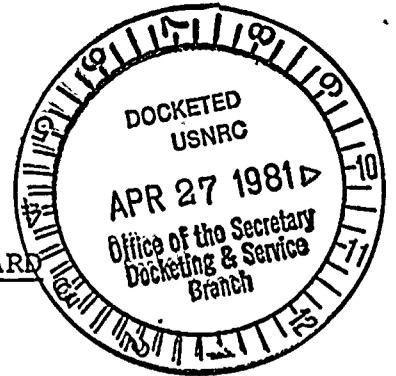


UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION
BEFORE THE ATOMIC SAFETY AND LICENSING BOARD



In the Matter of)
PACIFIC GAS AND ELECTRIC COMPANY,)
(Diablo Canyon Nuclear Power)
Plant, Units 1 and 2))

Docket Nos. 50-275 O.L.
50-323 O.L.
(Low Power Test Proceeding)

4-22-81

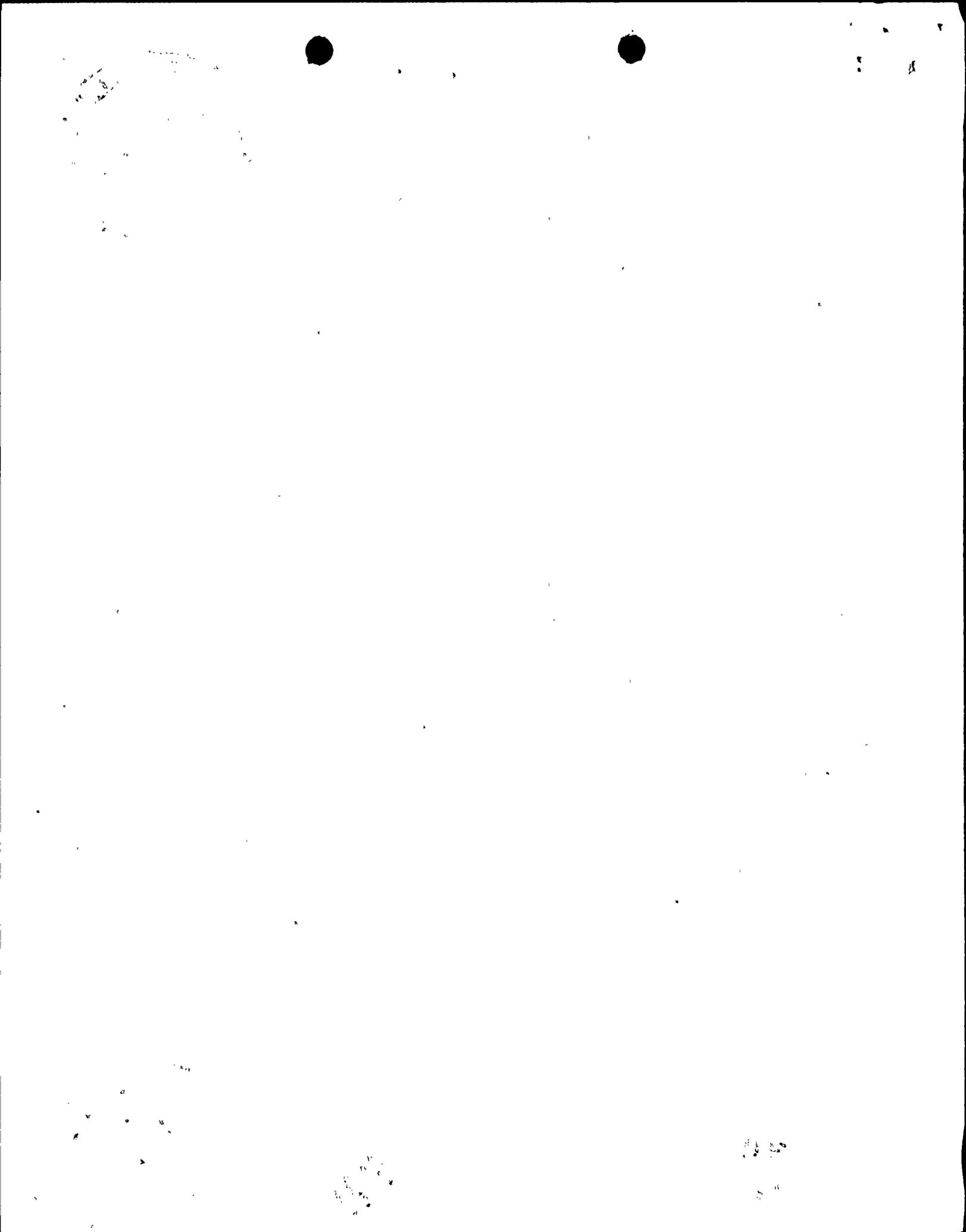
JOINT INTERVENORS' RESPONSE IN OPPOSITION TO
NRC STAFF'S AND PACIFIC GAS AND ELECTRIC
COMPANY'S MOTION FOR RECONSIDERATION

The SAN LUIS OBISPO MOTHERS FOR PEACE, SCENIC SHORELINE PRESERVATION CONFERENCE, INC., ECOLOGY ACTION CLUB, SANDRA SILVER, GORDON SILVER, ELIZABETH APFELBERG, and JOHN J. FORSTER ("Joint Intervenors") hereby respond to the motions for reconsideration filed in this proceeding by the NRC Staff on April 7, 1981 and by Pacific Gas and Electric Company ("PGandE") on April 8, 1981, seeking rejection of all contentions admitted by the Atomic Safety and Licensing Board ("licensing board") through its February 13, 1981 Prehearing Conference Order. Joint Intervenors oppose those requests and submit that reconsideration by this board of its February 13 order is warranted only to the extent that certain contentions previously rejected by the board should now be admitted.

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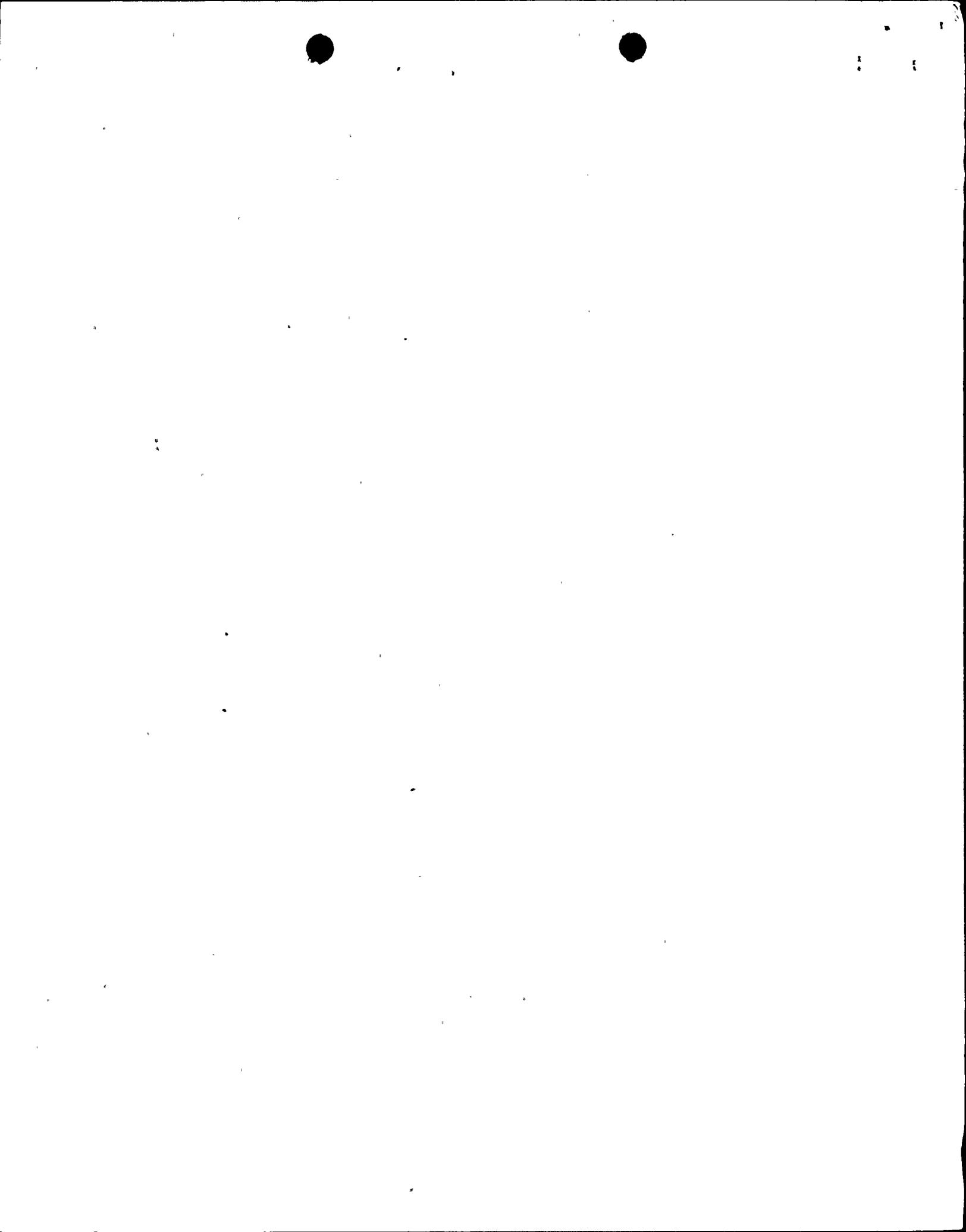


As is discussed in detail herein, the Commission, in its April 1, 1980 Order ("Commission Order") filed in this proceeding, issued a clarification of its December 18, 1980 Statement of Policy, entitled "Further Commission Guidance for Power Reactor Operating Licenses," CLI-80-42, 45 Fed.Reg. 85236. In contrast to the licensing board's prior ruling admitting only contentions "directly related to NUREG-0737 requirements,"^{1/} the Commission ruled that (1) for TMI-related contentions alleging noncompliance with Commission regulations, no connection to NUREG-0694 and NUREG-0737 need be made, and (2) for TMI-related contentions going beyond existing regulations they need only "focus on the same safety concern that formed the basis for the NUREG requirement"^{2/} Under such a standard -- significantly broader than that applied by this board prior to this most recent Commission guidance -- further consideration of Joint Intervenor contentions previously rejected is clearly warranted.

