

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)

*Send to 200 11*  
*1*  
*10/1*  
*Ketchen/Quarty*  
*Baird/Donk*  
*Chimantich*  
*FF*  
*Ripley/Duc*  
*12/23/81*

STATEMENT OF SUBJECTS ON WHICH GOVERNOR EDMUND G. BROWN, JR.  
INTENDS TO PARTICIPATE

Pursuant to 10 C.F.R. § 2.715(c) and this Board's Orders of October 24, 1980 and November 5, 1980, Governor Edmund G. Brown, Jr. hereby specifies the subjects on which he intends to participate in proceedings concerning PG&E's motion (the "Motion") for licenses for fuel loading and low power testing (the "licenses"). Governor Brown may also participate on any other issues or contentions raised by other participants or by the Board, as permitted by 10 C.F.R. § 2.715(c).

We note at the outset that the Governor's statement of subjects may not be complete, because PG&E still has not submitted its proposed forms of licenses. PG&E wrote on August 28, 1980 that the forms would be furnished "promptly." Reply of PG&E to ASLB Order dated August 14, 1980, p. 2. The forms of licenses, of course, should specify the relief which PG&E requests and should identify the proposed terms, conditions and/or exemptions. Governor Brown may be required to specify additional issues after reviewing PG&E's forms of licenses. We shall advise the Board of any such additional issues as soon as possible after receiving the forms of licenses.

DUPE OF

8012290662



*These items have already been argued previously*

Subject to the foregoing reservation, Governor Brown hereby submits the following subjects on which he intends to participate:

*not related to contentions for Board making no need for*

1. Whether the Board may conduct this proceeding prior to final determinations by the Commission on PG&E's compliance with Part 100, Appendix A, regarding the ability of the facility to withstand the design basis earthquake.

A. Assuming, arguendo, that the Board may now conduct this proceeding, may the Board issue findings prior to final determinations by the Commission on the seismic issue?

2. Whether the Board may conduct this proceeding prior to final determinations by the Commission on PG&E's compliance with Part 73 regarding facility security arrangements, especially Section 73.55(a) which requires that the PG&E physical protection system and security organization provide high assurance of protection against the design basis threat of radiological sabotage.

A. Assuming, arguendo, that the Board may now conduct this proceeding, may the Board issue findings prior to the final determinations of the Commission on the security issue?

3. Whether the emergency plans of PG&E, the State, and the local jurisdiction are satisfactory for issuance of the requested licenses.

*Items are emergency*

A. Whether further steps, including those set forth in the NRC's Final Rule on Emergency Planning, 45 Fed. Reg. 55402 (August 19, 1980), must be accomplished before the licenses may be issued.

4. Whether PG&E, as alleged in its Motion, has complied with or will comply with the requirements of NUREG-0694 prior to loading fuel (Motion, p. 2), including the following matters

*M/S*



*This is a summary of the findings of the NRC staff. The applicant must seek a relief.*

specified in the Safety Evaluation Report ("SER"), Supplement 10, which the NRC Staff has examined but which, as of publication of Supplement 10, were not complete:

- (a) Adequacy of the training, experience and procedures for shift technical advisors. (SER, Supp. 10, p. I.A-2).
- (b) Results of cold license examinations for the 21 candidates who were to take examinations in August 1980, and results of examinations for other licensed personnel. (Id. I.A-6).
- (c) Adequacy of procedures for accident mitigation and recovery. (Id. I.B-3).
- (d) Adequacy of the reorganization of PG&E's operating organization for both routine and emergency operations and adequacy of PG&E's agreements with other organizations and utilities to pool resources in the event of an emergency. (Id.)
- (e) Adequacy of PG&E's guidelines and procedures for emergency core cooling and small break LOCAs.
- (f) Adequacy of PG&E's startup test procedures. (Id. I.C-7).
- (g) Adequacy of PG&E's measures to deal with human factors-related deficiencies. (Id. IV. 1-2 and 3).

