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1 The Board addresses these deficiencies with licensing
2 conditions which take effect after six months of plant operation.
3 While in substantial agreement with many of the ASLB's findings,
4 the Intervenor's disagree vehemently with the ASLB's postponement
5 or delay in the implementation of these requirements on the
6 assumption that things will get better and that the NRC staff will
7 review many of these matters. To leave correction of the defi-
8 ciencies in the hands of the NRC staff in a contested hearing would
9 seem to make a mockery of the entire process. Intervenor's strong-
10 ly believe that emergency planning regulations must be enforced
11 in the hearing process to be meaningful and that accordingly the
12 Applicants should submit for public review and cross-examination
13 their further efforts to correct and improve the areas of defi-
14 ciency outlined by the ASLB.

15 ARGUMENT

16 I

17 THE ASLB HAS RULED THAT THE PLUME EXPOSURE
18 PATHWAY EMERGENCY PLANNING ZONE SHOULD BE
19 ENLARGED, ACCORDINGLY UNTIL EMERGENCY RE-
20 SPONSE CAPABILITY IS DEMONSTRATED IN THAT
21 AREA THE FULL POWER LICENSE FOR THE PLANT
22 SHOULD NOT BE EFFECTIVE.

23 The ASLB has ruled that the emergency planning zone must be
24 extended beyond a ten mile radius where the radius bisects two
25 population centers to the north. The Applicants attempted to create
26 a so-called "extended plume exposure pathway" emergency planning
27 zone ("EPZ") in which it would not be necessary to comply with NRC
28 regulations regarding prompt notification in the two bisected
cities, San Juan Capistrano and Dana Point.

The Intervenor's dispute whether any viable emergency plan-

1 ning exists in those areas, but the record is clear that there is
2 no capability to notify that area of an emergency because
3 the Applicants' siren system was not extended to that area. Ac-
4 cordingly a population of some 30,000 people (approximately one-
5 fourth of the entire population of the plume exposure pathway
6 EPZ) cannot be notified within 15 minutes as required by the NRC
7 regulations. There is currently no way people can be notified
8 except through the use of bullhorns from police cars and heli-
9 copters. But as the record shows, such emergency vehicles will be
10 used for evacuation purposes and it will be impossible to commit
11 the resources necessary to notify some 30,000 people in the event
12 of an emergency.

13 The ASLB deems this a minor inconvenience because of the low
14 probability of accident in the first six months of operation at
15 full power. Intervenors believe that there is no reason why
16 during the period of low power testing or at operation of the
17 plant below 5% rated capacity these measures cannot be taken and
18 therefore would strongly oppose the granting of an effective full
19 power license until that time.

20 The ASLB's discussion of the probability of an accident in
21 the first six months is beside the point. Emergency planning is
22 based on the assumption of an accident. The question is how to
23 best minimize risk to the public in that event. Obviously, for
24 any increment of time the risk of accident which is already at
25 low probability over the lifetime of the plant becomes even
26 lower. But as the ASLB points out, this line of reasoning reductio
27 ad absurdum, would allow any and all deficiencies in the plants
28 to be merely pointed out by the ASLB and then corrected by NRC

1 staff enforcement over the lifetime of the plant. Intervenors
2 believe in light of the Three-Mile Island accident and the emer-
3 gency planning regulations adopted in response thereto that the
4 full power license should be conditioned upon compliance with
5 this important public notification requirement. Additionally the
6 ASLB has retained jurisdiction over the issue of whether or not
7 the sirens themselves are an adequate warning device. The ASLB
8 has solicited comments in its Order dated May 14, 1982 in re-
9 sponse to a letter from the Mayor of San Clemente which is at-
10 tached hereto as Exhibit "A".

11 12 II

13 THE ASLB HAS FOUND THAT THERE IS NO PLANNING
14 FOR EMERGENCY MEDICAL AND HEALTH CARE IN THE
15 EVENT OF RADIOLOGICAL EMERGENCY FOR THE GENERAL
16 PUBLIC, ACCORDINGLY THE LICENSE SHOULD NOT
BECOME EFFECTIVE UNTIL THERE IS A FINDING OF
ADEQUACY IN THAT REGARD.

17 The Board correctly ruled in a well-reasoned opinion that
18 off-site medical planning is required by the emergency planning
19 regulations. This was over objection of the Applicants and Staff
20 who asserted that no off-site planning is necessary for the general
21 public. Despite this finding and the ASLB's decision to retain
22 jurisdiction in this area, the Board deems it appropriate to allow
23 six months of full power operation at a minimum for the Applicants
24 to correct the deficiencies in this regard.

25 Once again Intervenors contend that these deficiencies
26 have long been known by the Applicants (since the initial
27 FEMA findings in this regard (Intervenors Exhibit No. 15)). It
28 is important in the surrounding communities to promote public

1 faith and trust in the NRC procedures and regulations. This can
2 be done by implementing the regulations before the license is
3 granted, not subject to some review post hoc, which the public
4 is bound to perceive as a rubber stamp. The Commission should
5 give the public the benefit of the doubt in what is inherently
6 a cost benefit analysis.