Accordingly, Joint Intervenors respectfully urge, for the reasons stated herein, that this board (1) deny the applications of the Staff and PGandE for rejection of all admitted contentions and immediate issuance of low power testing licenses, and (2) reconsider its prior rejection of Joint Intervenor contentions set forth infra at 11-13 and order that they be admitted for hearing in this proceeding.

^{1/} Prehearing Conference Order, at 13 (February 13, 1981).

^{2/} Commission Order, at 4 (April 1, 1981).



I

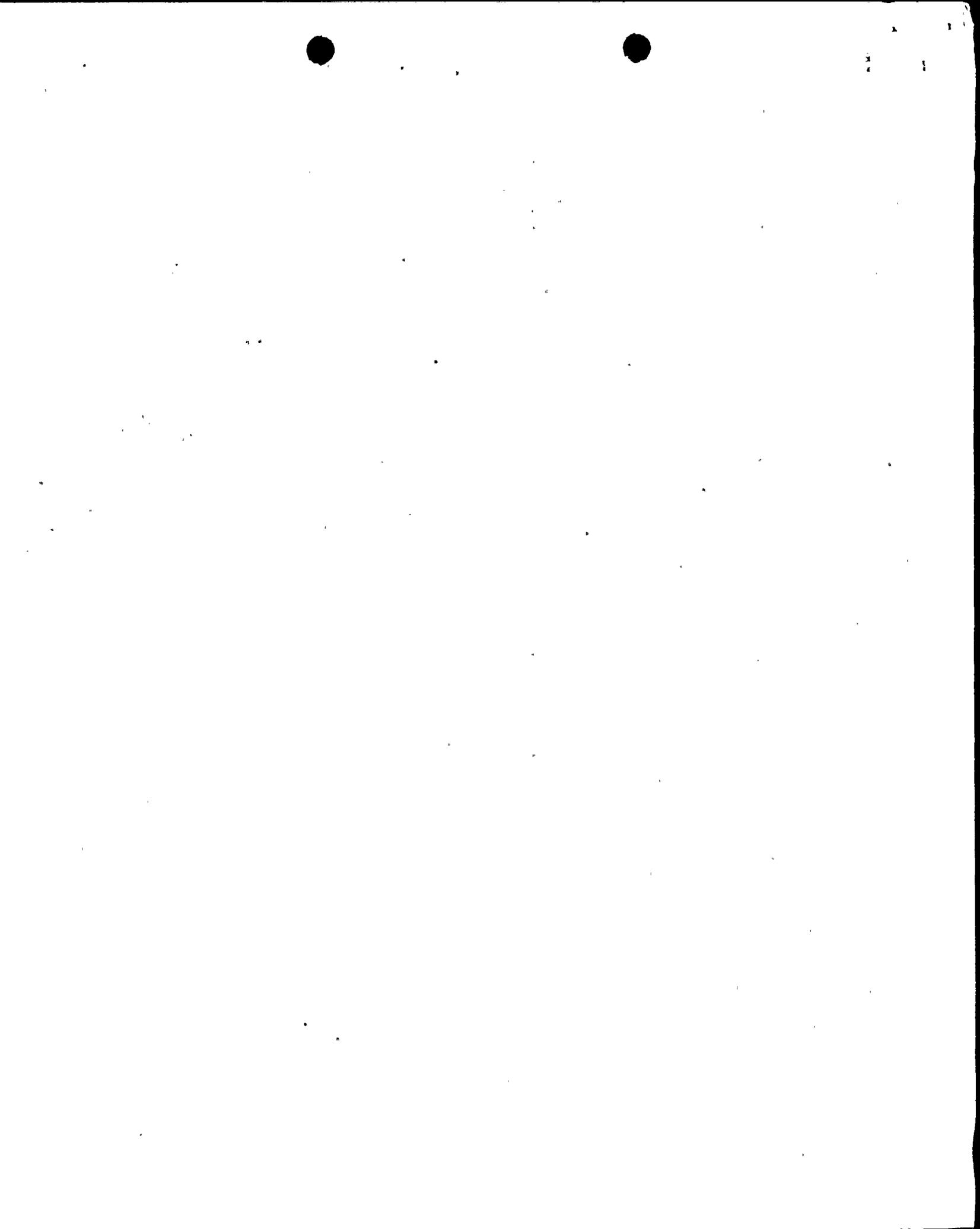
THE RECOGNIZED INADEQUACY OF
THE RECORD IN THIS PROCEEDING
MANDATES DENIAL OF NRC STAFF
AND PGandE MOTIONS FOR
RECONSIDERATION

The motions of the Staff and PGandE for rejection of admitted contentions and immediate issuance of low power licenses must be denied because the Diablo Canyon record is inadequate at this time to support approval of the license applications. The inadequacy of the record has been repeatedly recognized not only by Joint Intervenors, but also by the licensing board itself. In addition to its February 13 Prehearing Conference Order admitting five Joint Intervenor contentions, the board has explicitly acknowledged the insufficiency of the record as recently as April 6, 1981 -- one week following issuance by the Commission of its April 1 Order -- in a brief order notifying all parties of the need for a hearing and of the time and place at which it is to be held. In that order, the board properly ruled as follows:

The Board has determined that the record compiled in the Diablo Canyon case to support the issuance of a license for fuel loading and low power testing is not adequate. 3/

In so doing, the board made plain that the current state of the record in this proceeding precludes the findings, specified in the Commission's regulations, which are mandatory prerequisites

3/ Notice of Hearing, at 1 (April 7, 1981).



to issuance of the licenses sought by PGandE.^{4/} Thus, until the unresolved safety issues raised by Joint Intervenors' admitted contentions have been considered by the board and resolved, PGandE's low power test application must be denied.

The licensing board's ruling is correct. All of the contentions which the Staff and PGandE wish the board to reconsider were admitted based upon a standard of admissibility far narrower than that enunciated by the Commission in its April 1 Order. At pages 13-14 of the February 13 Prehearing Conference Order, the board ruled that it would

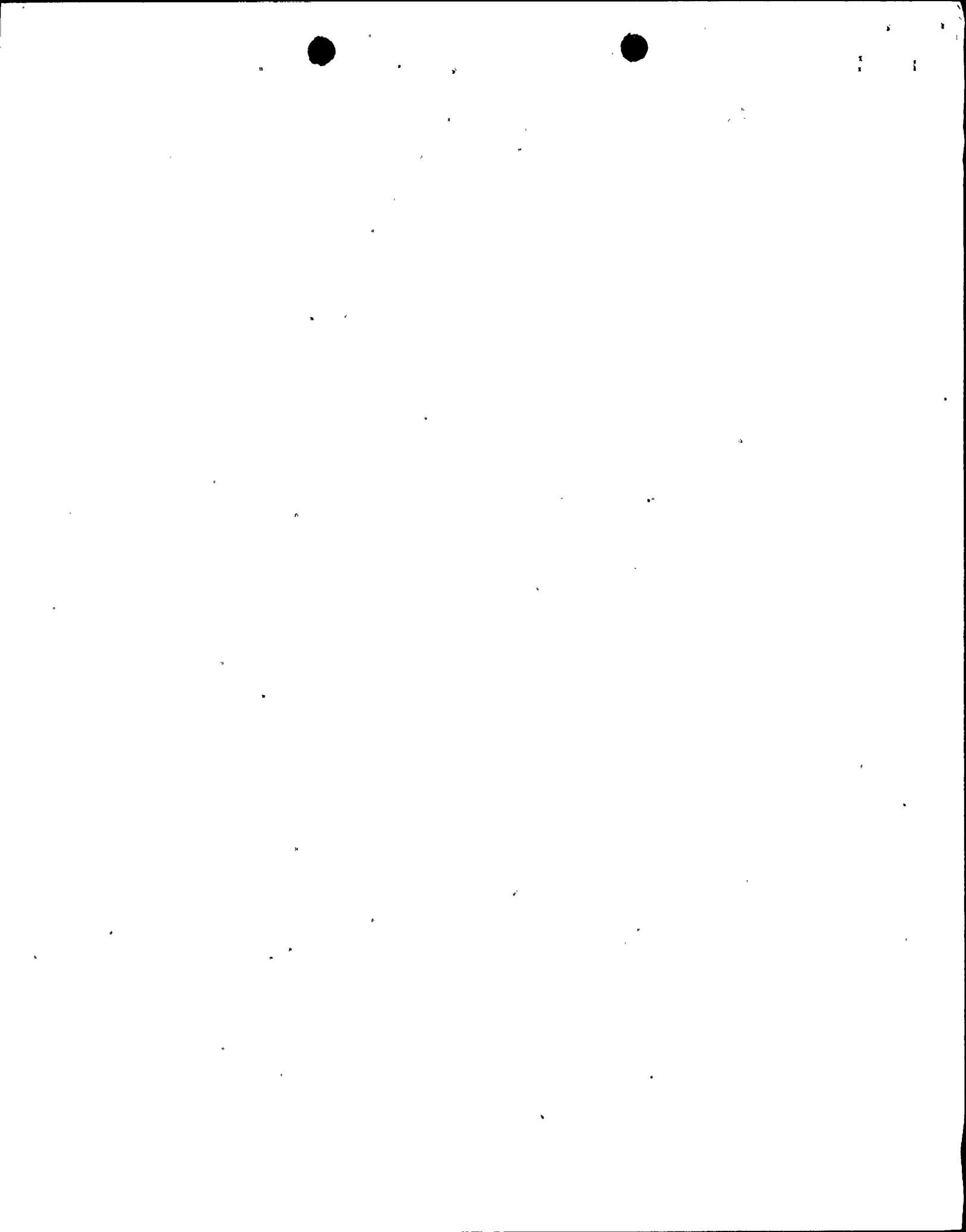
deny any contention which is not directly related to NUREG-0737 requirements. Contrary to Joint Intervenors view, we believe the Commission's intent as set forth in the policy statement was not changed by the subsequent revision.

