors FOE ET AL. hereby submits the following contention. Said contention is submitted based on the Interim Findings and Determinations made by FEMA on June 3, 1981 and received by FOE et al. on June 10, 1981.

REVISED CONTENTION

An operating license for SONGS 2 and 3 should not be granted because the Federal Emergency Management Agency ("FEMA") concluded that the off-site capability for implementation of the emergency response plans is inadequate and the emergency plans submitted by the local jurisdictions do not meet the requirements of NUREG-0654. More specifically, the following requirements of 10 C.F.R. § 50.47 and 10 C.F.R. Part 50, Appendix E have not been met:

- A) Many conflicts exist in the emergency responsibilities of the various jurisdictions. 10 C.F.R. § 50.47(b).

In particular, monitoring and assessment duties for both plume and ingestion pathways have not been clarified.

See FEMA's Interim Findings and Determinations 3, ¶4

(June 3, 1981) (hereinafter cited as FEMA Findings).

- B) Response organizations do not have sufficient personnel to handle total response requirements. 10 C.F.R. § 50.47(b)(1); See FEMA Findings 3, ¶5.
- C) Methods, systems, and equipment for assessment and monitoring of actual or potential off-site consequences of a radiological emergency do not meet minimum criteria. A number of jurisdictions lack equipment and capability to conduct monitoring; air sampling equipment is generally not available; assessment and monitoring teams do not have sufficient radiological training. 10 C.F.R. § 50.47(b)(9); See, FEMA Findings 6, ¶1.
- D) The Utility has failed to provide the emergency facilities and equipment needed to support the emergency response. 10 C.F.R. §50.47(b)(10); See, FEMA Findings 5, ¶4.
- E) The means for early notification and instruction to the populace within the plume exposure EPZ has not been established. 10 C.F.R. §50.47(b)(5). See, FEMA Findings 4, ¶3.
- F) The EOF is incapable of meeting emergency response requirements because of the following shortcomings: lack of clear operating procedures, fragmentation of the facility, lack of management directions communications, and inadequate size of facility. 10 C.F.R. §50.47(b)(2), (3) and (10). See, FEMA Findings 4, ¶1.
- G) Adherence to critical time frames for notification; ingestion pathway sampling and analysis; and reentry and recovery operations have not been tested. 10 C.F.R. §50.47(b)(5), (10) and (13). See, FEMA Findings 5, ¶1 and 6, ¶ 1, 5.

H) Emergency plans are inadequate in that the FEMA review of the plans dated April 27, 1981 found 134 instances of lack of full compliance with the planning standards and evaluation criteria of NUREG-0654.

DATED: June 22, 1981

RICHARD J. WHARTON
Attorney for Intervenors'
CARSTENS ET AL.

ADDENDUM

Intervenors May Refer To Pertinent
Portions of the FEMA Findings in Their Contention
And Sub-contention When Such Reference Supports
And Clarifies The Particular Issue

At the June 18, 1981 Pre-hearing Conference the NRC Staff suggested that Intervenors CARSTENS et al. could not refer to the FEMA Findings in their contention. THE NRC Staff cited Tennessee Valley Authority (Browns Ferry Nuclear Plant, Units 1 and 2), LBP-76-10, 3 NRC 209 (1976), as authority for this point.

In Tennessee Valley Authority the petitioner attempted to incorporate by reference into his supporting affidavit "about 3000 pages of material including newspaper articles, magazine articles, opinions, and public statements by a large number of people about the Browns Ferry Fire, without any attempt to direct specific attention to pertinent portions particularly germane to the issues in this proceeding." (Emphasis Added.) Id. at 216. The Licensing Board ruled that such non-selective incorporation frustrated the particularity requirements of 10 C.F.R. §2.714.

Clearly, Tennessee Valley Authority does not apply in this situation. Intervenors do not seek to incorporate the entire document by reference. Quite the contrary, Intervenors refer to specific portions of the FEMA Findings only for support and further clarification of each particular sub-contention.

