

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, Unit Nos. 1 and 2) )  
 )

Docket Nos. 50-275 O.L.  
50-323 O.L.

GOVERNOR EDMUND G. BROWN JR.'S RESPONSES  
TO NRC STAFF INTERROGATORIES



Governor Brown hereby responds to the NRC Staff Interrogatories dated August 12, 1981.

In Instruction 4, the Staff has requested the names of individuals who will testify and/or advise the Governor on the issues addressed in each Interrogatory. As of this date, Governor Brown has not identified any individual who will testify on behalf of the Governor but, in accordance with NRC regulations, these responses will be supplemented when individuals are identified. It is noted, however, that Mr. Richard B. Hubbard of MHB Technical Associates in San Jose, California, will advise Governor Brown on a wide range of technical issues related to full power emergency preparedness. A statement of Mr. Hubbard's qualifications and background has been previously submitted in this proceeding and, accordingly, is not additionally submitted

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at this time. Mr. Hubbard's associate, Mr. Gregory Minor, also may consult on behalf of Governor Brown in the instant proceeding. Mr. Minor's qualifications have previously been submitted.

INTERROGATORY 1

Set forth with specificity each deficiency which the Governor alleges is present in the Diablo Canyon Nuclear Power Plant onsite emergency plan.

RESPONSE

The deficiencies in the Diablo Canyon onsite emergency response plan have previously been set forth with specificity in documents available to the NRC Staff. These documents are Joint Intervenors' Exhibit 111, Joint Intervenors' Proposed Findings of Fact in the low power proceeding, particularly pages 14-31, and Governor Brown's Proposed Findings of Fact in the low power proceeding, particularly pages 60-75. Thus, the deficiencies include but are not limited to a failure to have coordinated emergency classification systems, failure to have a prompt notification system, failure to have an adequate means of notifying the transient population, failure to have an adequate public education and information program, failure to plan for the complicating effects of an earthquake, failure to conduct adequate drills and exercises, failure to have an adequate radiological monitoring network, failure to define adequately the interface with local response entities, failure to update agreements (see App. 7 to PG&E Plan), failure to detail the State and

local services to be provided, failure to define adequately the criteria for choice among recommended protective actions, and failure to discuss the training program adequately. The onsite and offsite plans, in addition to other cited documents, form the basis for this response.

INTERROGATORY 2

Set forth with specificity each deficiency which the Governor alleges is present in the emergency plans of San Luis Obispo County, or any other local government's emergency plans, relative to a radiological emergency at Diablo Canyon Nuclear Facility.

RESPONSE

The specific deficiencies in the San Luis Obispo County Emergency Plans are set forth in the documents identified in Response to Interrogatory 1. They will not be repeated here in detail as those documents are readily available to the Staff. These deficiencies are also specified in FEMA analyses of May, 1980 which are also available to the Staff. However, we also note the following. First, the existing San Luis Obispo County Emergency Plans are not, in fact, even implemented. See Tr. 10,916-20 (Jorgensen). Accordingly, these plans do not exist or provide any preparedness in any practical sense. Thus, the overwhelming "deficiency" in the County preparedness is that there are no local emergency plans or preparedness at all relative to a radiological emergency at the Diablo Canyon facility.

Interrogatory 2 also requests specific deficiencies with respect to "any other local government's emergency plans." Governor Brown is not familiar with any other local government's emergency plans which are designed to respond to a radiological emergency at Diablo Canyon.

INTERROGATORY 3

Set forth with specificity each deficiency which the Governor believes is present in the State of California's Emergency Plans relative to a radiological emergency at Diablo Canyon Nuclear Facility.

RESPONSE

The State of California Emergency Plan which is attached to Revision 2 of the Diablo Canyon onsite plan is significantly deficient since it plans only for the LPZ and relates to the outmoded, pre-TMI NRC "requirements." Other deficiencies are set forth in Joint Intervenors' Exhibit 111. However, the State of California Emergency Plan has recently been substantially revised and upgraded. See March 1981 revision. That Plan, except for necessary earthquake analyses, now does substantially meet, at least on paper, the requirements of 10 C.F.R. § 50.47, although no FEMA "findings" have yet been issued. However, that Plan has not yet been fully integrated into the onsite and local offsite emergency response plans, and accordingly, it is still impossible to determine whether it is in full compliance with regulatory

requirements. Since integrated emergency response is the clear purpose of Section 50.47 (45 Fed. Reg. 55,403), a finding of full compliance will have to wait until such integration has occurred.