8 III

9 THE LICENSING BOARD FOUND SIGNIFICANT
10 DEFICIENCIES IN THE OFF-SITE JURISDICTION'S
11 CAPABILITY TO MONITOR AND ASSESS RADIOLOGICAL
12 EMERGENCY AND THEIR TRAINING IN THESE CAPA-
CITIES, ACCORDINGLY THE LICENSE SHOULD NOT
BECOME EFFECTIVE UNTIL THERE IS A FINDING
OF ADEQUACY IN THESE AREAS.

13 One of the Intervenor's strongest objections to the planning
14 and implementation capability of the principal response organiza-
15 tion in the San Onofre area is their lack of capability to
16 monitor and assess radiation releases, i.e. to understand a
17 radiological emergency and hence to implement effective actions
18 in a given emergency. There is testimony in the record by
19 witnesses of Intervenor's and by all the FEMA documents beginning
20 with the Interim Findings (Intervenor's Exhibit #15) through
21 the updated evaluation of November 1981 which indicates that the
22 off-site organizations cannot take on this task. This is com-
23 pounded by a lack of adequate training in this regard.

24 Intervenor's strongly maintain that in this crucial area,
25 the decision makers should not be forced to rely completely on
26 the expertise and decisions of the utility which are traditionally
27 quite conservative in the area of taking protective actions.
28 The experience of the Three Mile Island accident as documented

1 Kemeny and Rogovin Reports indicates that it is crucial for the
2 off-site jurisdictions to make knowledgeable decisions about
3 corrective actions. This can only be done if they have the
4 capability to monitor and confirm the dose projections which emi-
5 nate from the utility.

6 There is virtually no evidence in the record that the Ap-
7 plicants' capability to make dose projections is sufficient to
8 offset the inability of the off-site jurisdictions to monitor
9 radiation. The testimony of the NRC witness Mr. Sears is parti-
10 cularly unpersuasive in that no review by the NRC staff was made
11 of the off-site capability to monitor and assess radiation. In
12 fact that was done by FEMA. It is noteworthy that there is no
13 finding in the record by FEMA that the on-site jurisdiction's
14 capability would make the off-site jurisdictions capability in
15 this regard unnecessary.

16 Intervenors contend that there must be strong and compelling
17 evidence that such off-site jurisdiction participation is not
18 necessary in the face of the new emergency planning requirements.

20 IV

21 THE ASLB FOUND THAT THERE IS NO REASONABLE
22 ASSURANCE THAT ADEQUATE PLANNING AND PRO-
23 CEDURES EXIST TO MONITOR RADIATION IN THE
24 INGESTION PATHWAY, ACCORDINGLY THE FULL
25 POWER LICENSE SHOULD NOT TAKE EFFECT
26 UNTIL SUCH CAPACITY IS SHOWN.

27 The ASLB declines to make a finding of express inadequacy
28 regarding the ingestion pathway monitoring (although it cannot
 make a finding of adequacy) on the technical grounds that the
 issue was uncontested because no finding of fact was filed in that

1 regard. While it is true that no finding of fact was submitted
2 on that point, that was through inadvertence on the part of
3 counsel and clearly the conclusion of law that there was no ade-
4 quate ingestion pathway planning was not meant to be there in a
5 vacuum. The conclusion of law should be read as a finding of
6 fact and it is clearly supported by the record that the ingestion
7 pathway monitoring is incomplete and haphazard at best.

8 Intervenor believe that if the ingestion pathway monitoring
9 is to have any meaning it must be complied with at the onset of
10 full power operation of the plant.

11
12 V

13 THE ASLB DID NOT CONSIDER AS PART OF ITS
14 OPINION THE ONGOING OPERATION OF SONGS
15 UNIT 1 AND ITS EFFECT ON THE EMERGENCY
16 PLANNING, ACCORDINGLY THE SIX MONTH REPRIEVE
SHOULD NOT BE ALLOWED GIVEN THE EXISTING
PLANT IN OPERATION AT THE SITE.

17 San Onofre Nuclear Generating site already has an operating
18 nuclear plant, Unit 1, which has been in operation since the late
19 1960's. More recently the Unit has been plagued with steam
20 generator repair problems and seismic safety issues which are
21 before the Director of Nuclear Reactor Regulation at the present
22 time. In fact, despite the Director's denial of petitions to
23 suspend the license of that unit pending seismic review (see
24 14 NRC 1041 (1981); 14 NRC 1052 (1981)) the positions raised in
25 the petitions are being actively considered at this time.

26 Intervenor question whether it makes sense to delay the
27 implementation of emergency plans at a site where ^{an} ongoing nuclear
28 plant has been operating for over ten years by another six

1 months to a year where the regulations clearly, as the Board has
2 determined, have not been met in crucial areas.

3 Technically the ongoing operation of Unit 1 is not relevant
4 to this proceeding. It should not, however, be ignored from the
5 Commission's standpoint on immediate effectiveness review. The
6 Unit 1 is a serious health hazard. The emergency plans
7 regarding off-site jurisdictions are the same for Unit 1 and Units
8 2 and 3. Accordingly it is in the public's best interest to have
9 those plans made adequate as soon as possible and having the
10 full power license stayed until corrective actions are proven is
11 an important tool in that regard.

