

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. REQUEST
FOR PRODUCTION OF DOCUMENTS TO THE
FEDERAL EMERGENCY MANAGEMENT AGENCY

Governor Brown hereby requests the Federal Emergency Management Agency ("FEMA") to produce for inspection and copying the documents described below. The documents shall be produced within 30 days of service of this request at the offices of Governor Brown's undersigned counsel, 1900 M Street, N.W., 8th Floor, Washington, D.C. 20036, unless another time or location is mutually agreed upon.

Definitions

1. "FEMA" when used herein includes, but is not necessarily limited to, FEMA headquarters in Washington, D.C., all FEMA regional offices, including FEMA Region IX, the Regional Assistance Committees, and all employees, contractors, consultants or agents of FEMA.

2. "PG&E" when used herein refers to Pacific Gas and Electric Company and all employees, contractors, consultants or agents of PG&E.

3. "NRC" or "NRC Staff" or "Staff" when used herein refers to the United States Nuclear Regulatory Commission, including all regional offices and all staff, employees, contractors, consultants or agents thereof.

4. "Diablo Canyon" when used herein refers to the Diablo Canyon Nuclear Power Plant located in San Luis Obispo County, California.

5. "San Luis Obispo County" or "County" when used herein refers to San Luis Obispo County, including all offices, departments, and agencies thereof and all employees, contractors, consultants or agents thereof.

6. "County Plan" when used herein refers to the San Luis Obispo County Nuclear Power Plant Emergency Response Plan (Draft, May 1981), together with all procedures thereto and all revisions thereof.

7. "California" or "State" when used herein refers to the State of California and all offices, departments and organizations thereof, including without limitation the California Office of Emergency Services ("OES"), and all employees, contractors, consultants or agents thereof.

8. "State Plan" when used herein refers to the State of California Nuclear Power Plant Emergency Response Plan (Revised March 1981), together with all procedures thereto and revisions thereof.

9. "Documents" when used herein include, but are not limited to emergency plans and procedures, critiques or evaluations of emergency exercises or drills, construction plans and specifications, papers, photographs, criteria, standards of review, recordings, memoranda, books, records, writings, letters, telegrams, mailgrams, correspondence, notes and minutes of meetings or of conversations or of phone calls, inter-office, intra-corporate memoranda or written communications of any nature, intra-agency memoranda or written communications of any nature, recordings of conversations either in writing or upon any mechanical or electronic or electrical recording devices, notes, exhibits, appraisals, work papers, reports, studies, opinions, analyses, assessments, surveys, evaluations, projections, hypotheses, formulas, designs, drawings, manuals, notebooks, worksheets, contracts, agreements, letter agreements, diaries, desk calendars, charts, schedules, appointment books, punchcards and computer printout sheets, computer data, telecopier transmissions, directives, proposals, and all drafts, revisions, and differing versions (whether formal or informal) of any of the foregoing, and also all copies of any of the foregoing which differ in any substantive way (including handwritten notations or other substantive written or printed matter of any nature) from the original.

Request 1:

All documents in the possession, custody or control of FEMA which relate in any way to the NRC Staff request of November 3,

1980, that FEMA evaluate the complicating factors for emergency response at California nuclear reactors, including Diablo Canyon, which might be caused by an earthquake. A copy of the Staff request is included as Exhibit A hereto. Without limitation of the scope of this request, documents within the scope of Request 1 include:

- (a) All correspondence between FEMA and PG&E, the Staff the County and/or the State related to the complicating effects of an earthquake on emergency preparedness at Diablo Canyon.
- (b) All analyses, memoranda or other documents which predict or assess the damage or complications which might result in the County from an earthquake on either (i) the Hosgri Fault or (ii) on any other fault in or near the County. Please supply separately stated answers for (i) and (ii). With respect to faults other than the Hosgri, please identify each such fault considered by FEMA.
- (c) All analyses of how or whether the County Plan and/or the State Plan deal with or compensate for the complicating effects of an earthquake.
- (d) All analyses or other documents which relate in any way to the report of Tera Corporation entitled, "Earthquake Emergency Planning at Diablo Canyon," submitted to PG&E by Tera on September 2, 1981.

Request 2:

All documents in the possession, custody or control of FEMA which analyse, assess, or in any way relate to whether the County Plan and County preparedness pursuant to the County Plan satisfy each or any Planning Standard of 10 C.F.R. § 50.47(b).

Request 3:

All documents in the possession, custody or control of FEMA which analyse, assess, or in any way relate to whether the State Plan and State preparedness pursuant to the State Plan satisfy each or any Planning Standard of 10 C.F.R. § 50.47(b).

Request 4:

All documents in the possession, custody or control of FEMA which relate in any way to the emergency preparedness exercise held on August 19, 1981 in San Luis Obispo County. Without limitation of the scope of this request, documents within the scope of Request 4 include:

- (a) All evaluations, assessments, memoranda, notes, critiques or other documents which assess the August 19 exercise.
- (b) All notes, photographs, memoranda or other documents which record or in any way relate to actions or events which occurred during the August 19 exercise.
- (c) All documents which assess or in any way relate to whether the scenario for the August 19 exercise was complete and adequate to test the emergency response capabilities of PG&E, the County, and the State.

Request 5:

All documents related in any way to correspondence and/or conversations of FEMA personnel with NRC personnel concerning Diablo Canyon.