* * *

[T]he Board does not believe it reasonable to interpret the provision permitting the challenge of the sufficiency of new regulatory requirements as permitting the addition of requirements not contained in NUREG-0737. (Emphasis added.)

Even applying this very narrow interpretation of the Commission's standard for admission of TMI-related contentions as stated in the December 18 Revised Statement of Policy, the board ruled that the five contentions now challenged once again by PGandE and the Staff were properly admissible because "directly related" to specific NUREG-0737 requirements.

^{4/} 10 C.F.R. § 50.57(a).



For the Staff now to contend in effect that these same contentions do not satisfy the somewhat broader, more flexible test announced by the Commission on April 1 -- in other words, that they do not "focus on the same safety concern that formed the basis for the NUREG requirement . . ." -- defies logic and discredits the Staff position. If an issue has been found by the board to meet the "directly related" standard -- as each of Joint Intervenors' admitted contentions have -- then, a fortiori, it follows logically that they focus on the same "safety concern" underlying the relevant NUREG requirement. Recognizing this fact, the board has properly given notice of its intention to proceed with the scheduled hearing.

As they have in the past, PGandE and the Staff seek to raise again the issue of Joint Intervenors' compliance with the reopening of the record and late-filing of contentions standards in this proceeding. In so doing, both parties would apparently have this board ignore not only its own ruling on the issue, but Joint Intervenors' repeated discussions of the applicable criteria as well; indeed, the Staff explicitly invites the board to disregard the various pleadings in which they were addressed and to make any decisions based only on filings prior to the prehearing conference in January.^{5/} Joint Intervenors have addressed the reopening and late-filing of contentions standard in numerous pleadings since the occurrence of the TMI-2 accident in March 1979, including their

^{5/} NRC Staff Motion to Reconsider, at 6 n.4 (April 7, 1981).



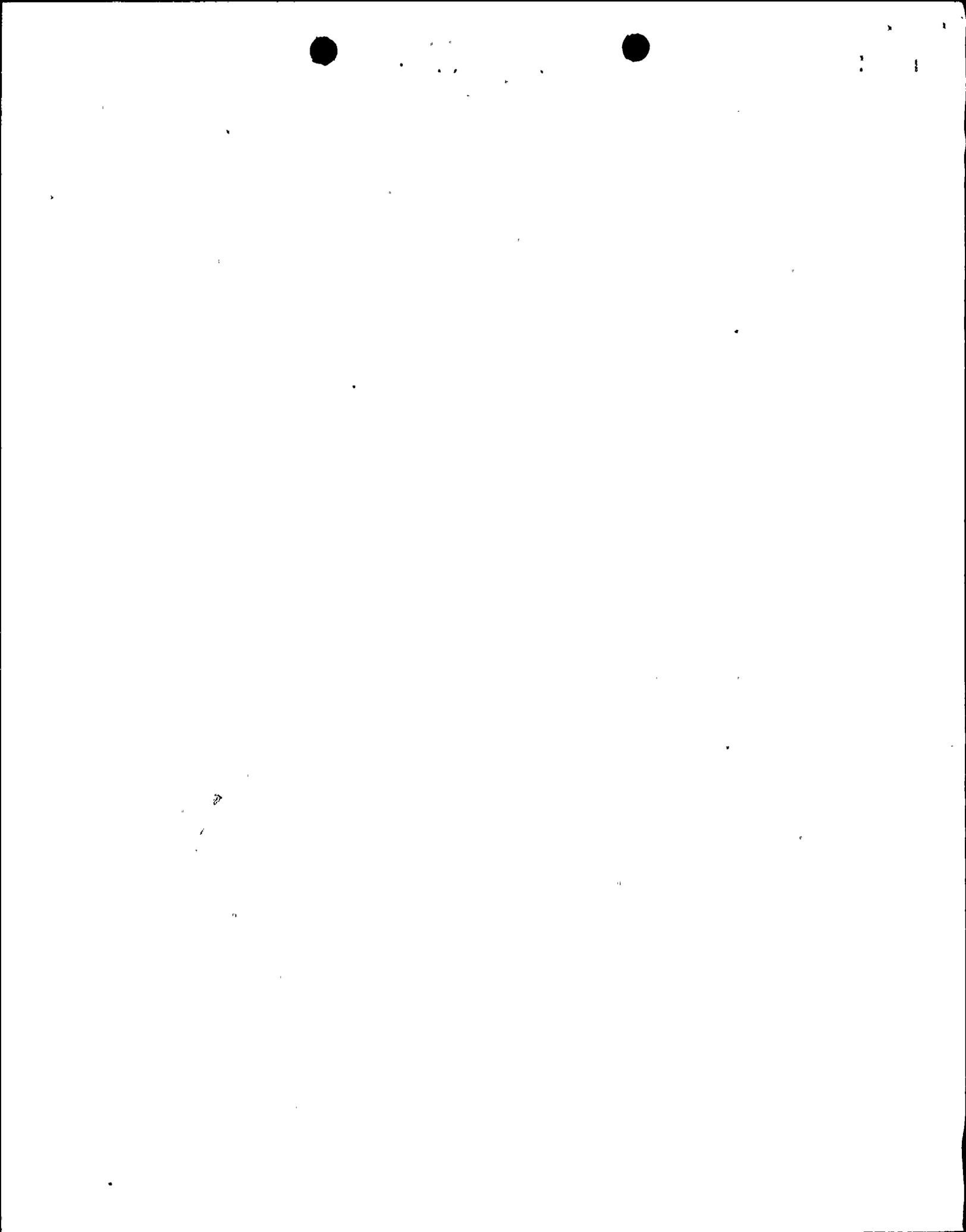
May 9, 1979 Request to Reopen or, in the Alternative, Request for Directed Certification; February 18, 1981 Notice of Objections to the February 13, 1981 Order of the Licensing Board; March 24, 1981 Motion to Reopen; and March 26, 1981 Response to NRC Staff's February 23, 1981 Request for Directed Certification and Pacific Gas and Electric Company's February 26, 1981 Request for Directed Certification.

Those extensive discussions need not be reiterated here. It is sufficient to note that both standards were considered by the licensing board in its February 13 Prehearing Conference Order in ruling on the admissibility of contentions, and the board properly concluded that they were satisfied in the case of Joint Intervenors' admitted contentions. The board's reliance upon the provisions of NUREG-0737 in its resolution of these issues was not misplaced in view of the importance attached by the Commission to that document and its predecessor, NUREG-0694, in each of its attempts to provide guidance to the NRC boards with respect to litigation of TMI-related issues.^{6/} Because the Commission views compliance with NUREG-0737 requirements as a virtual precondition to licensing, evidence of an applicant's failure to do so would clearly mandate a result significantly different than would otherwise have occurred.^{7/} All of the admitted contentions relate

^{6/} See, e.g., Statement of Policy (June 16, 1980); Revised Statement of Policy (December 18, 1980); Commission Order, at 6 (April 1, 1981).

^{7/} Indeed, Staff counsel expressed this view during the prehearing conference in January. In discussing the Wolf Creek reopening standard, Staff counsel stated:

[cont.]



directly to specific NUREG-0737 requirements; accordingly, PGandE's application for licenses must be denied until those contentions have been met.