Exhibit B

APPLICANTS' PROPOSED CONSOLIDATED
EMERGENCY PLANNING AND PREPAREDNESS
CONTENTIONS FOR HEARING BEFORE THE
ATOMIC SAFETY AND LICENSING BOARD

July 6, 1981

Based upon the two forms of "Stipulation and Order Specifying Certain Contentions for Purposes of Atomic Safety and Licensing Board Hearing" submitted herein on the record of July 1, 1980, as well as "Intervenors' FOE et al. Proposed Contention Re: Emergency Planning," dated June 22, 1981, Applicants propose that the following emergency planning and preparedness contentions be specified under 10 C.F.R. §2.752 and consolidated under 10 C.F.R. §2.715a for purposes of hearing before the Atomic Safety and Licensing Board:

1. Consolidated Contention No. 1

Whether the state of emergency preparedness for SONGS 2 and 3 provides reasonable assurance that the offsite transient and permanent population within the plume exposure pathway Emergency Planning Zone, 10 C.F.R. §50.47(c)(2), for SONGS 2 and 3 can be evacuated or otherwise adequately protected in the event of a radiological emergency with offsite consequences occurring at SONGS 2 and 3, as required by 10 C.F.R. §§50.47(a)(1), (b)(10), and Part 50, Appendix E.IV. (solely as it pertains to evacuation time estimates), in that the guidance set forth in NUREG-0654/FEMA-REP-1 (Rev. 1), parts II.J.8 and J.10, has not been satisfied.

2. Consolidated Contention No. 2

Whether there is reasonable assurance that the emergency response planning for SONGS 2 and 3, affecting the offsite transient and permanent population, will comply with 10 C.F.R. §§50.47(a)(1) and (b) or (c)(1) as regards:

- A. the procedures for notification by Applicants of State and local response organizations, 10 C.F.R. §50.47(b)(5), and for notification of and continued

communication among emergency personnel by all involved organizations, 10 C.F.R. §50.47(b)(6);

- B. the means for notification and instruction to the populace within the plume exposure pathway Emergency Planning Zone, 10 C.F.R. §50.47(b)(5);
- C. the information and the procedures for dissemination of the information to the public within the plume exposure pathway Emergency Planning Zone on a periodic basis on how they will be notified and what their actions should be in the event of an emergency, 10 C.F.R. §50.47(b)(7);
- D. the arrangements for medical services for contaminated and injured individuals, 10 C.F.R. §50.47(b)(12);
- E. necessary transportation and communication equipment, and the operation of the emergency operations centers of the principal response organizations, 10 C.F.R. §50.47(b)(8);
- F. the capability of each principal response organization to respond and to augment this initial response on a continuous basis, 10 C.F.R. §50.47(b)(1);
- G. radiological emergency response training to those who may be called on to assist in an emergency, 10 C.F.R. §50.47(b)(15);
- H. the methods, staffing, systems, and equipment for assessing and monitoring actual or potential offsite consequences of a radiological emergency condition within the plume exposure pathway EPZ for SONGS 2 and 3, 10 C.F.R. §50.47(b)(9);
- I. the physical design, communications equipment, and operating procedures for the interim Emergency Operations Facility, 10 C.F.R. §§50.47(b)(3) and (b)(8); and
- J. the methods, systems, and equipment for assessing and monitoring actual or potential offsite consequences of a radiological emergency condition within the ingestion pathway EPZ for SONGS 2 and 3, 10 C.F.R. §50.47(b)(9).

1
2 CERTIFICATE OF SERVICE BY MAIL OR COURIER

3 I declare that:

4 I am employed in the City and County of San
5 Francisco, California, as one of counsel appearing for
6 Applicants Southern California Edison Company and San Diego
7 Gas & Electric Company herein.

8 I am over the age of eighteen years and not a
9 party to the within-entitled action; my business address is
10 600 Montgomery Street, 10th Floor, San Francisco, California
11 94111.

12 On July 5, 1981, I served the attached
13 "APPLICANT'S MEMORANDUM IN OPPOSITION TO CONTENTION PROPOSED
14 BY FOE, ET AL." in said cause, by placing a true copy
15 thereof enclosed in the United States mail, first class, or
16 where indicated by an asterisk by Network Courier, at San
17 Francisco, California, addressed as follows:

18
19 *James L. Kelley, Chairman
20 Dr. Cadet H. Hand, Jr.
21 Mrs. Elizabeth B. Johnson
22 Administrative Judges
23 Atomic Safety and Licensing
24 Board
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26 Club
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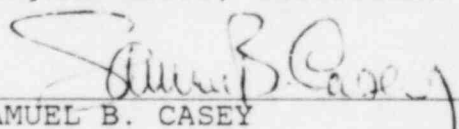
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