INTERROGATORY 4

For each deficiency identified in Interrogatories 1 through 3 above, identify the specific rule(s), regulation(s), or other statutory provision(s) which the Governor alleges are not met as a result of the identified deficiency.

RESPONSE

The deficiencies noted in Response to Interrogatories 1 through 3 constitute specific violations of Section 50.47(a), each of the Planning Standards of Section 50.47(b), Appendix E to Part 50, and Section 50.33(g). In addition, the deficiencies constitute violations of the planning guidance offered by the NRC in NUREG-0396 and NUREG-0654, and violate the requirements of the Atomic Energy Act insofar as that Act requires licensed facilities not to constitute an unreasonable danger to the public health and safety nor to the common defense and security. The existence of such deficiencies at an operating plant would constitute a violation of all the foregoing regulations, planning guidance, and statutes.

INTERROGATORY 5

Identify the NRC regulation(s) or other statutory provision(s) which the Governor believes require PG&E to conduct a site-

specific analysis of acute and latent health effects as a function of meteorology, demography, topography, access routes, jurisdictional boundaries, release characteristics and time of year of release to determine the adequacy of the proposed size of the EPZ's.

RESPONSE

10 C.F.R. §§ 50.33(g), 50.47, Part 50, Appendix E, NUREG-0396, NUREG-0654, Atomic Energy Act.

INTERROGATORY 6

State specifically each and every way the Governor believes the California Emergency Response Plan, dated 1975 and revised in 1978, does not comply with 10 C.F.R. § 50.47.

RESPONSE

See Response to Interrogatory 3. Further, the California Emergency Response Plan revised in 1978, is not the plan under which the State of California would propose to respond to a full power radiological emergency at Diablo Canyon. Accordingly, this Interrogatory is entirely irrelevant to this proceeding and therefore is objectionable.

INTERROGATORY 7

State specifically each and every way the Governor believes the San Luis Obispo County evacuation plans dated 1976 do not comply with 10 C.F.R. § 50.47.



RESPONSE

See Response to Interrogatory 2. Further, the 1976 San Luis Obispo County Evacuation Plans are not proposed by the County for local emergency response in the event of a full power radiological emergency. Rather, the County is in the process of preparing a new plan (still in draft form) which will form the basis, once completed, adopted, and implemented, for emergency response in the event of a full power radiological emergency. Accordingly, questions regarding the adequacy or inadequacy of the outdated 1976 plans, which are not proposed for use during full power operation, are totally irrelevant in this proceeding and are thus objectionable.

INTERROGATORY 8

State specifically each and every way the Governor believes the San Luis Obispo County emergency plans, dated 1976, have not been adequately implemented.

RESPONSE

See Objection to Interrogatory 7. Further, however, the San Luis Obispo County 1976 Emergency Plan has not been implemented at all. This was the uncontradicted testimony of Mr. Jorgensen during the low power proceeding and confirmed by Dr. Howard Mitchell who noted that even his Health Department's procedures had not been implemented. Tr. 10,916-20 (Jorgensen); Direct Test. of Dr. Mitchell, p. 2, after Tr. p. 10,898. Further, to the extent

that Sheriff Whiting testified during the proceeding that he had a "Sheriff's plan," that Sheriff's plan has also not been implemented since it is undisputed that it needs updating and has never been practiced in coordinated drills or exercises, and the only drills or exercises which were held (those were no more recently than 1979) were total failures. Tr. 11,323-24 (Whiting); 10,915-16 (Mitchell); 10,808, 10,865-67 (Sniffer). Accordingly, in every way, the San Luis Obispo County 1976 Response Plans have not been implemented.

INTERROGATORY 9

State specifically each and every way the Governor believes the training and coordination of offsite personnel, who would be asked to respond to the effects of a Diablo Canyon radiological emergency, is inadequate.