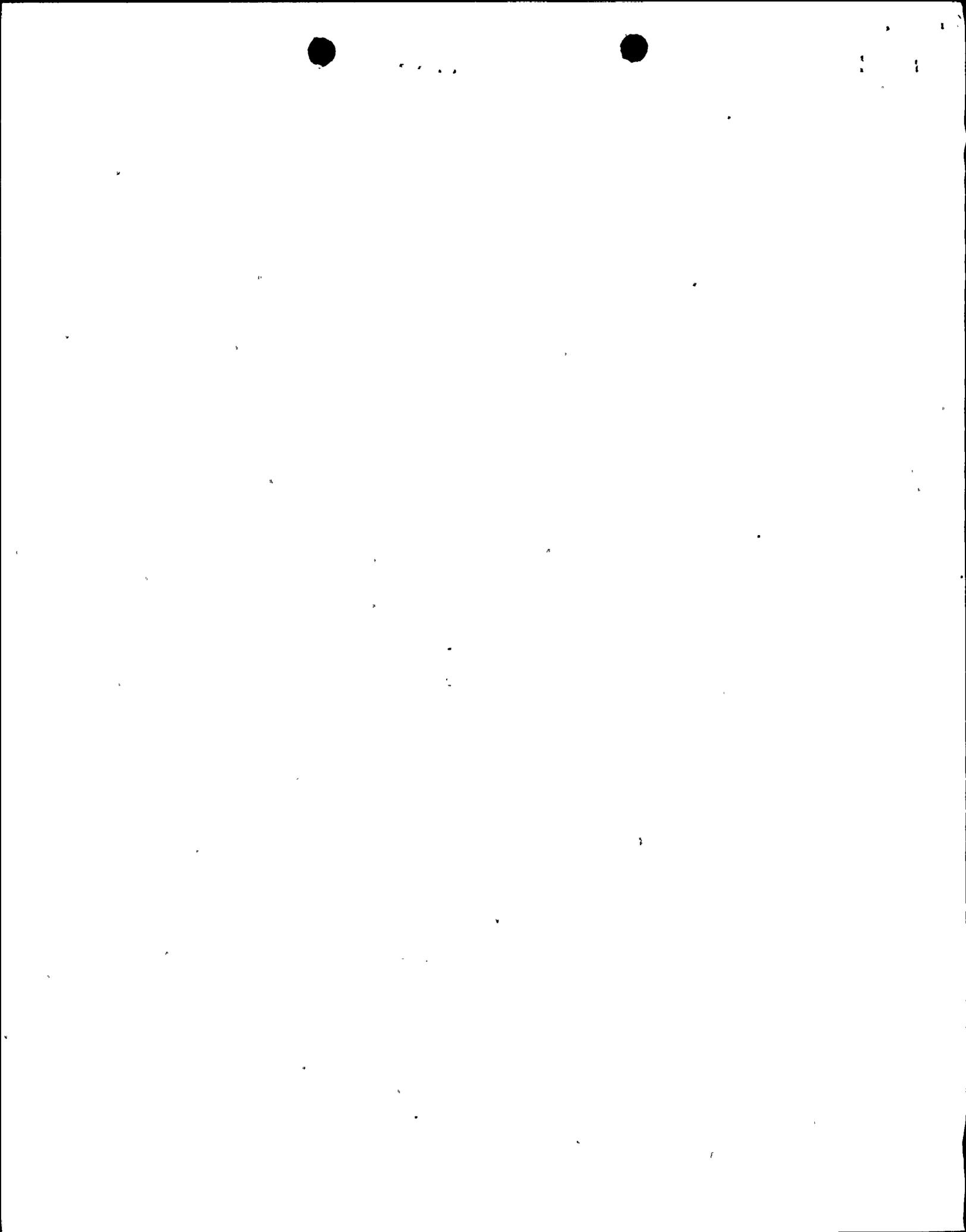
The board having ruled on April 6 that the Diablo Canyon record is inadequate, all parties should proceed to hearing on the issues admitted, and the Staff's and PGandE's motions for reconsideration should be denied.

7/ [cont.]

The Staff has not made a big deal about complying with the Wolf Creek Re-Opening Standard because I think that the Commission's policy statement setting forth requirements in NUREG-0737 makes it clear that absent compliance with those NUREG requirements they would not issue an operating license to an applicant.

So, the Wolf Creek standard is, there should be a significant change in result as a result of the new information. If the Commission's position is they would not issue an operating license absent the modifications set forth in the NUREG, then it is fairly apparent that the record as it existed at the time this Board closed it would not lead to a decision by the Nuclear Regulatory Commission to authorize a license for Diablo Canyon. That can only be done when the requirements set forth in the NUREG have been met.

Prehearing Conference Transcript, at 60-61 (January 28, 1981).



II

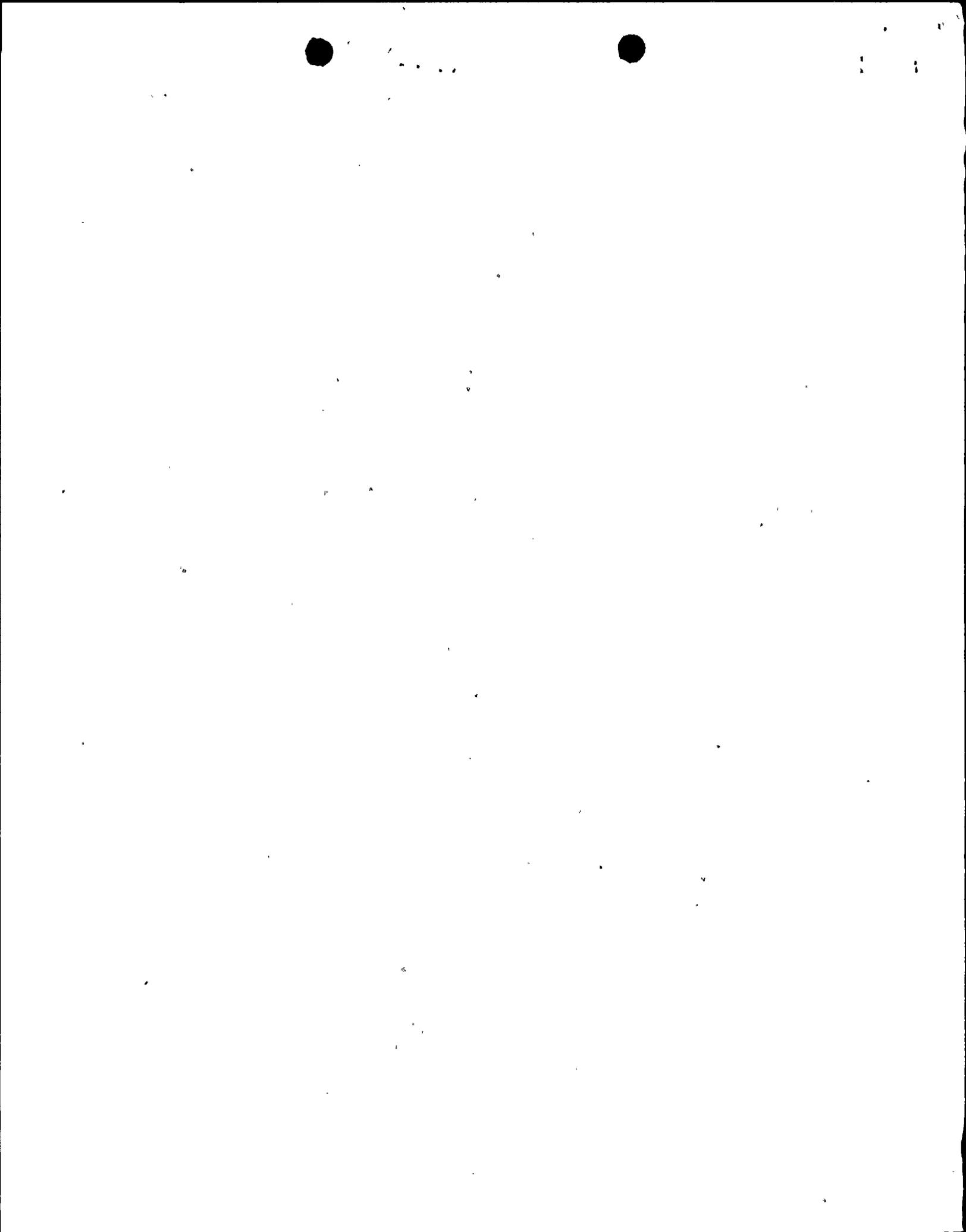
JOINT INTERVENORS' CONTENTIONS
PREVIOUSLY REJECTED BY THE
LICENSING BOARD ARE PROPERLY
ADMISSIBLE IN THIS PROCEEDING

A. Standard of Admissibility

In its February 13, 1981 Prehearing Conference Order, the licensing board rejected, among others, Joint Intervenors' contentions 10, 12, 18, 20, 21, and 23 on the ground, essentially, that they had an insufficiently direct relationship to a specific requirement contained in NUREG-0737.^{8/} After reviewing that order, the Commission determined that additional guidance was necessary with respect to litigation of TMI-related issues in licensing proceedings, and it acknowledged that this guidance could lead to reconsideration of some of the rulings contained in the licensing board's order.^{9/} In its April 1 Order, the Commission considered and resolved the essential question whether, to be admitted in a licensing proceeding, a TMI-related contention must bear a direct relationship to a particular NUREG-0737 requirement. In concluding

^{8/} The licensing board also rejected Joint Intervenors' contentions 3, 6, 7, 8, 9, 14, 15, 16, and 17 for the same reason. Joint Intervenors continue to believe that each of the rejected contentions raises serious safety questions and that their rejection by the board was improper. Due to financial and manpower limitations, however, Joint Intervenors have been compelled in this low power proceeding to pursue further only those contentions having the clearest nexus with low power operation. Accordingly, we urge the board to adopt contentions 6, 7, 8, 9, 14, 15, 16, and 17 as board issues.

^{9/} Commission Order, at 1 (April 1, 1981).

