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UNITED STATES OF AMERICA

NUCLEAR REGULATORY COMMISSION

In the Matter of)	Docket Nos. 50-361 OL
)	50-362 OL
SOUTHERN CALIFORNIA)	
EDISON COMPANY, <u>ET AL.</u>)	
(San Onofre Nuclear)	APPLICANTS' COMMENTS
Generating Station, Units)	ON INITIAL DECISION
2 and 3).)	AUTHORIZING FULL POWER
)	<u>OPERATION.</u>

As permitted by 10 C.F.R. § 2.764(f)(2)(ii),
SOUTHERN CALIFORNIA EDISON COMPANY, SAN DIEGO GAS & ELECTRIC
COMPANY, AND THE CITIES OF ANAHEIM AND RIVERSIDE, CALIFORNIA
("Applicants") hereby submit their comments on the Initial
Decision of the Atomic Safety and Licensing Board (the
"Board"), dated May 14, 1982, authorizing full power

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operation of San Onofre Nuclear Generating Station ("SONGS"), Units 2 and 3.

I.

PRELIMINARY STATEMENT

The Initial Decision, when taken together with the Partial Initial Decision on seismic issues, dated January 11, 1982; the Decision of the Appeal Board (ALAB-673), dated April 26, 1982, denying a stay of the Partial Initial Decision; and the record on the uncontested matters specified in 10 C.F.R., 50.57(a) as reported in the Staff's Safety Evaluation Reports and Final Environmental Statement, provides more than reasonable assurance that full power operation of San Onofre Nuclear Generating Station, Units 2 and 3, will not endanger the public health and safety and is otherwise in the public interest. This being the case Applicants urge the Commission to authorize the effectiveness of the Initial Decision on or before June 15, 1982 in order to allow SONGS, Unit 2 to ascend to full power operation.

Applicants are concerned that costly and unnecessary delay will result from the Board's determination requiring siren coverage of an area between 10 and 13 miles from the site as a condition of operating SONGS, Unit 2 beyond its currently authorized 5% power level.

Applicants do not take issue with the Board's decision requiring the additional siren coverage and have already commenced the necessary efforts to install the

required sirens. However, for the reasons discussed below, Applicants believe the public health and safety is protected by the existing public notification systems. Adequate interim compensating features are available to provide prompt public notification to the population within this area during the interim six month period required to design, engineer, acquire, install and test the additional siren system required by the Initial Decision.

Applicants' concern regarding the appropriate timing for installation of siren coverage raises an issue which may be most expeditiously resolved by this Commission.^{1/}

II.

FACTUAL STATEMENT

The Board in its Order accompanying the Initial Decision authorized full power operation for SONGS 2 and 3 "subject to the conditions set forth in paragraphs B-D of

^{1/} In order to preserve every other opportunity to present this concern and obtain the required clarification or modification, Applicants anticipate that on or before May 26, 1982 they will appeal the Initial Decision to the Appeal Board and make an alternative motion to the Licensing Board for reconsideration or partial stay of its Initial Decision. Copies of these papers will be served on the Commission. The alternative motion to the Licensing Board will be supported by affidavits confirming the facts set forth in these comments that are not otherwise already in the record of this proceeding.

Part V of [the] Initial Decision." (ID, p. 219.) The condition set forth in paragraph C.5 of Part V of the Initial Decision states:

"The plume emergency pathway Emergency Planning Zone established for San Onofre meets the requirements of 10 C.F.R. 50.47(c)(2), except as described in findings A23-25 on pp. 95-98. (Contention 3.) Staff confirmation is required that the "extended" EPZ concept has been deleted from the San Onofre onsite and offsite plans and that the plume EPZ boundary has been extended, along with siren coverage, to Dana Point and all of San Juan Capistrano." (Emphasis added.)^{2/}

The above-quoted condition is distinguishable from the conditions relating to medical services and Spanish-language public information also contained in the Initial Decision. The latter conditions may be satisfied within six months of full power operations. The above-quoted condition presently must be satisfied prior to full power operations. (Compare ID, ¶¶ C.2 and D with ¶ C.5.)