RESPONSE

As noted in Response to Interrogatory 8, as of the time of the low power hearing in May 1981, there had been no action to implement the County plans and thus there could be no effective training or coordination of offsite personnel who would be asked to respond to the effects of a radiological emergency at Diablo Canyon. There had been some limited training of monitoring personnel and training of CDF was proceeding. It is our understanding that some training and coordination has been occurring subsequent to the May hearing and was tested at least to some degree at the August 19, 1981 emergency planning exercise. How-



ever, no FEMA "findings" have yet been issued. We are not in a position at this time to specify whether that training and coordination is adequate or not. However, there has been no training or coordination to deal with the effects of an earthquake and, thus, to that extent the efforts to date have clearly been inadequate. We are now seeking in the discovery process details on the various training programs.

INTERROGATORY 10

Give the NRC regulation(s) or other statutory provision(s) which the Governor believes require further training and coordination of offsite personnel, who would be asked to respond to the effects of a Diablo Canyon radiological emergency.

RESPONSE

NRC regulations require that training and coordination be continual in order to ensure that effective emergency preparedness is continually available. 10 C.F.R. § 50.47; Appendix E to Part 50; NUREG-0654.

INTERROGATORY 11

Give the name and title of each individual that the Governor believes has been inadequately trained to respond to the effects of a Diablo Canyon radiological emergency.

RESPONSE

See Response to Interrogatory 9. Since all response personnel lack training to respond to a radiological emergency complicated

and/or caused by an earthquake, all personnel are inadequately trained.

INTERROGATORY 12

State specifically each piece of equipment which the Governor believes San Luis Obispo County lacks, which is necessary for the County to respond to a radiological emergency at Diablo Canyon.

INTERROGATORY 13

For each piece of equipment identified in Interrogatory 12 above, state in what way the Governor believes that particular piece of equipment is necessary for response to a Diablo Canyon radiological emergency.

RESPONSES

Governor Brown is seeking to identify all equipment available to the County. Until that process is accomplished, the Governor cannot respond. However, as of May 1981, San Luis Obispo County lacked at least the following equipment: adequate communications facilities, particularly to ensure communication capabilities in the event of a radiological emergency complicated by an earthquake; adequate radiological monitoring equipment and communications equipment for monitoring personnel to use; notification equipment, particularly to alert transient persons in the event of a radiological emergency; and an in place and functioning public information program and associated equipment.

Communications facilities and equipment are essential to ensure integrated and coordinated response among the onsite and offsite authorities, to ensure notification of the public, and to ensure that appropriate assessment and protective actions will occur. The radiological monitoring equipment is, of course, essential for determining what protective actions may be necessary in particular areas. The notification equipment is similarly essential for the effective implementation of those protective actions which are necessary. The public information program and associated equipment are necessary to alert the public regarding the possible necessity for and implementation of protective actions.

INTERROGATORY 14

State specifically what NRC regulation(s) or other statutory provision(s) the Governor believes require the equipment identified in Interrogatory 12 above.

RESPONSE

10 C.F.R. § 50.47(b) and NUREG-0654.

INTERROGATORY 15

State specifically what NRC regulation(s) or other statutory provision(s) the Governor believes requires the Diablo Canyon onsite, County, or state plans, to address the complications arising from attempting emergency response during an earthquake situation.

RESPONSE

10 C.F.R. § 50.47, the Atomic Energy Act, and NUREG-0654. In addition, recent orders in the San Onofre licensing proceeding specifically construed Section 50.47 to include a requirement to at least consider the complicating effects of an earthquake. See also the NRC Staff's December 16, 1980 letter to Pacific Gas and Electric Company directing that assessments of complicating effects of earthquakes be examined.

INTERROGATORY 16

State specifically each and every way the Governor believes there is inadequate preparedness to evacuate or take other protective actions on behalf of persons in Montana de Oro State Park.

RESPONSE

There is no demonstrated means to notify and/or evacuate persons in the rugged backcountry of Montana de Oro State Park in the event of a radiological emergency at Diablo Canyon. Further, there is no implemented Department of Parks and Recreation plan for undertaking evacuation or other protective measures in any part of the State Park. There has been inadequate training and coordination between Park personnel and County personnel so that effective protective actions can, in fact, be taken.