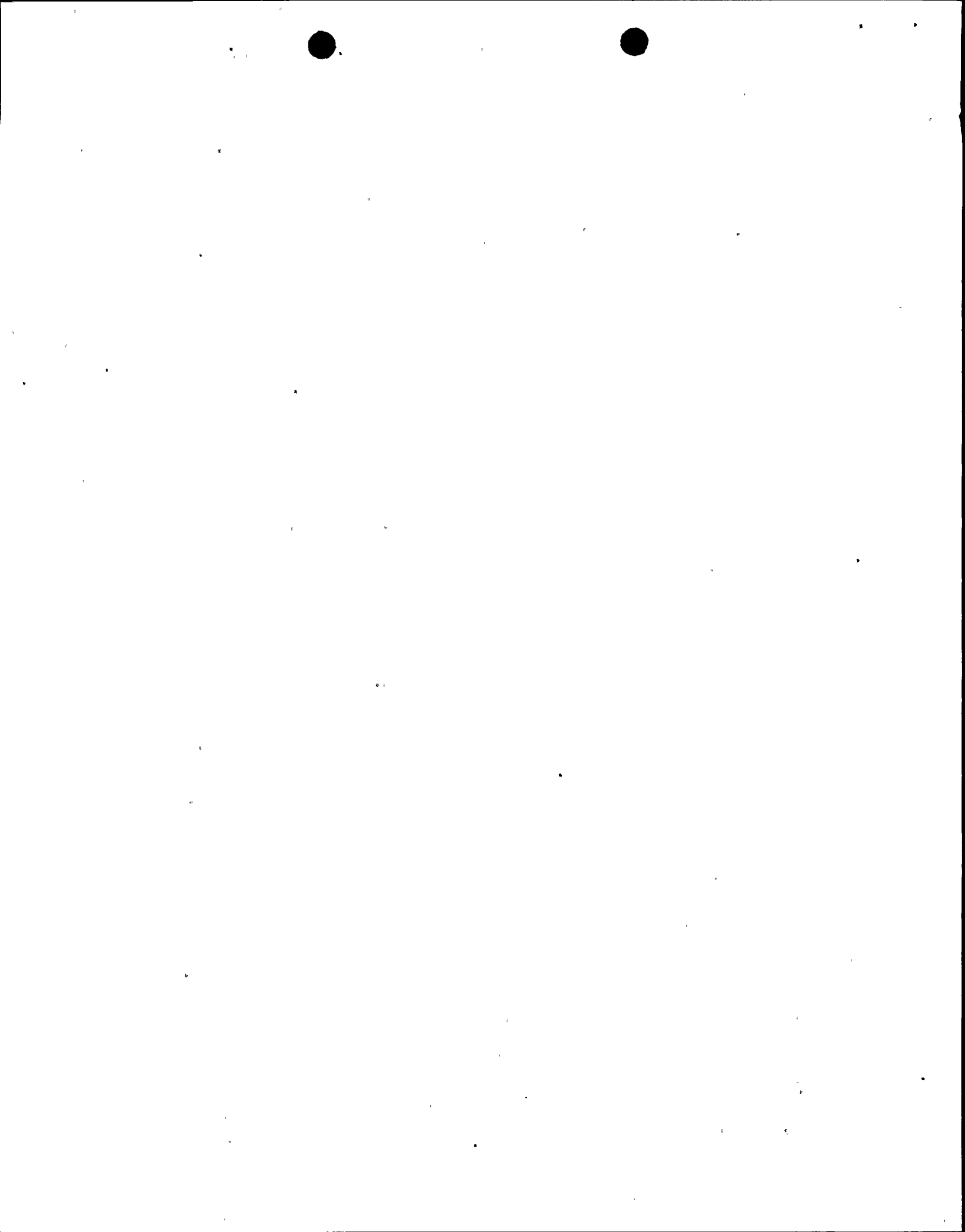
5. Whether the seven tests proposed by PG&E in its Motion are a complete list of necessary tests.