^{2/} Applicants do not take issue with the extension of the plume EPZ boundary to encompass all of Dana Point and San Juan Capistrano, or the requirement that the necessary steps be taken to delete references to the "extended EPZ" concept from the onsite and offsite emergency plans. These steps have been commenced and will be completed prior to full power operation. Applicants' only concern is the timing imposed to complete installation of the required sirens.

In view of the applicable Commission guidance indicating a greater time available to warn populations in the area beyond ten miles from the site in the event of a serious radiological accident (see footnotes 3 and 4 infra), Applicants did not anticipate a requirement for prompt public notification of the population within this area. Applicants did offer evidence, recognized by the Board, that alternative means exist for promptly notifying the public within this area in a timely fashion. (ID., ¶ IV.G.11, at p. 172.) Moreover, following the conclusion of the emergency planning hearings in response to concerns first raised by the Board during the hearings, Applicants began planning and engineering a siren system to cover the entire area of Dana Point and San Juan Capistrano. By letter, dated March 25, 1982, from SCE to the Federal Emergency Management Agency, Applicants confirmed their commitment to extend siren coverage throughout this area.

Based on the engineering analysis to date, Applicants estimate that such an extension may take until December, 1982. This time is required to acquire, perhaps by eminent domain, the necessary sites for the sirens, to obtain necessary planning and building permits, to perform site engineering, to acquire appropriate siren equipment, and to construct and test the siren system. These facts, when taken together with the fact that SONGS 2 will be ready to exceed

5% power levels by mid to late June, means that under the Initial Decision full power operation of SONGS 2 will be delayed up to six months while the additional sirens are installed in Dana Point and San Juan Capistrano. A conservative estimate of the cost of this delay to Applicants' shareholders and ultimately its ratepayers has been stated in this proceeding to be \$52.5 million dollars per month, or \$1.73 million dollars per day.

III.

DISCUSSION

Applicants recognize that economic cost must be endured if a serious health and safety question were presented by operation of SONGS 2 above 5% power without siren coverage of the entire area of Dana Point and San Juan Capistrano. However, Applicants submit that no such question is presented under the circumstances reflected in the record of this proceeding. Such a question not being presented, the pertinent technical and policy considerations derived from the Commission's regulations and guidance on public notification weigh in favor of permitting SONGS 2 to operate in excess of 5% power levels pending completion of siren coverage in Dana Point and San Juan Capistrano.

Applicants fully expect to be able to install siren coverage throughout Dana Point and San Juan Capistrano within

the next six months. Every effort will be made to complete such installation as soon as possible. During the interim, as recognized in the Initial Decision,

"alternative means exist to provide a prompt alert to the public concerning an emergency. Vehicles and helicopters from the California Highway Patrol, Orange County Sheriffs Department and State Parks are equipped with loudspeakers and could be used to alert the public instead of or as a supplement to the siren system. Vehicles and helicopters from Camp Pendleton could also be called upon to assist. Virtually instantaneous communications can be made with these vehicles by radio. [Citation omitted.]" (ID., p. 172.)

The policy question for the Commission is whether under these circumstances the lack of siren coverage throughout Dana Point and San Juan Capistrano during this interim period is of sufficient health and safety concern to warrant the suspension of the SONGS 2 testing program and the costly delays that necessarily derive from this action.

As previously stated, the question arises due to the fact that the Board in its Initial Decision has extended the 10-mile plume EPZ originally established by the responsible local planning officials upon Applicants' recommendation. (ID., pp. 83-99.) The logical consequence of this extension is to also extend the NRC's prompt public notification requirements to the extended area within Dana Point and San Juan Capistrano. (ID., p. 175.) The Board concluded that "siren coverage" is necessary to satisfy the

public notification requirement in this extended area located between 10 and 13 miles from the site. (ID., p. 175.)

Applicants do not take issue with this conclusion. The problem is the imposition of siren coverage as a prelicensing condition. (ID., p. 216.)