INTERROGATORY 17

State what NRC regulation(s) or other statutory provision(s) the Governor believes require additional measures to protect or evacuate persons in the Montana de Oro State Park.

RESPONSE

Interrogatory 17 assumes that the Governor believes "additional measures" are required in Montana de Oro State Park. This is not the Governor's position. The Governor's position is that adequate measures must be in place so that all persons who may be affected in a radiological emergency can and will be notified and assisted, if necessary, to take protective measures in the event of a radiological emergency at Diablo Canyon. This is a requirement of the Atomic Energy Act, the 1980 NRC Appropriations Bill, 10 C.F.R. § 50.47, Appendix E to Part 50, and NUREG-0654.

INTERROGATORY 18

State specifically each and every way the Governor believes the proposed information program of PG&E does not provide detailed information necessary to protect the public health and safety.

RESPONSE

The details of the PG&E public information program have never been provided to Governor Brown. Accordingly, we cannot respond to this Interrogatory. We have requested those details from PG&E in our discovery requests.

INTERROGATORY 19

State specifically what NRC regulation(s) or other statutory provision(s) the Governor believes require PG&E to provide more detailed information than that already provided in PG&E's proposed public information program.

RESPONSE

See Response to Interrogatory 18.

INTERROGATORY 20

State specifically each and every way the Governor believes the emergency operating procedures at Diablo Canyon are not adequate for full power.

RESPONSE

We have not been provided the emergency operating procedures for Diablo Canyon.<sup>\*/</sup> They are the subject of an outstanding discovery request and, accordingly, we are not in a position to respond to this Interrogatory.

INTERROGATORY 21

State what NRC regulation(s) or other statutory provision(s) the Governor believes are not met due to the inadequacies identified in Interrogatory 20 above.

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<sup>\*/</sup> The procedures were given to us briefly at the low power hearing but PG&E took them back when all references to the procedures were deleted from the record.



RESPONSE

See Response to Interrogato 20.

All documents identified by Governor Brown in the foregoing answers are already in the possession of the U.S. Nuclear Regulatory Commission.

Respectfully submitted,

Byron S. Georgiou  
Legal Affairs Secretary  
Governor's Office  
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Attorneys for Governor Brown of the  
State of California

August 31, 1981

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NUCLEAR REGULATORY COMMISSION

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(Diablo Canyon Nuclear Power ) )  
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\_\_\_\_\_)

AFFIDAVIT OF RICHARD B. HUEBARD

STATE OF CALIFORNIA )  
 ) ss.  
COUNTY OF SANTA CLARA )

RICHARD B. HUBBARD deposes and says under oath as follows:

I, the undersigned, have assisted in preparing and reviewing responses to the NRC Staff Interrogatories filed August 12, 1981. To the best of my knowledge, the responses are true and correct.

*Richard B. Hubbard*

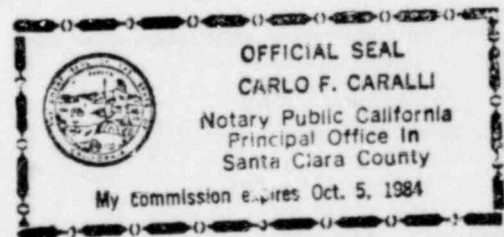
\_\_\_\_\_  
RICHARD B. HUBBARD

Subscribed and sworn to before  
me this 18<sup>th</sup> day of August, 1981.

*Carlo F. Caralli*

\_\_\_\_\_  
NOTARY PUBLIC

My commission expires. 10/5/84



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NUCLEAR REGULATORY COMMISSION

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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.
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CERTIFICATE OF SERVICE

I hereby certify that copies of "GOVERNOR EDMUND G. BROWN JR.'S RESPCNSES TO NAC STAFF INTERROGATORIES" in the above-captioned proceeding have been served to the following on August 31, 1981 by U.S. mail, first class.