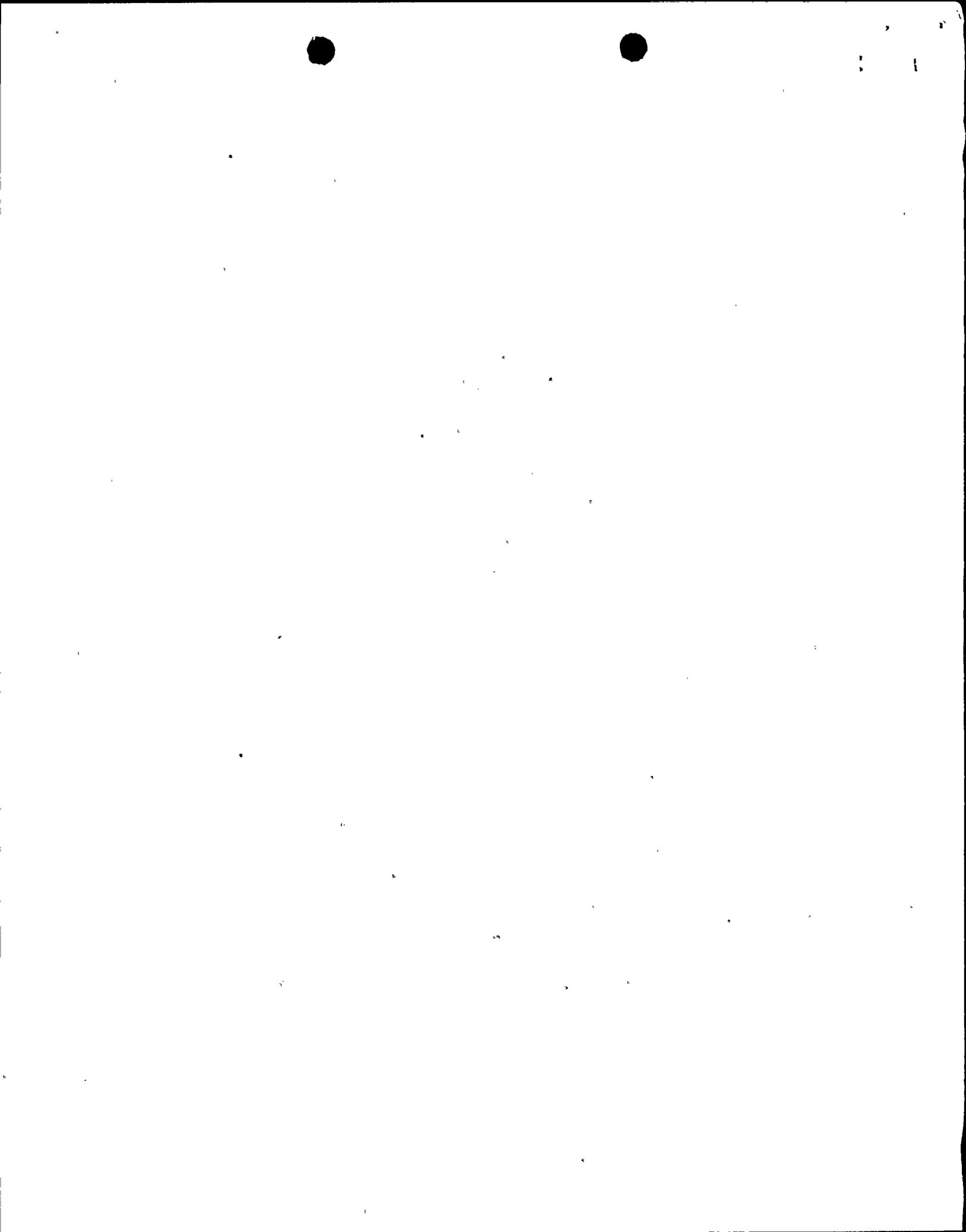


that it did not, the Commission distinguished between significant new evidence that an NRC regulation would be violated by plant operation -- -- in which case no relationship to NUREG requirements need be demonstrated for admission of the contention -- and significant new evidence that, despite compliance with all regulations, there is insufficient protection to the public -- in which case the contention must relate to the same basic "safety concern" upon which a particular NUREG requirement was based. The Commission expressed its intention as follows:

[I]f a party comes forward on a timely basis with significant new TMI-related evidence indicating that an NRC safety regulation would be violated by plant operation, we believe that the record should be reopened notwithstanding that the noncompliance item is not discussed in NUREG-0737 and 0694. However, the parties are required to make the initial case that significant new evidence is available, not merely make claims to that effect.

* * *

Where the new evidence raises no issue of compliance but rather questions whether there is adequate protection despite compliance with all applicable regulations, a party has two procedural options under the Revised Statement of Policy. First, a party may challenge the sufficiency of an item in the NUREG documents. However, the scope of the inquiry under this option is limited to the particular safety concerns that prompted the specific "requirements" in NUREG-0694 and 0737. What we had in mind was allowing a party to focus on the same safety concern that formed the basis for the NUREG requirement and litigate

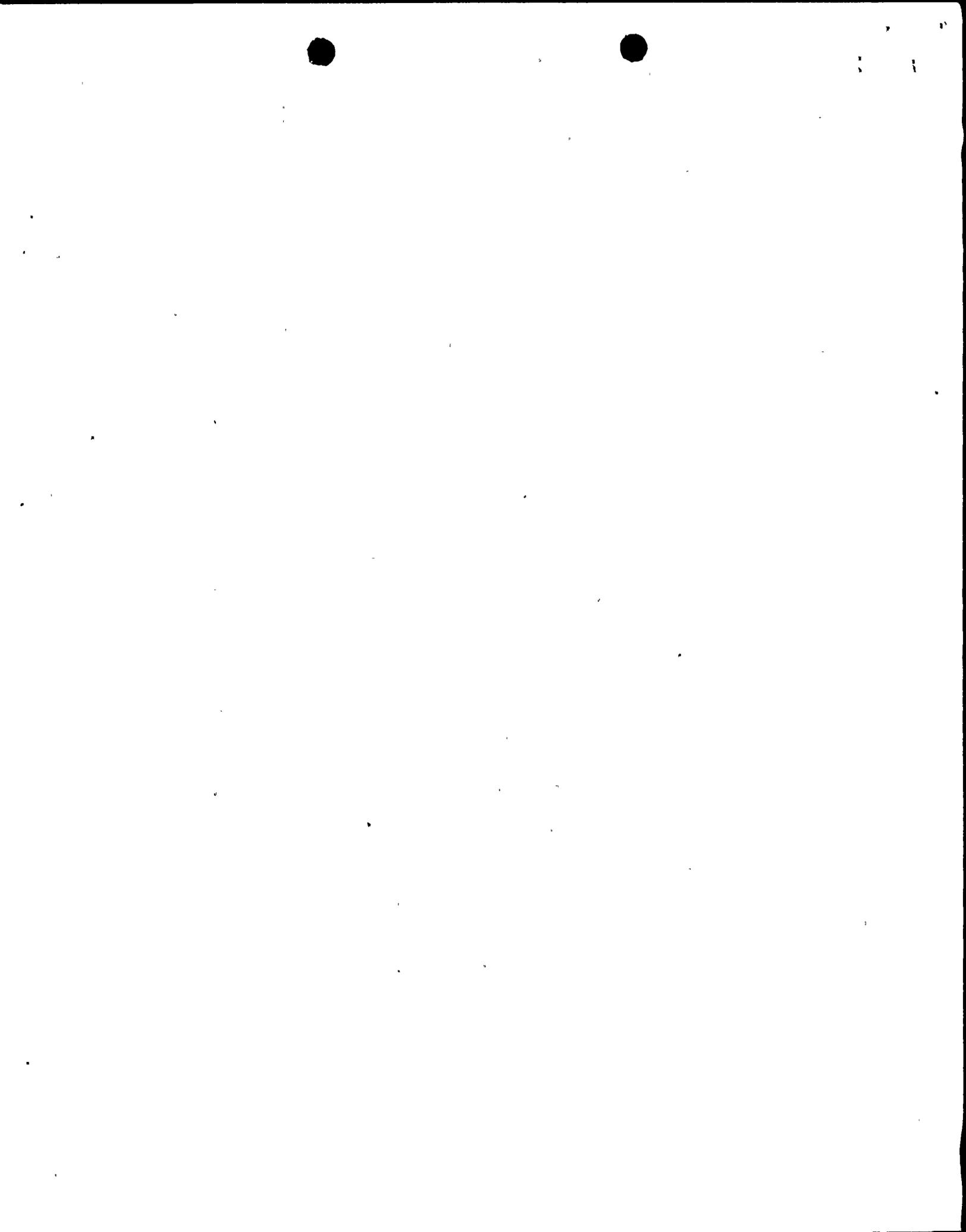


the issue of whether the NUREG "requirement"
is a sufficient response to that concern.
* * * Second, where the contention or new
evidence cannot be associated with a safety
concern identified by NUREG-0694 or 0737,
10 C.F.R. 2.758 may be used to bring the
matter to the Commission's attention without
prior litigation on the merits. * * * 10/

In light of this most recent Commission guidance,
reconsideration by this board of its prior rejection of Joint
Intervenors' contentions is clearly warranted. As was discussed
supra, in contrast to the relatively narrow and inflexible standard
of admissibility relied upon by the board in its February 13 order,
the Commission has now clarified its intention with respect to the
December 18, 1981 Revised Statement of Policy and has laid to rest
once and for all the view previously urged herein by the Staff and
PGandE that any contentions admitted must relate to the narrow
issue of compliance with specific NUREG requirements. Beyond mere
compliance, contentions may also challenge the sufficiency of those
requirements (1) if based upon evidence that a Commission regulation
will be violated by licensing or (2) if based on evidence focussing
on the same safety concern underlying such NUREG requirements.

