

12/14/79

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of )

PACIFIC GAS AND ELECTRIC COMPANY )

(Diablo Canyon Nuclear Power Plant, )  
Units 1 and 2) )

Docket Nos. 50-275 OL  
50-323 OL

STATEMENT OF ISSUES OF CONCERN

This Board's order dated November 16, 1979, which admitted Edmund G. Brown, Jr., Governor of the State of California, to participate in this proceeding pursuant to 10 C.F.R. § 2.715(c), provided the following:

"In order for the participation of Governor Brown to be meaningful the other parties and the Board are entitled to know with some degree of specificity wherein his concerns lie. The parties are entitled to not be "surprised" and the Board needs to be apprised in order to determine if the issues are within its jurisdiction. We believe those issues can be identified within 30 days from receipt of this order and will expect to receive such a document or an appropriate motion."

Pursuant to this request, Governor Brown sets forth the following issues of concern:

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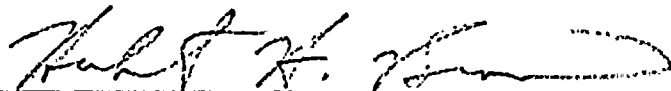
1. Emergency planning and preparedness, including the impact of the lessons derived from the events associated with the Three Mile Island accident. Specific issues of concern include the following:
  - (a) the capability of the operators to act and react effectively at all times; (b) the adequacy of existing emergency response plans for the Diablo Canyon plant; (c) the capability of the Applicant (Pacific Gas and Electric Company) and its designated personnel to take effective emergency action if required; (d) the capability of the Applicant's personnel and the off-site officials charged with ensuring public safety during an emergency to work efficiently and effectively in pursuit of evacuation or other protective actions; and (e) the practical working efficiency of the interrelationship among Applicant, the NRC, other concerned federal agencies, and the State of California, to respond decisively and constructively to an emergency in all ways that affect the public safety.
2. The other stipulated safety issues already before this Board and on which this Board has deferred its ruling pending the Three Mile Island analysis now being performed by the Nuclear Regulatory Commission staff, including quality assurance.



3. The failure of this Board to consider meaningfully the important subject of seismic focusing and high stress drop in issuing its Partial Initial Decision of September 27, 1979. (This matter is currently on appeal before the Atomic Safety and Licensing Appeal Board.)

At present, a measure of uncertainty pervades this proceeding, because the Nuclear Regulatory Commission staff has not completed its review of the record herein in light of the lessons learned from the Three Mile Island accident. Such review may reveal further issues of concern to the participants in this proceeding. Governor Brown reserves the right to pursue any such issues, should they arise, under the procedural requirements of 10 C.F.R. §.2.715(c).

Respectfully submitted,



Herbert H. Brown  
HILL, CHRISTOPHER AND PHILLIPS, P. C.  
1900 M Street, N. W.  
Washington, D. C. 20036

J. Anthony Kline  
Legal Affairs Secretary  
Governor's Office  
State Capitol  
Sacramento, California 95814

Attorneys for Governor Brown

December 19, 1979



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NUCLEAR REGULATORY COMMISSION

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(Diablo Canyon Nuclear Power Plant,	)	
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CERTIFICATE OF SERVICE

I hereby certify that copies of "STATEMENT OF ISSUES OF CONCERN" dated December 18, 1979, in the above-captioned proceeding, have been served on the following, by deposit in the United States mail, first class.

Elizabeth S. Bowers, Esq.  
Chairman  
Atomic Safety and Licensing  
Board Panel  
U.S. Nuclear Regulatory Commission  
Washington, D. C. 20555

Mr. Glenn O. Bright  
Atomic Safety and Licensing  
Board Panel  
U.S. Nuclear Regulatory Commission  
Washington, D. C. 20555

Dr. William E. Martin  
Senior Ecologist  
Battelle Memorial Institute  
Columbus, Ohio 43201

Philip A. Crane, Jr., Esq.  
Pacific Gas and Electric Co.  
77 Beale Street, Room 3127  
San Francisco, CA 94106

Mrs. Raye Fleming  
1920 Mattie Road  
Shell Beach, CA 93449

Mr. Frederick Eissler  
Scenic Shoreline Preserva-  
tion Conference, Inc.  
4623 More Mesa Drive  
Santa Barbara, CA 93105

Mrs. Sandra A. Silver  
1760 Alisal Street  
San Luis Obispo, CA 93401

Richard B. Hubbard  
MHB Technical Associates  
1723 Hamilton Ave. - Suite K  
San Jose, CA 95125

Mr. Gordon Silver  
1760 Alisal Street  
San Luis Obispo, CA 93401





Mrs. Elizabeth Apfelberg  
1415 Cozadero  
San Luis Obispo, CA 93401

Paul C. Valentine, Esq.  
321 Lytton Avenue  
Palo Alto, CA 94302

Yale I. Jones, Esq.  
100 Van Ness Avenue  
19th floor  
San Francisco, CA 94102

John R. Phillips, Esq.  
Simon Klevansky, Esq.  
Margaret Blodgett, Esq.  
Center for Law in the  
Public Interest  
10203 Santa Monica Drive  
Los Angeles, CA 90067

David S. Fleischaker, Esq.  
1735 Eye Street, N. W.  
Suite 709  
Washington, D. C. 20006

Arthur C. Gehr, Esq.  
Snell & Wilmer  
3100 Valley Center  
Phoenix, Arizona 85073

Janice E. Kerr, Esq.  
Lawrence Q. Garcia, Esq.  
350 McAllister Street  
San Francisco, CA 94102

Mr. James O. Schuyler  
Nuclear Projects Engineer  
Pacific Gas & Electric Co.  
77 Beale Street  
San Francisco, CA 94106

Andrew Baldwin, Esq.  
124 Spear Street  
San Francisco, CA 94105

Bruce Norton, Esq.  
3216 North 3rd Street  
Suite 202  
Phoenix, Arizona 85012

John Marrs  
Managing Editor  
San Luis Obispo County  
Telegram-Tribune  
1321 Johnson Avenue  
P. O. Box 112  
San Luis Obispo, CA 93406

Atomic Safety and Licensing  
Board Panel  
U.S. Nuclear Regulatory Commission  
Washington, D. C. 20555

Atomic Safety and Licensing  
Appeal Panel  
U.S. Nuclear Regulatory Commission  
Washington, D. C. 20555

Docketing and Service Section  
Office of the Secretary  
U.S. Nuclear Regulatory Commission  
Washington, D. C. 20555

*Herbert H. Brown*  
Herbert H. Brown  
HILL, CHRISTOPHER AND PHILLIPS, P. C.  
1900 M Street, N. W.  
Washington, D. C. 20036

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