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 U. S. Nuclear Regulatory Commission  
 Washington, D. C. 20555

Dr. W. Reed Johnson  
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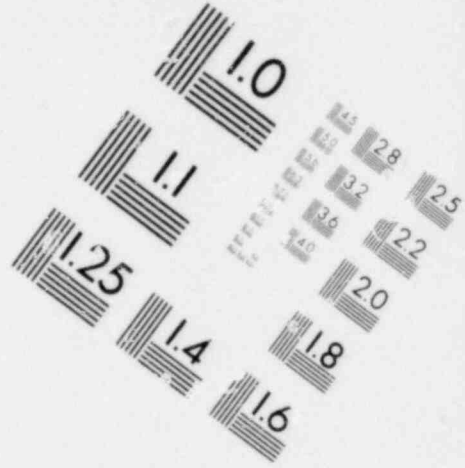
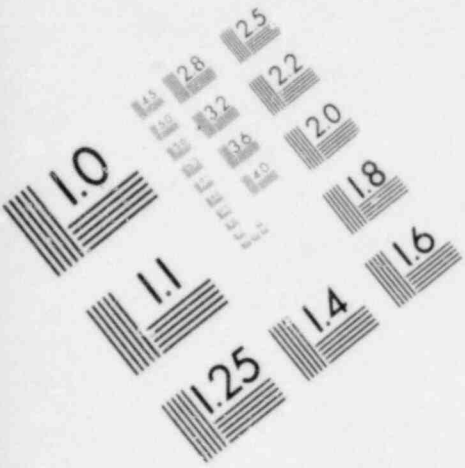
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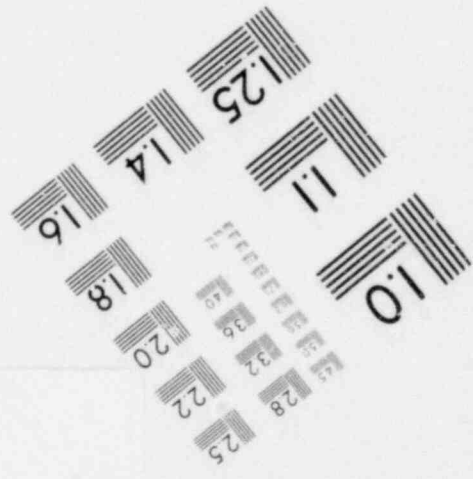
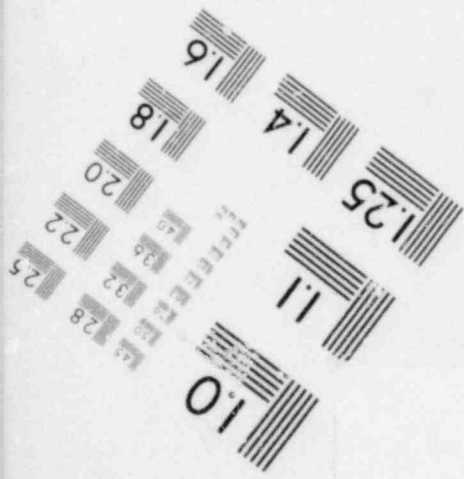
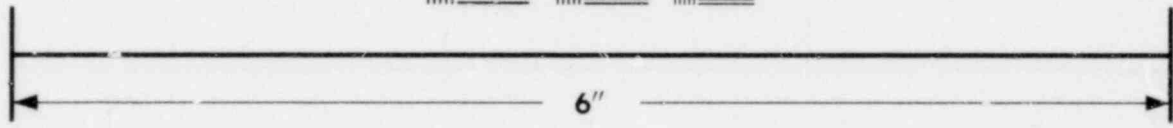
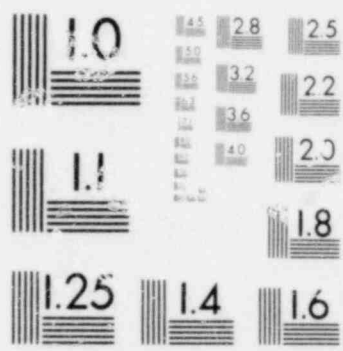
John F. Wolf, Esq., Chairman  