Applying this standard, reconsideration and admission
of Joint Intervenors' contentions previously rejected by the
licensing board should be granted.

10/ Id. at 3-5 (emphasis added; footnote omitted).



B. Specific Contentions

Joint Intervenors submit that the following contentions, previously rejected by the licensing board, should be reconsidered and admitted for hearing in this low power test proceeding:^{11/}

10. The staff recognizes that pressurizer heaters and associated controls are necessary to maintain natural circulation at hot stand-by conditions. Therefore, this equipment should be classified as "components important to safety" and required to meet all applicable safety-grade design criteria, including but not limited to diversity (GDC 22), seismic and environmental qualification (GDC 2 and 4), automatic initiation (GDC 20), separation and independence (GDC 3 and 22), quality assurance (GDC 1), adequate, reliable, on-site power supplies (GDC 17) and the single failure criterion. The Applicant's proposal to connect two out of four of the heater groups to the present on-site emergency power supplies does not provide an equivalent or acceptable level of protection.

12. Proper operation of power operated relief valves, associated block valves and the instruments and controls for these valves is essential to mitigate the consequences of accidents. In addition, their failure can cause or aggravate a LOCA. Therefore, these valves must be classified as components important to safety and required to meet all safety-grade design criteria.

18. The TMI-2 accident demonstrated that the severity of the environment in which equipment important to safety must operate was underestimated and that equipment previously deemed to be environmentally qualified failed. One example was the pressurizer level instruments. The environmental qualification of safety-related equipment at TMI is deficient in three respects: (1) the parameters of the relevant accident environment have not been identified; (2) the length of time the equipment must operate in the environment has been

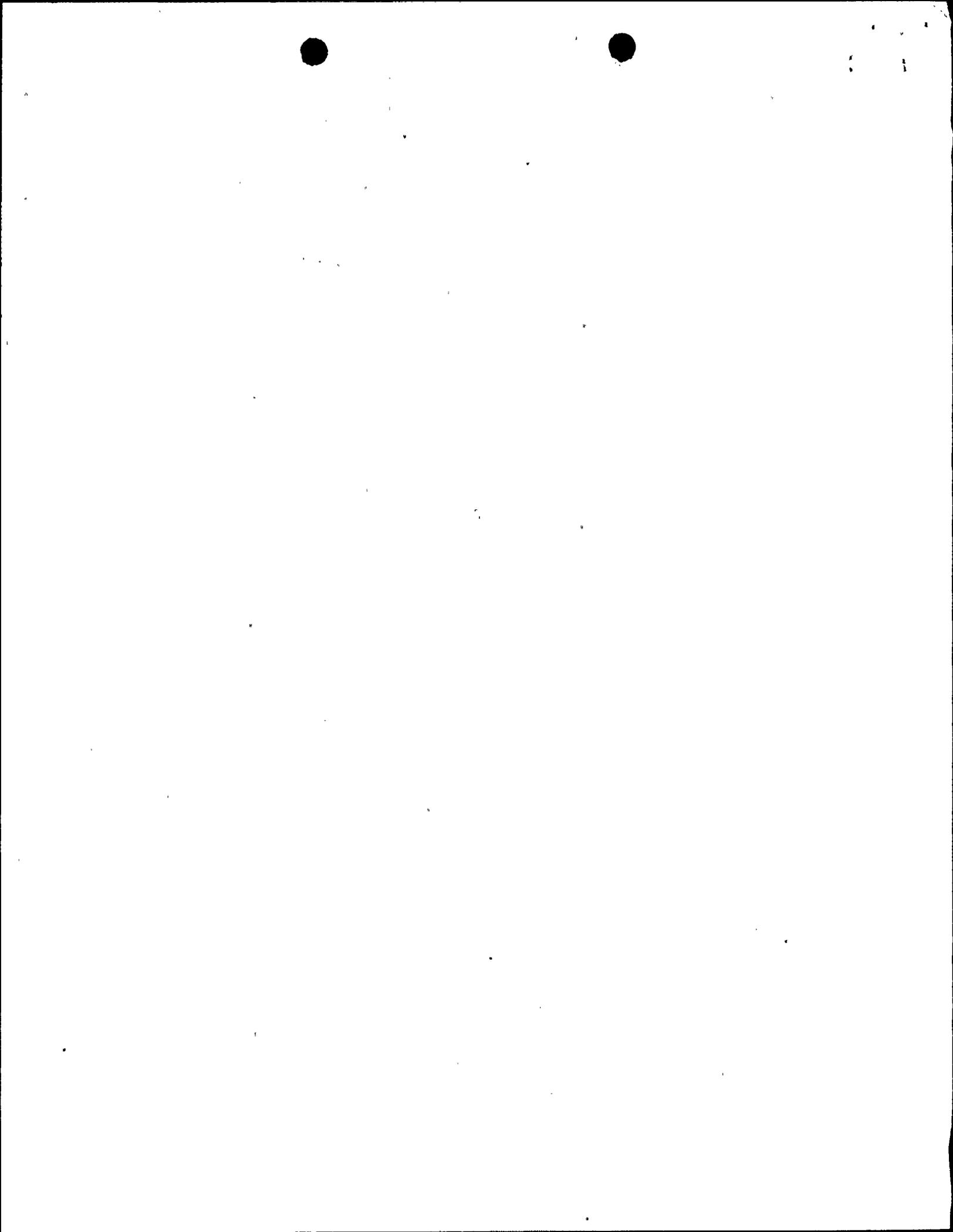
^{11/} See note 8 supra.



underestimated; and (3) the methods used to qualify the equipment are not adequate to give reasonable assurances that the equipment will remain operable. Diablo Canyon should not be permitted to load fuel until all safety-related equipment has been demonstrated to be qualified to operate as required by GDC 4. The criteria for determining qualification should be those set forth in Regulatory Guide 1.89 or equivalent.

20. The TMI-2 accident demonstrated that there are systems and components presently classified as non-safety-related which can have an adverse effect on the integrity of the core because they can directly or indirectly affect temperature, pressure, flow and/or reactivity. This issue is discussed at length in Section 3.2, "System Design Requirements," of NUREG-0578, the TMI-2 Lessons Learned Task Force Report (Short Term). The following quote from page 18 of the report describes the problem:

There is another perspective on this question provided by the TMI-2 accident. At TMI-2, operational problems with the condensate purification system led to a loss of feedwater and initiated the sequence of events that eventually resulted in damage to the core. Several nonsafety systems were used at various times in the mitigation of the accident in ways not considered in the safety analysis; for example, long-term maintenance of core flow and cooling with the steam generators and the reactor coolant pumps. The present classification system does not adequately recognize either of these kinds of effects that nonsafety systems can have on the safety of the plant. Thus, requirements for nonsafety systems may be needed to reduce the frequency of occurrence of events that initiate or adversely affect transients and accidents, and other requirements may be needed to improve the current capability for use of nonsafety systems during transient or accident situations. In its work in this area, the Task Force will include a more realistic assessment



of the interaction between operators and systems.

The Staff proposes to study the problem further. This is not a sufficient answer. All systems and components which can either cause or aggravate an accident or can be called upon to mitigate an accident must be identified and classified as components important to safety and required to meet all safety-grade design criteria.

21. The accident at TMI-2 was caused or aggravated by factors which are the subject of Regulatory Guides not used in the design of TMI. For example, the absence of an automatic indication system as required by Regulatory Guide 1.47 contributed to operation of the plant with the auxiliary feedwater system completely disabled. The public health and safety require that this record demonstrate conformance with or document deviations from the Commission's regulations and each Regulatory Guide presently applicable to the plant.

23. The accident at TMI-2 was a multiple failure accident involving independent and dependent failures. The multiple failure sequences exceeded the single failure criterion utilized in the Diablo Canyon design basis accident assessment. Therefore, comprehensive studies of the interaction of nonsafety grade components, equipment, systems, and structures with safety systems and the effect of these interactions during normal operation, transients, and accidents need to be made by the Diablo Canyon Applicant in order to assure that the plant can be operated without endangering the health and safety of the public.

The Commission's recently enunciated standards for admissibility of TMI-related contentions is satisfied as to each Joint Intervenor contention. Either explicitly or implicitly, all are based upon significant new evidence that the regulations of the Commission would be violated by plant operation. Contentions 10, 12, 18, and 20 concern the classification, qualification, and design of components demonstrated during the accident at TMI-2.



to be important to safety because of their potential to cause, aggravate, or mitigate an accident. Contention 21 focusses on the documentation required for an understanding of the precise design and qualification standards actually applied to these components at Diablo Canyon. Operation of the facility without first requiring that these essential components be designed and qualified in accord with the criteria applicable to components important to safety will violate the provisions of 10 C.F.R., Part 50, Appendix A.