*admissible*  
A. Whether, in addition to the seven stated tests, there must be tests designed to demonstrate 2-phase natural circulation cooling capability that are representative of actual accident conditions.

*NRC OELD does not object*

6. Whether the activities sought by PG&E to be authorized under the licenses are "vital to demonstrate the effectiveness of

*not a subject for litigation*



the augmented reactor operator training program, improved management organization and operating procedures and controls, and certain changes in design and equipment implemented by PG&E to meet the NTOL Requirements." (Motion, p. 2).

17. Whether the requested licenses and the activities authorized thereby "will provide meaningful technical information beyond that obtained in the normal startup test program." (Motion, p. 2).

8. Whether the requested licenses and the activities authorized thereunder "will not pose an undue risk to the health and safety of the public" (Motion, p. 2), particularly since PG&E has not submitted safety analyses related to these activities and the NRC's risk assessment is unsupported by plant-specific analyses.

(SER, Supp. 10, p. I.G-5).

Whether the requested licenses will result in radiation levels within the plant that would preclude or impede implementation of any later changes ordered by the NRC. (Ref. Motion, p. 2).

A. Whether these levels would expose workers to unacceptable exposures beyond ALARA levels.

10. Whether the requested licenses and the activities authorized thereunder "will provide significant supplemental operator training." (Motion, p. 2)

A. Whether there are other means, including training on simulators and at other facilities, to obtain such supplemental operator training.

11. Whether early operation of Diablo Canyon Units 1 and 2 will contribute in any meaningful way toward the national objective of reducing dependence on imported oil and/or reduce in any meaningful way the risks or consequences to the public of inadequate

Clearly not TMI-related, not related to any requirement, not related to any adm. contention

Combine with #5  
very vague  
not related to TMI  
and is not  
contribution on its own  
NOT ADMIS

NOT ADMIS

NOT ADMIS

Not related to any other contention, and may be related to TMI, but it's not specific as to when it does not, requirements and not an adm. contention





*are acceptable, summary of Mother's Constitution #14, and (13)*

5.

generating resources and/or allow generation of power using less expensive fuels. (Ref. Motion, p. 3).

(12) Whether the small break loss of coolant accident analyses and tests, including computer code verification, required for Westinghouse PWRs are sufficiently complete and accurate to permit issuance of the requested licenses.

(13) Whether the licenses should issue prior to installation by PG&E of a reliable and unambiguous method of measuring reactor vessel water level.

A. Whether PG&E's proposed system to measure water level in the reactor vessel is adequate for all conditions, including level swell, 2-phase flow, flow blockage and system dynamics. (SER, Supp. 10, p. II.F-9) *see Mother's #24*

(14) Whether the licenses should issue prior to completion of qualification tests and analyses on relief and safety valves.

*is admissible*

(15) Whether PG&E has established adequate procedures for dissemination of operating experience, obtained from operation of both Diablo Canyon and other nuclear plants, to PG&E personnel. (SER, Supp. 10, p. I.C-7).

(16) Whether additional TMI Action Plan items should be completed before the licenses are issued, including:

*VOT  
+DMIS  
VOT specific*

(a) NRC audit of emergency procedures (NUREG-0660, p. I.C-7).

(b) Performance of an Integrated Reliability Evaluation Program (IREP) for Diablo Canyon. A related issue concerns the completeness of PG&E's systems interaction study, and the need for a systematic evaluation program for Diablo Canyon. (Id. II.C-2).



- (c) Implementation of reactor coolant vents. (Id. II.B-1).
- (d) Completion of plant shielding to provide access to vital areas to allow post-accident operation and accident mitigation. (Id. II.B-2).
- (e) Establishment and demonstration of post-accident sampling capabilities and radiation monitoring.. (Id. II.B-2).
- (f) Completion of upgraded training and qualification requirements. (Id. I.A.2-1).
- (g) Completion of reevaluation of AFW reliability. (Id. II.E.1-1).