Request 6:

All documents in the possession, custody or control of FEMA which assess or relate in any way to emergency preparedness training, drills or exercises for Diablo Canyon other than the August 19 exercise.

Request 7:

All documents in the possession, custody or control of FEMA which relate in any way to the "findings and determinations" of FEMA for Diablo Canyon which are called for under 10 C.F.R. § 50.47(a)(2), including drafts thereof.

Request 8:

All documents in the possession, custody or control of FEMA which relate in any way to FEMA's methodology for making the "findings and determinations" called for under 10 C.F.R. § 50.47 (a)(2). Without limitation of the scope of this request, documents within the scope of Request 8 include:

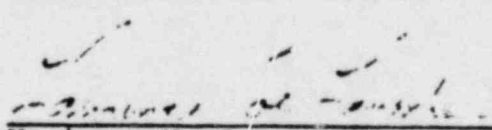
- (a) Manuals which guide FEMA reviewers.
- (b) Checklists for assessing exercises and drills.
- (c) Analyses of the Planning Standards of 10 C.F.R. § 50.47(b).
- (d) Criteria for determining when the Section 50.47(b) Standards are satisfied.

Request 9:

All documents not produced in response to Requests 1-8 which relate in any way to emergency planning and preparedness at Diablo Canyon.

Respectfully submitted,

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



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Attorneys for Governor Brown of the
State of California

September 25, 1981



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D. C. 20555

EXHIBIT A

NOVEMBER 9 1980

MEMORANDUM FOR: John McConnell, Assistant Associate Director for
Population Preparedness, FEMA

FROM: Brian K. Grimes, Program Director, Emergency Preparedness
Program Office, NRR

SUBJECT: REQUEST FOR FEMA ASSISTANCE TO REVIEW EFFECTS OF
EARTHQUAKE AND VOLCANIC ERUPTION ON STATE/LOCAL
EMERGENCY PLANS

As we have discussed, in the course of our review of licensed utility emergency plans, volcanic eruptions and catastrophic earthquakes have emerged as two issues of high public interest. To insure that these issues are being adequately addressed, we request that FEMA review the State and local planning efforts for the areas around California nuclear power plant sites and the Trojan site with respect to the complications which might arise in the event of extreme natural phenomena and how these can best be addressed in the planning process.

In conjunction with the Trojan plant evaluation for compliance with the new NRC emergency planning regulations, the Commission has directed that the problems of effective protective measures and evacuation during or soon after volcanic eruption (giving due consideration to the possible effects of severe ashfall, mudflows, floods, and landslides) be closely examined. In this regard, we are requesting the licensed utility to revise its emergency plan to explicitly address the possible problems associated with an eruption. This will include considerations of site access during an emergency, assured communications and appropriate revision of the evacuation time estimates used in protective action determinations. The Oregon State Department of Energy, has already addressed the feasibility of implementing effective protective measures during an eruption (enclosure 1).

The earthquake issue has particular relevance to nuclear plants in California (i.e., Diablo Canyon, Humboldt Bay, Rancho Seco and San Onofre). We understand from the FEMA news release of September 29, 1980 that FEMA will lead a team consisting of personnel from Federal, State and local agencies to accelerate efforts towards improving the state of readiness to cope with potential major earthquakes in California. In this regard we request that FEMA include in its evaluation of offsite emergency plans, a qualitative evaluation of complicating factors which might be caused by earthquakes for California nuclear power reactor sites. Specifically,

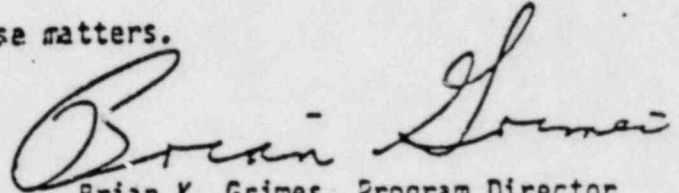
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John McConnell

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such evaluation should include the impacts on State/local emergency plans due to potential disruption of communications networks and evacuation routes. In this regard, we are requesting the affected licensees to revise their emergency plans to explicitly address the possible problems associated with an earthquake to include the type of potential complications discussed above for the Trojan facility.

Thank you for your assistance in these matters.



Brian K. Grimes, Program Director
Emergency Preparedness Program Office
Office of Nuclear Reactor Regulation

Enclosure:
Oregon DOE Study
Report Measures

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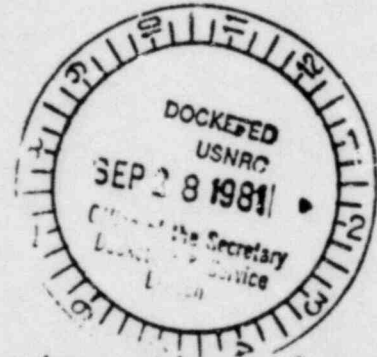
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SUBPOENA DUCES TECUM

TO: San Luis Obispo County
Courthouse Annex
San Luis Obispo, California 93408

Attention: Donald D. Stillwell
County Administrator



You are hereby directed to produce for inspection and copying the documents specified in the filing attached hereto entitled, "Governor Edmund G. Brown Jr. Request for Production of Documents to San Luis Obispo County." These documents shall be produced within 30 days of service of this subpoena.

If you oppose this subpoena, you may move to quash or modify in accordance with 10 C.F.R. § 2.720(f).

JOHN F. WOLF
Presiding Officer

September , 1981