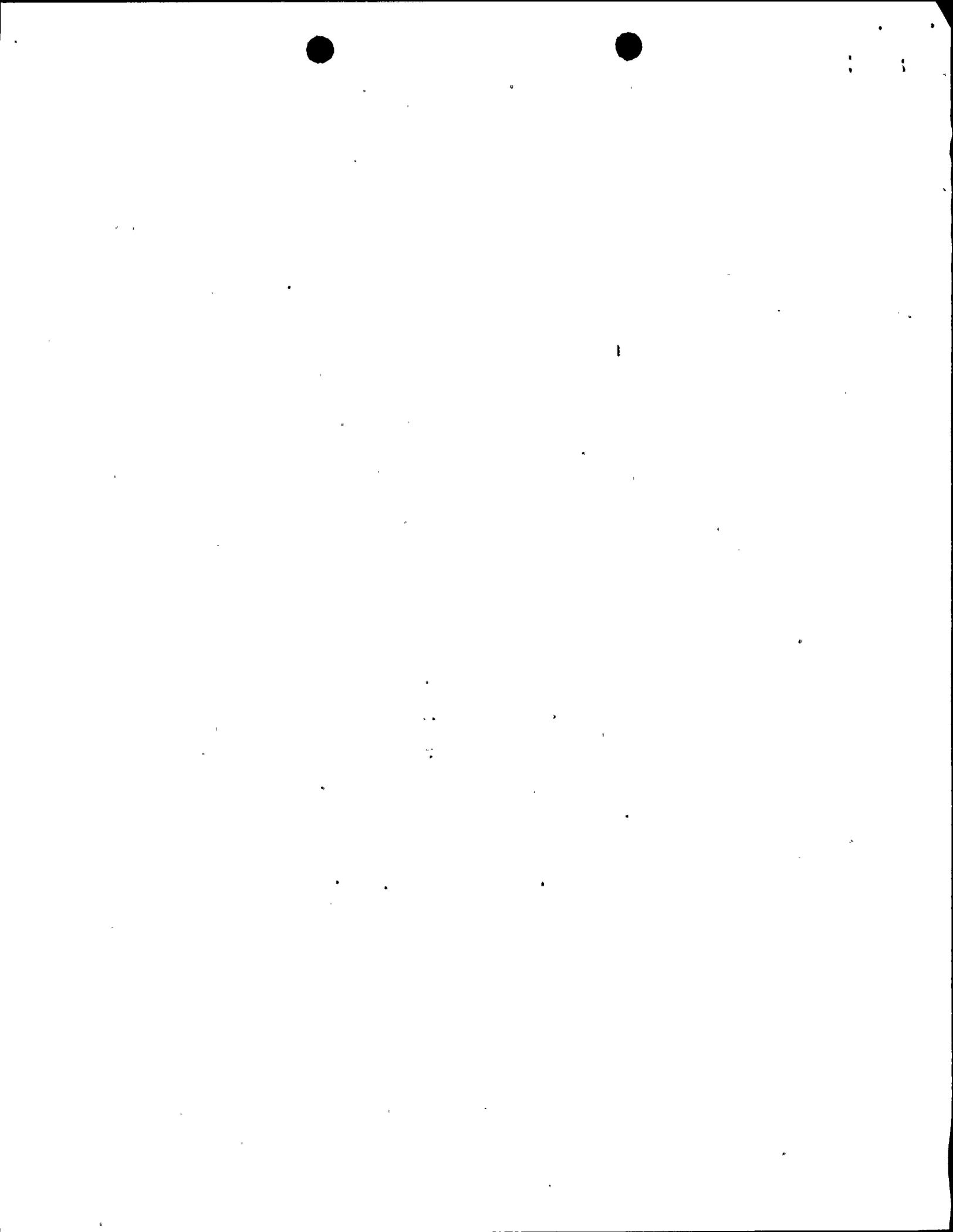
The purpose of the general design criteria ("GDC") set forth in Appendix A is described in the Introduction as follows:

The principal design criteria establish the necessary design, fabrication, construction, testing, and performance requirements for structures, systems, and components important to safety; that is, structures, systems, and components that provide reasonable assurance that the facility can be operated without undue risk to the health and safety of the public.

Criterion 1 establishes the general requirement that

[s]tructures, systems, and components important to safety shall be designed, fabricated, erected, and tested to quality standards commensurate with the importance of the safety function to be performed.

The Commission's policy is that, in assessing the adequacy of plant design, only those systems that meet the GDC can be assumed to operate properly. If the components which are the focus of these contentions are to be relied upon to perform their demonstrated function of preventing or mitigating an accident, conformance with the GDC is mandatory, including GDC 1, 2, 3, 4, 17, 20, and

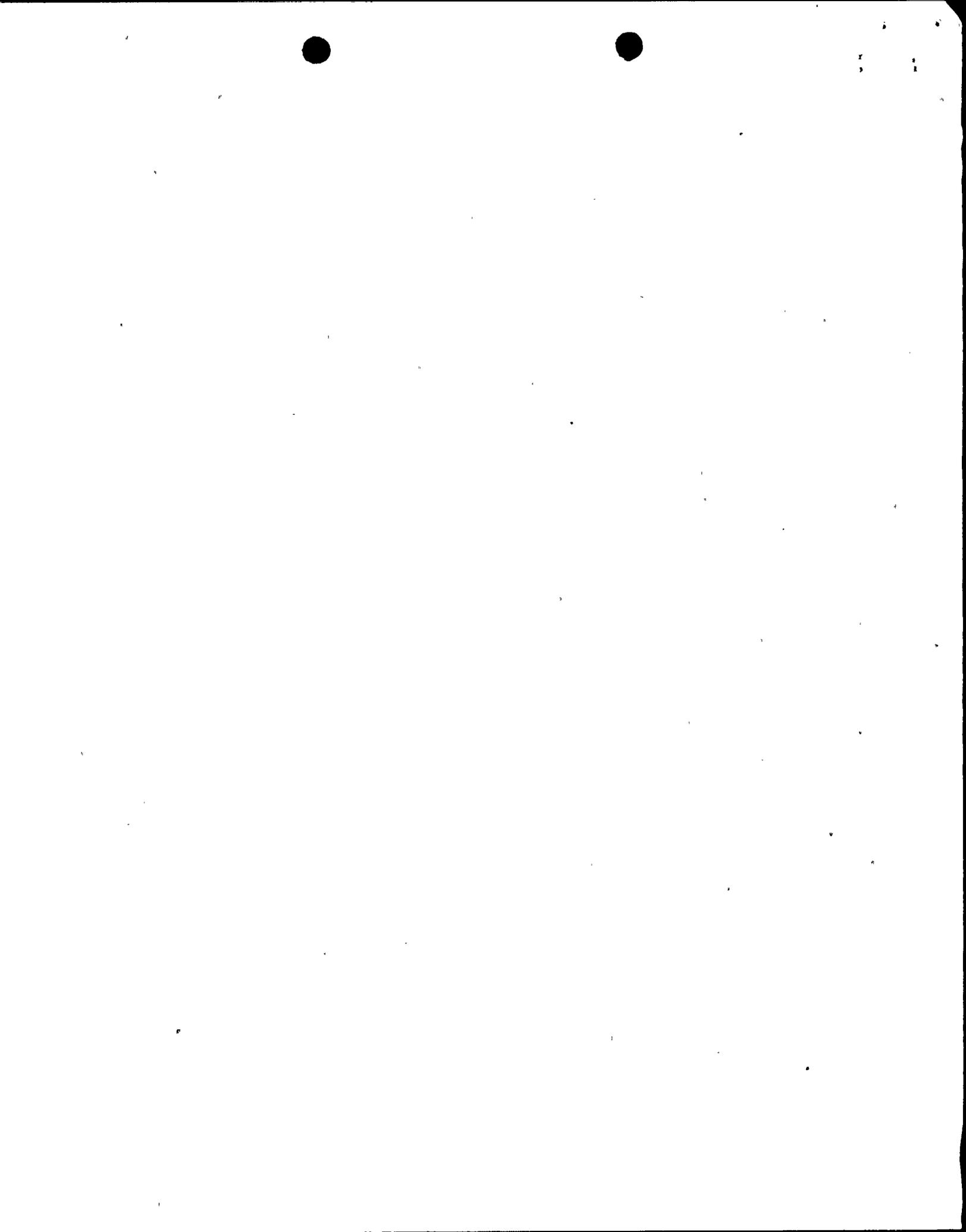


22 and the single failure criterion, all of which are cited in the contentions themselves. Thus, the significant new evidence derived from the TMI-2 accident demonstrates that these regulatory provisions apply to components not previously considered important to safety; consequently, they must be satisfied prior to licensing of Diablo Canyon for either low or full power operation, and any noncompliance with them or the applicable standard review plan should be thoroughly documented.^{12/}

Contention 23 concerns adverse interactions between safety and non-safety systems and components, an issue of particular significance at Diablo Canyon where the risk of such interactions is heightened by the unique seismic danger. The TMI-2 accident attests to the fact that proper operation of elaborate safety systems and components remains vulnerable to adverse interactions with unforeseen failures of non-safety grade components, such as a control system. Until a complete site-specific study of this issue has been conducted at Diablo Canyon,^{13/} there is no rational basis to conclude that the GDC -- particularly GDC 4, 22, and 24 -- have been complied with or that malfunction of a non-safety system

^{12/} See discussion in attached affidavit of Gregory C. Minor ("Minor Affidavit") at 4-9.