17) Whether the NRC and PG&E have complied with all obligations under the National Environmental Policy Act, the regulations of the Council on Environmental Quality, and the NRC's regulations in Part 51.

A. Whether an environmental impact statement, or at the very minimum, an environmental impact appraisal must be prepared.

*This is not specific, not TMI related and is not a defensible content*

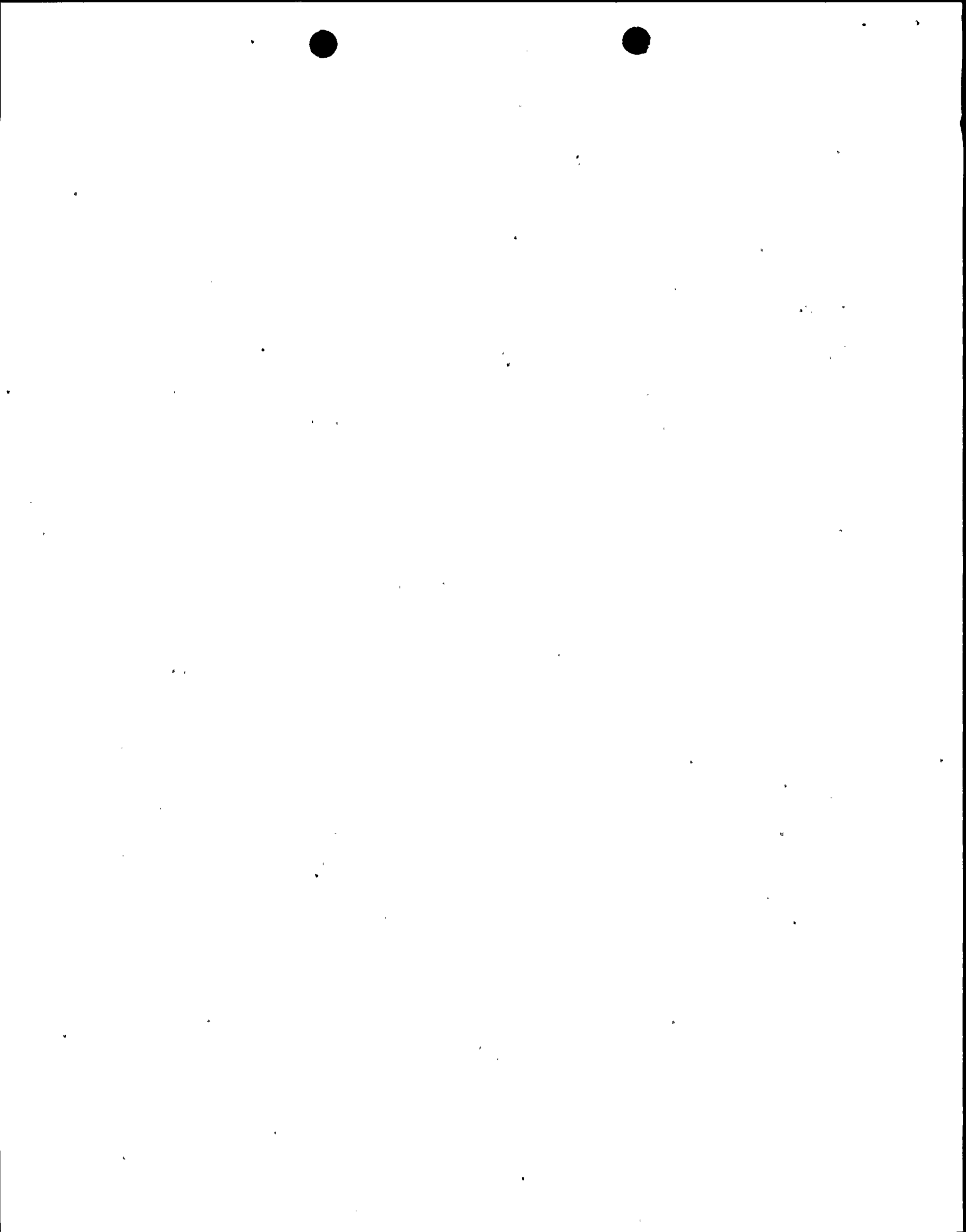
Respectfully submitted,

Byron S. Georgiou  
 Legal Affairs Secretary  
 Governor's Office  
 State Capitol  
 Sacramento, California 95814

*[Signature]*  
 Herbert H. Brown  
 Lawrence Coe Lanpher  
 HILL, CHRISTOPHER AND PHILLIPS, P. C.  
 1900 M Street, N. W.  
 Washington, D. C. 20036

Attorneys for Governor Brown

December 3, 1980



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.

CERTIFICATE OF SERVICE

I hereby certify that copies of the "STATEMENT OF SUBJECTS ON WHICH GOVERNOR EDMUND G. BROWN, JR. INTENDS TO PARTICIPATE" in the above-captioned proceeding have been served to the following on December 3, 1980 by U. S. mail, first class.

Richard S. Salzman, Esq., Chairman  
Atomic Safety and Licensing Appeal Board  
U. S. Nuclear Regulatory Commission  
Washington, D. C. 20555

Dr. W. Reed Johnson  
Atomic Safety and Licensing Appeal Board  
U. S. Nuclear Regulatory Commission  
Washington, D. C. 20555

Dr. John H. Buck  
Atomic Safety and Licensing Appeal Board  
U. S. Nuclear Regulatory Commission  
Washington, D. C. 20555

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

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

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

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



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

William J. Olmstead, Esq.  
Edward G. Ketchen, Esq.  
Lucinda Low Swartz, Esq.  
Office of Executive Legal Director  
BETH 042  
U. S. Nuclear Regulatory Commission  
Washington, D. C. 20555

Secretary  
U. S. Nuclear Regulatory Commission  
Washington, D. C. 20555  
ATTENTION: Docketing and Service Section

Marjorie S. Nordlinger, Esq.  
Office of General Counsel  
U. S. Nuclear Regulatory Commission  
1717 H Street, N. W.  
Mail Stop H-1035  
Washington, D. C. 20555

Mrs. Elizabeth Apfelberg  
c/o Nancy Culver  
192 Luneta Drive  
San Luis Obispo, California 93401

Janice E. Kerr, Esq.  
Public Utilities Commission  
5246 State Building  
350 McAllister Street  
San Francisco, California 94102