Viewed in this perspective, the concern involves a possible deficiency in the existing prompt public notification capability for an area beyond ten miles from the site. The deficiency is being corrected and is currently mitigated by alternative means of prompt public notification. The question is whether the deficiency found by the Board has any significant health and safety impact.

10 C.F.R., Part 50, Appendix E.IV.D.3 establishes the "design objective to essentially complete the initial notification of the public within the plume exposure pathway EPZ within about 15 minutes." This provision has been interpreted to require "an alerting signal and notification by commercial broadcast (e.g., EBS)." NUREG-0654 (Rev. 1), Criteria for Preparation and Evaluation of Radiological Emergency Response Plans and Preparedness in Support of Nuclear Power ("NUREG-0654"), Appendix 3, at p. 3-3.

Applicable guidance also appears to recognize that essentially 100% coverage of the population beyond 5 miles of the site need not be achieved as soon as such coverage for the population within five miles, presumably due to the fact

that the notification time required for the public to take effective protective action from a radiological release increases significantly beyond 5 miles.^{3/}

Applicants recognize that a siren system most easily provides the capability to alert the public with the greatest reliability. This is the reason Applicants installed a siren system in the original plume EPZ and are proceeding to implement such a system throughout Dana Point and San Juan Capistrano as soon as possible. Nonetheless, this commitment should not detract from the current capability to substantially comply with the design objective for alerting the Dana Point and San Juan Capistrano population using radio-directed, loudspeaker-equipped helicopters and emergency vehicles.

In sum, Applicants believe that even without the planned siren coverage the current public notification capabilities in the area of the Dana Point and San Juan

^{3/} Essentially 100% coverage of the population within 5 miles of site is required to be notified within 15 minutes; between 5 and 10 miles of the site 100% coverage of population is required within 45 minutes. (NUREG-0654, Appendix 3, ¶ B.2.)

Capistrano substantially complies with applicable Commission regulations and guidance. Applicants' belief is supported by applicable Commission guidance indicating this area is actually well beyond the distance from the site where prompt public notification is required to improve the results of available protective actions.^{4/} Even assuming these current capabilities are deemed to be deficient for the reasons considered by the Board, it is not so deficient as to raise a serious health and safety question.

^{4/} It is evident from the Commission's studies of consequences of serious radiological accidents that prompt notification and rapid initiation of protective actions for populations beyond 10 miles is of far less significance in terms of the consequences expected. In contrast to this, at distances of 0-5 miles, the rapidity of response can significantly affect the outcome. This point is made in NUREG-0396, "Planning Basis For the Development of Emergency Response Plans, etc." in Appendix I, beginning on page I-47 wherein the consequences of such accidents are compared for various response strategies which vary with time and at different distances. For example, figures 1-17 and 1-18 on page I-48 present the consequences expressed as mean values of early fatalities and early injuries as a function of distance and various response strategies given a PWR 1-5 accident release category event. Examination of these figures indicates that a delay in evacuation from 1 hour to 3 or 5 hours is very significant in the 0-5 mile range, only slightly effects the early injuries (but not fatalities) in the 5-10 mile range, but is essentially indistinguishable in the 10-15 mile range. Similar results are also shown for the effectiveness of sheltering strategies. Thus, it can be concluded from these results that a notification time as slow as 5 hours in the area beyond 10 miles will make virtually no difference in terms of harmful consequences to the public. The Board accepted "as persuasive" the evidence offered by Mr. Woodard that the individual parameters effecting these kinds of analyses are more favorable for San Onofre Units 2 and 3 than those considered by

(Footnote continued on next page)

In the case of an operating reactor, the Commission has recognized that a deficiency in the public notification system is not so serious as to require an immediate reactor shutdown. In such a case, even where the area from 1 to 5 miles from the site is affected, the Commission's regulations provide a "four month period" [for] correction of deficiencies identified during initial installation and testing of the prompt public notification systems as well as those deficiencies discovered thereafter." 10 C.F.R., Part 50, Appendix E.D.3. This recognition should apply even more so in the present situation. In the first place, Dana Point and San Juan Capistrano are no closer than 10 miles from the site. Secondly, when SONGS 2 reaches 100% power levels in mid-November the siren system for the Dana Point and San Juan Capistrano area will be nearing completion.