^{13/} The systems interaction study conducted at Diablo Canyon was limited to seismically induced failures which interact with safety functions. The study did not include control system failure as an initiator and, thus, did not investigate the effects of direct (physical) interaction of failed control systems or indirect (through system dynamics) interaction with safety functions. See discussion in "Review and Evaluation of System Interaction Methods," NUREG/CR-1901, at 4.2.2.



during normal or transient conditions will not adversely interact with a safety system needed for accident prevention or mitigation.^{14/}

The Commission's second criterion for admission of contentions is satisfied as well. Most, if not all, of the contentions cited above focus on the same safety concerns that prompted the specific requirements contained in NUREG-0737. Contention 10 focusses on the issue of reliability of the pressurizer heaters in the event of an accident, as does NUREG-0737 Item I.E.3.1, Emergency Power for Pressurizer Heaters. Contention 12 concerns the issues of PORV performance and design which are also the focus of NUREG-0737 Items II.D.1, Relief and Safety Valve Test Requirements, and II.K.3, Final Recommendations, B and O Task Force. Contention 18, regarding adequate qualification of equipment important to safety to assure operability during normal, transient, accident, and post-accident conditions, relates to the same basic safety concerns which prompted a series of NUREG-0737 Items, including Items II.B.2, Plant Shielding; II.D.1, Relief and Safety Valve Test Requirements; and II.F.1, Accident Monitoring Instrumentation. The broader issues described in Contention 20, concerning classification and design of systems and components important to safety, and Contention 23, regarding systems interaction, were specifically addressed in Items II.F.5, Classification of Instrumentation, Control, and Electrical Equipment, and II.C.3, Systems Interaction, of the "TMI Action Plan," NUREG-0660.

^{14/} See Minor Affidavit, at 7-8.



With respect to each of the safety concerns underlying their contentions, Joint Intervenors contend that a response greater than that embodied in the NUREG-0737 Items cited is necessary to assure that Diablo Canyon can be operated safely at low power. In other words, each of the NUREG Items relevant to the contentions here in issue is an insufficient response to the TMI-2 accident. Because the contentions cited (1) assert that operation of Diablo Canyon will violate Commission regulations and/or (2) focus on the same safety concerns which prompted specific NUREG requirements, they are proper subjects for litigation in this low power test proceeding, under the Commission's most recent guidance.

Furthermore, Joint Intervenors have repeatedly addressed in detail the reopening the record and late-filing of contentions standards with respect to each contention.^{15/} Those discussions demonstrated also the safety significance of the issues and their relation to the TMI-2 accident. The attached affidavit of nuclear consultant Gregory C. Minor specifically addresses their relevance to low power operation at Diablo Canyon, emphasizing particularly the importance and practical desirability of resolving these issues prior to licensing of the facility for operation at any

^{15/} See Joint Intervenors' February 18, 1981 Notice of Objections to February 13, 1981 Order of the Licensing Board; Joint Intervenors' March 24, 1981 Motion to Reopen; and Joint Intervenors' March 26, 1981 Response to NRC Staff's February 23, 1981 Request for Directed Certification and Pacific Gas and Electric Company's February 26, 1981 Request for Directed Certification.



level of power. Contrary to the implicit assumption of the Staff and PGandE, the fact that there is reduced decay heat resulting from operation at 5% of rated power, rather than 100%, does not effectively negate the need for adequate core cooling. Indeed, during initial low power testing of a facility, unique circumstances may exist which suggest a particular need for proper operation of all components which may cause, aggravate, or mitigate an accident.

For example, as is discussed in the attached affidavit, the low power test plan proposed by PGandE for Diablo Canyon requires that certain of the facility's automatic safety functions be intentionally disabled, thereby increasing the burden upon plant operators to diagnose and respond to any problems which might normally be prevented or resolved by the automatic safety systems. Similarly, greater reliance upon operator action may result from the added risk of component and system failures due to "infant mortality" during the low power test period of plant break-in and operational "debugging."^{16/} Consistent with the Commission's ALARA regulations, these circumstances indicate the need for adequate safety precautions --including documentation of deviations -- to assure that each of the components demonstrated during the TMI-2 accident to be important to safety is designed and qualified as such and will function properly during even the severest accident conditions.^{17/}

^{16/} Minor Affidavit, at 3.

^{17/} The TMI-2 accident demonstrated the dangers inherent in relying upon operator action to prevent or mitigate an accident. According to the TMI-2 Lessons Learned Task Force, in 1978 there

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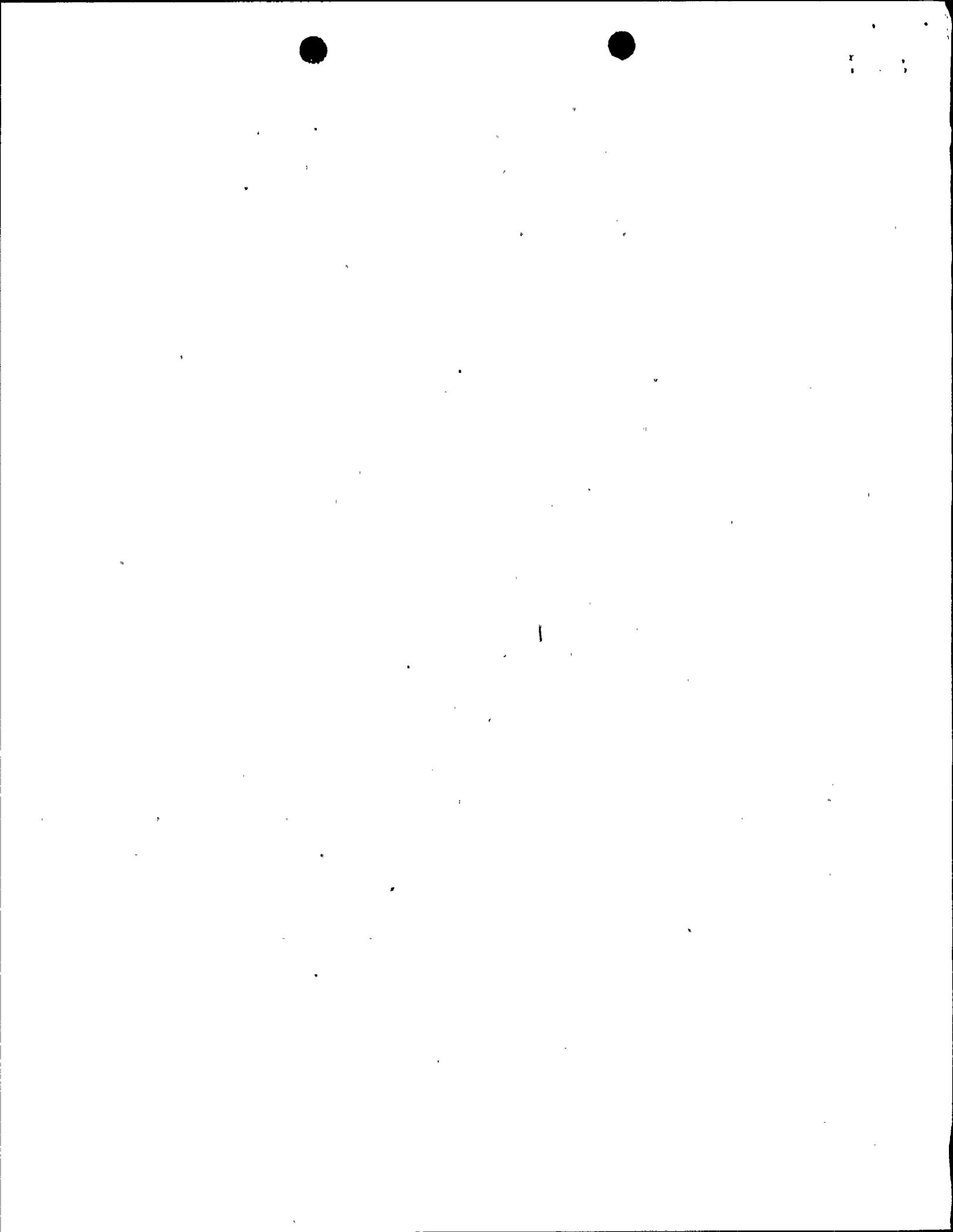
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Those safety precautions should include (1) thorough studies of (a) the functioning of systems and components during and following an accident at Diablo Canyon and (b) systems interaction, but not limited to seismically induced interactions; and (2) based on those studies, the qualification and design of all components important to safety should be upgraded where necessary to insure reliable operation over the full range of accident and post-accident conditions. As a minimum, however, each of the components determined to have caused, aggravated, or mitigated the accident at TMI-2 (and which are the focus of the contentions cited supra) should be reclassified as components important to safety and required to meet all applicable safety-grade design criteria and qualification requirements. Not only is this necessary to assure safe operation of the plant during the low power testing period, it will minimize the possibility that future modifications of component design and/or qualification will be in any way foreclosed or hampered by contamination of the reactor.

The proper time to address the safety concerns upon which Joint Intervenors' contentions 10, 12, 18, 20, 21, and 23 are based is prior to issuance of a license for fuel loading and

17/ [cont.]

were about 30 instances where operator error resulted in the total loss of a safety function. NUREG-0578, at A-62. Since this estimate was based solely on Licensee Event Reports, it is not unreasonable to suppose that there may have been more instances that were unreported. In short, it is unrealistic to assume that the operators will take appropriate actions under accident conditions even at low power.



low power testing. Accordingly, those contentions should be admitted for hearing in this proceeding.

III

CONCLUSION

For the foregoing reasons, Joint Intervenors respectfully urge this licensing board to (1) deny the applications of the Staff and PGandE for rejection of all admitted contentions and immediate issuance of low power testing licenses, and (2) reconsider its prior rejection of Joint Intervenors' contentions 10, 12, 18, 20, 21, and 23 and order that they be admitted for hearing in this proceeding.

Dated: April 22, 1981

Respectfully submitted,

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