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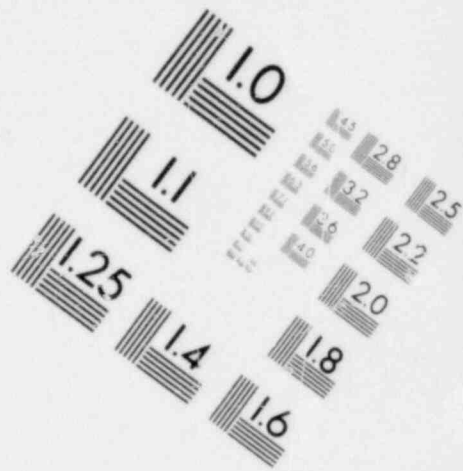
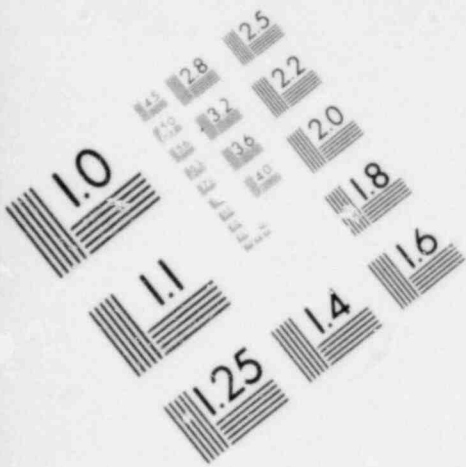
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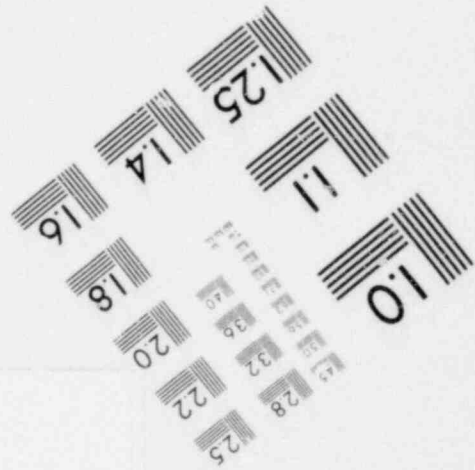
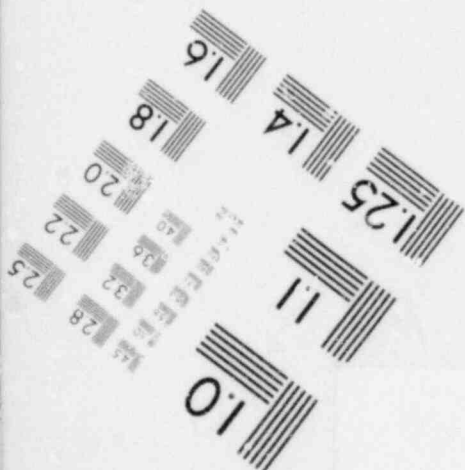
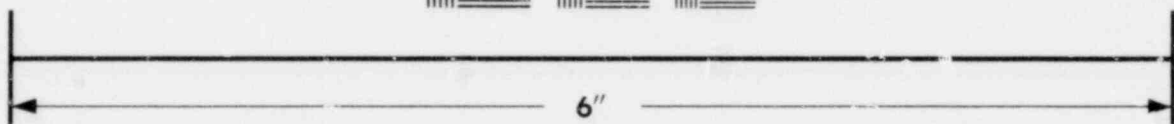
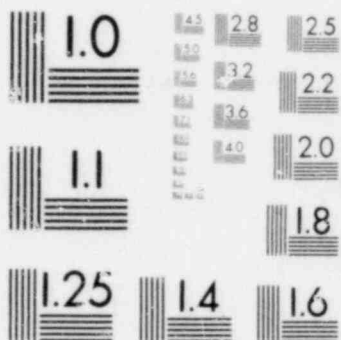


**IMAGE EVALUATION  
TEST TARGET (MT-3)**





**IMAGE EVALUATION  
TEST TARGET (MT-3)**



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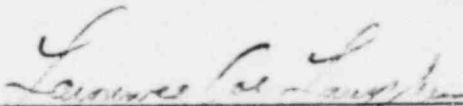
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August 31, 1981