(Footnote continued from previous page)

the NRC in establishing the 10-mile size of the "plume" EPZ. (ID., pp. 86-88) It was also shown by Mr. Brothers' testimony that even under adverse weather conditions (using balanced evacuation routing) only 4-1/2 hours would be required to evacuate the population within 10 miles of the site and 4-3/4 hours would be required for the population beyond 10 miles in Dana Point and San Juan Capistrano. (App. Ex. ##117 and 132, Table 8; Brothers, Tr. 8027 and 8035.) The Board accepted Mr. Brothers' testimony as "extensive and highly professional" and credited Mr. Brothers' evacuation time estimates as "valid and conservative." (ID., pp. 111-112.) In light of the foregoing evidence, the additional siren coverage required by the Board would not materially add to the public health and safety. In any event, the existing alternative capabilities described by local governmental officials for notification are adequate to carry out the objectives of the emergency plans. (ID., p. 172.)

The Commission has expressly recognized that failure to meet any of its emergency preparedness standards, including public notification, is not necessarily fatal to full power licensing. The Commission may authorize such licensing under circumstances, such as prescribed in this case, where the record demonstrates that the "deficiencies" in the public notification system are not "significant", or "adequate interim compensating actions have been or will be taken promptly", or "there are other compelling reasons to permit plant operation." 10 C.F.R § 50.47(c)(1).

It can be readily seen from the Initial Decision that the Board is ordering siren coverage in Dana Point and San Juan Capistrano in large part because it appeared to be relatively easy, would avoid confusion and facilitate evacuation. (ID., pp. 97-98.) There is no indication in the Initial Decision that the Licensing Board was aware such siren coverage could not be easily achieved prior to the time testing above 5% was scheduled to commence; or that it would have issued this condition as a prelicensing condition if it had been aware of this difficulty.

In sum, Applicants submit that the technical basis, policy considerations, and regulatory guidance upon which the Commission's public notification regulations rest, weigh in favor of permitting SONGS, Unit 2 to ascend to full power operation during the 6 month period it will take to complete siren coverage of Dana Point and San Juan Capistrano.

III.

CONCLUSION

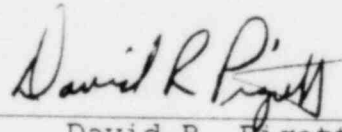
For the reasons discussed above, Applicants request the Commission to instruct the Director of Nuclear Reactor Regulation to issue a full power license for SONGS, Units 2 and 3, subject to the terms and conditions of the Initial Decision, with the added provision that Applicants may have six months from the date of license issuance to meet the condition set forth in Section V.C.5 of the Initial Decision. As so modified, Applicants urge the Commission to authorize the immediate effectiveness of the Initial Decision.

Dated: May 21, 1982.

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One of Counsel for Applicants

CERTIFICATE OF SERVICE BY FIRST CLASS OR EXPRESS MAIL

I certify pursuant to 10 C.F.R. § 2.712(e)(2) that:

I am employed as an attorney in the City and County of San Francisco, California and one of counsel for Applicants Southern California Edison Company and San Diego Gas & Electric Company.

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

On May 21, 1982, I served the attached "APPLICANTS' COMMENTS ON INITIAL DECISION AUTHORIZING FULL POWER OPERATION" in said cause by placing a true copy thereof enclosed in the United States mail, first class (or by Express Mail, where asterisked), at San Francisco, California addressed as follows:

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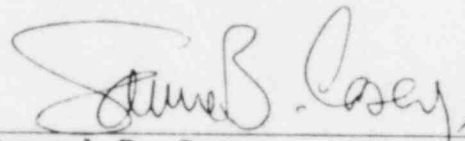
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Dated: May 21, 1982

A handwritten signature in cursive script, reading "Samuel B. Casey", written over a horizontal line.

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One of Counsel for Applicants
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