

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION  
BEFORE THE COMMISSION

DOCKETED  
USNRC

'83 SEP -8 AIO:44

OFFICE OF SECRETARY  
DOCKETING & SERVICE  
BRANCH

\_\_\_\_\_  
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.

REQUEST FOR HEARING ON  
LIFTING OF LICENSE SUSPENSION

By order dated November 19, 1981, the Nuclear Regulatory Commission ("Commission") suspended the fuel loading and low power testing license, DPR-76, for Pacific Gas and Electric Company's ("PGandE") Diablo Canyon Nuclear Power Plant ("Diablo Canyon"), Unit 1. The stated basis for the suspension was the discovery of certain design errors at the facility which indicated that

certain structures, systems, and components important to safety at the plant may not be properly designed to withstand the effects of earthquakes, and further indicate[d] that violations of NRC regulations in 10 C.F.R. Part 50, Appendix B have occurred. Had this information been known to the Commission on or prior to September 22, 1981, Facility License No. DPR-76 would not have been issued until the questions raised had been resolved.

D503

Pursuant to § 189(a) of the Atomic Energy Act, 42 U.S.C. § 2239, the Joint Intervenors to the above-entitled proceeding hereby request a formal adjudicatory hearing prior to a Commission decision to lift the suspension on the Diablo Canyon license. The factual and legal basis for this request and the reasons for the hearing are those outlined by the Joint Intervenors in their September 1, 1983 letter to the Commission responding to the Commission's request for comments on the status of the ongoing Diablo Canyon design verification program. The purpose of the requested hearing is to determine PGandE's entitlement to lifting of the suspension and, indeed, whether the one-year license remains effective today given the two years that have elapsed since its issuance.

///

///

///

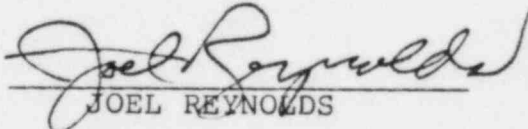
Accordingly, for the reasons stated, the Joint  
Intervenors request that an adjudicatory hearing be held prior  
to a Commission decision to lift the suspension on facility  
operating license DPR-76.

DATED: September 6, 1983      Respectfully submitted,

JOEL R. REYNOLDS, ESQ.  
JOHN R. PHILLIPS, ESQ.  
ERIC HAVIAN, ESQ.  
Center for Law in the  
Public Interest  
10951 W. Pico Boulevard  
Los Angeles, CA 90064  
(213)470-3000

DAVID S. FLEISCHAKER, ESQ.  
P. O. Box 1178  
Oklahoma City, OK 73101

By

  
JOEL REYNOLDS

Attorneys for Joint Intervenors  
SAN LUIS OBISPO MOTHERS FOR  
PEACE  
SCENIC SHORELINE PRESERVATION  
CONFERENCE, INC.  
ECOLOGY ACTION CLUB  
SANDRA SILVER  
ELIZABETH APFELBERG  
JOHN J. FORSTER



Mr. Harold Denton  
Director of Nuclear Reactor Regulation  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

\*Herzel Plaine, Esq.  
Office of General Counsel  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

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

Lawrence Chandler, Esq.  
Office of the Executive Legal Director - BETH 042  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

John Van de Kamp, Attorney General  
Andrea Sheridan Ordin, Chief Attorney General  
Michael J. Strumwasser,  
Special Counsel to the Attorney General  
Office of the Attorney General  
State of California  
3580 Wilshire Boulevard, Suite 800  
Los Angeles, CA 90010

Maurice Axelrad, Esq.  
Lowenstein, Newman, Reis & Axelrad, P.C.  
1025 Connecticut Avenue, N.W.  
Washington, D.C. 20036

Janice E. Kerr, Esq.  
Lawrence Q. Garcia, Esq.  
J. Calvin Simpton, Esq.  
California Public Utilities Commission  
5246 State Building  
350 McAllister Street  
San Francisco, CA 94102

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

Malcolm H. Furbush, Esq.  
Vice President & General Counsel  
Philip A. Crane, Esq.  
Pacific Gas and Electric Company  
Post Office Box 7442  
San Francisco, CA 94120

David S. Fleischaker  
Post Office Box 1178  
Oklahoma City, OK 73101

Richard B. Hubbard  
MHB Technical Associates  
1723 Hamilton Avenue  
Suite K  
San Jose, CA 95725

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

Virginia and Gordon Bruno  
Pecho Ranch  
Post Office Box 6289  
Los Osos, CA 93402

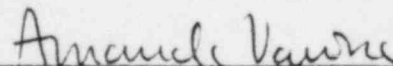
Sandra and Gordon Silver  
1760 Alisal Street  
San Luis Obispo, CA 93401

Bruce Norton, Esq.  
Norton, Burke, Perry & French  
Post Office Box 10569  
Phoenix, AZ 85064

Nancy Culver  
192 Luneta  
San Luis Obispo, CA 93401

Carl Neiburger  
Telegram Tribune  
Post Office Box 112  
San Luis Obispo, CA 93402

Betsy Umhoffer  
1493 Southwood  
San Luis Obispo, Ca 93401

  
AMANDA VARONA

---

\* Delivered via Express Mail