12 13 CONCLUSION

14 The Intervenors respectfully submit that the ASLB's Initial
15 Decision dated May 14, 1982 should not be given immediate effec-
16 tiveness and that the deficiencies noted therein concerning such
17 crucial areas as size of the emergency planning zone, notifica-
18 tion of the public in the event of an emergency, the planning for
19 health care problems that may occur in the general public during
20 a radiological emergency, the capacity of the off-site juris-
21 dictions to monitor and assess and to take corrective actions in
22 the event of an emergency, viz the essence of emergency planning,
23 are inadequate. The Intervenors respectfully submit that if the
24 regulations are to be anything but precatory desires that they
25 should be treated no differently than the technical design speci-

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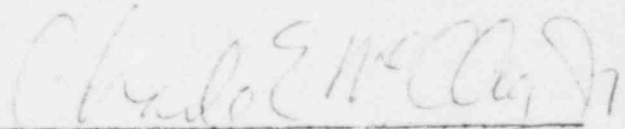
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1 fications and that where there is a deficiency there should not be
2 a license until it is corrected.

3
4 Respectfully submitted,

5 FLEMING, ANDERSON, McCLUNG & FINCH

6
7 By


Charles E. McClung, Jr.



CITY OF SAN CLEMENTE

April 26, 1982

82 MAY -3 P3:45

emp

Nuclear Regulatory Commission
Washington, D.C. 20555

Gentlemen

This letter is directed to you in reference to the licensing of San Onofre Nuclear Generating Station Units 2 and 3, Docket No. 50-361, 50-362. We are requesting that this correspondence be made part of the official record of all agencies involved in the evaluation of licensing criteria for the nuclear power plant. Several months ago, we completed the installation of a number of sirens in our community in order to comply with a Nuclear Regulatory Commission requirement for notification, alerting, and warning of the public within fifteen minutes. The sirens have been tested and evaluated by both Southern California Edison Company and the city staff. In a resolution adopted on March 18, 1982, the City Council found the present siren system inadequate to meet the fifteen-minute criterion. Both the Edison Company and city staff reports indicate that a single warning system does not provide adequate coverage to the area.

Throughout our discussions with the utility company regarding the installation of siren equipment, the City took the position that the alert warning system must be multi-channeled in order to overcome the problems created by every day ambient noise conditions. Early on in our discussions, we requested the use of a NOAA-type radio system which is an early warning weather system used in the southern part of the country at two or three nuclear plant facilities. At that time we were informed by the utility company that the NRC would not allow that system. Subsequently, communications established the fact that this is not true; the NOAA-type system is allowed by NRC.

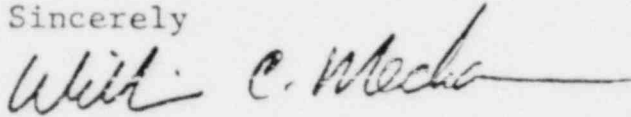
Another alternative proposed by staff is the installation of a cablevision override system. This system allows emergency service personnel to transmit an alert and warning message over all television channels simultaneously. We believe this system would resolve a lot of the problems associated with people who claim they were not able to hear the sirens over their televisions.

82-5010152

NRC
Page Two
April 26, 1982

We have been entirely unsuccessful in getting the utility company to comply with our request. The City Council of the city of San Clemente is, therefore, requesting that your agency address the issue of an adequate alert and warning system for the public within the ten-mile Emergency Planning Zone around the San Onofre Nuclear Generating Station prior to issuing the final license for Units 2 and 3 of that facility.

Sincerely

A handwritten signature in dark ink, appearing to read "Will C. Mecham", followed by a long horizontal flourish.

William C. Mecham
Mayor

WCM:ME

xc Southern California Edison Company
Supervisor Thomas F. Riley
Congressman Robert E. Badham
Assemblywoman Marian Bergeson

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

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

CERTIFICATE OF SERVICE

I hereby certify that copies of Intervenor's Comments with Respect to the Immediate Effectiveness of Licensing Board's Initial Decision Dated May 14, 1982, dated May 21, 1982, in the above captioned proceeding, have been served on the following by deposit in the United States first-class mail, or as indicated by an asterisk by Express Mail this 21st day of May, 1982.

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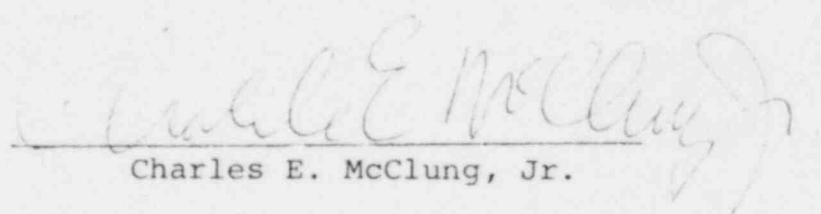
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