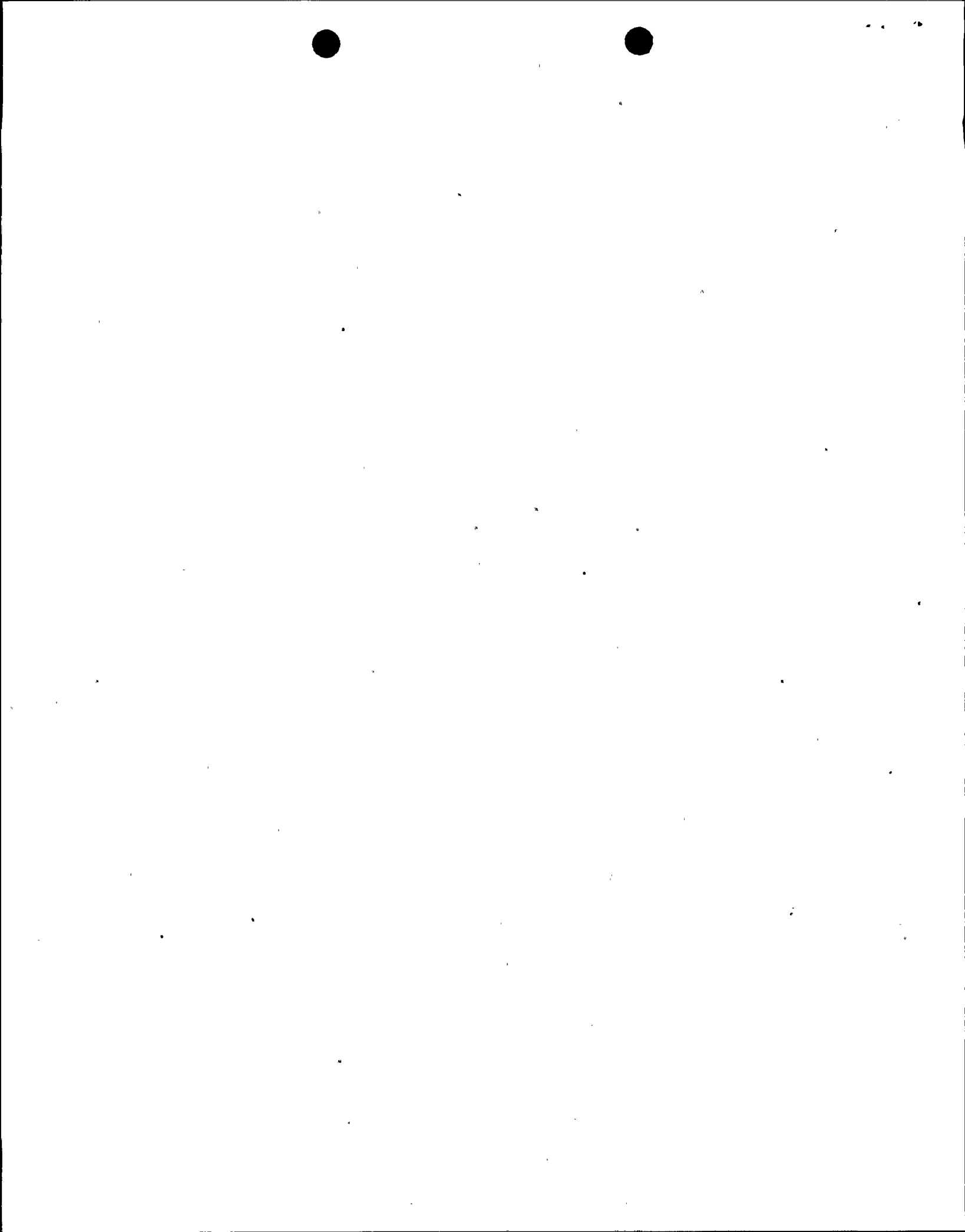
Mrs. Raye Fleming  
1920 Mattie Road  
Shell Beach, California 93449

Mr. Frederick Eissler  
Scenic Shoreline Preservation Conference, Inc.  
4623 More Mesa Drive  
Santa Barbara, California 93105

Mr. Gordon Silver  
Mrs. Sandra A. Silver  
1760 Alisal Street  
San Luis Obispo, California 93105

John Phillips, Esq.  
Center for Law in the Public Interest  
10203 Santa Monica Drive  
Los Angeles, California 90067

Bruce Norton, Esq.  
Norton, Burke, Berry & Junck  
3216 North Third Street - Suite 300  
Phoenix, Arizona 85012





Philip A. Crane, J. Esq.  
Pacific Gas and Electric Company  
77 Beale Street - Room 3127  
San Francisco, California 94106

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

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

Mr. Richard B. Hubbard  
MHB Technical Associates  
1723 Hamilton Avenue - Suite K  
San Jose, California 95125

Mr. Carl Neiberger  
Telegram Tribune  
P. O. Box 112  
San Luis Obispo, California 93402

Byron S. Georgiou, Esq.  
Legal Affairs Secretary  
Governor's Office - State Capitol  
Sacramento, California 95814

*[Handwritten signature]*

---

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

December 3, 1980

