

RELATED CORRESPONDENCE

DOCKETED  
USNRC

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

'81 DEC -1 P12:19

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD CLERK  
SERVICE

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.

JOINT INTERVENOR'S RESPONSE  
TO NRC STAFF'S REQUEST FOR  
ADMISSIONS AND THIRD SET  
OF INTERROGATORIES



Joint Intervenors hereby respond to the NRC Staff's ("Staff") October 21, 1981 Requests for Admissions and Third Set of Interrogatories. Because the interrogatories call only for an explanation of answers to the request for admissions, they are answered in connection with the response to the applicable request for admission.

RESPONSE TO ADMISSION NO. 1

Joint Intervenors object to this request for admission on the ground that it calls for a legal conclusion -- namely, compliance as a matter of law with applicable regulations -- rather than for the admission of the genuineness of any relevant document or for the admission of the truth of any specified relevant matter of fact. See 10 C.F.R. §2.742. Although

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numerous unspecified factual issues undoubtedly underlie the legal conclusion called for by the request to admit, the propounding party's failure to identify those facts precludes a response by Joint Intervenors to this request.

RESPONSE TO ADMISSION NO. 2

Joint Intervenors object to this request for admission on the ground that it calls for a legal conclusion -- namely, compliance as a matter of law with applicable regulations -- rather than for the admission of the genuineness of any relevant document or for the admission of the truth of any specified relevant matter of fact. See 10 C.F.R. §2.742. Although numerous unspecified factual issues undoubtedly underlie the legal conclusion called for by the request to admit, the propounding party's failure to identify those facts precludes a response by Joint Intervenors to this request.

RESPONSE TO ADMISSION NO. 3

Joint Intervenors object to this request for admission on the ground that it calls for a legal conclusion -- namely, compliance as a matter of law with applicable regulations -- rather than for the admission of the genuineness of any relevant document or for the admission of the truth of any specified relevant matter of fact. See 10 C.F.R. §2.742. Although numerous unspecified factual issues undoubtedly underlie the legal conclusion called for by the request to admit, the propounding party's failure to identify those facts precludes a response by Joint Intervenors to this request.

RESPONSE TO ADMISSION NO. 4

Joint Intervenors object to this request for admission on the ground that it calls for a legal conclusion -- namely, compliance as a matter of law with applicable regulations -- rather than for the admission of the genuineness of any relevant document or for the admission of the truth of any specified relevant matter of fact. See 10 C.F.R. §2.742. Although numerous unspecified factual issues undoubtedly underlie the legal conclusion called for by the request to admit, the propounding party's failure to identify those facts precludes a response by Joint Intervenors to this request.

RESPONSE TO ADMISSION NO. 5

Joint Intervenors were excluded from the August 19, 1981 emergency planning exercise in San Luis Obispo; in addition, they have not yet completed their review of the exercise critiques and no FEMA "finding" has been issued. Consequently, they cannot give a definitive answer to this request for admission.

However, at this time, as far as is known, the agencies involved did not demonstrate the necessary capability of controlling access and performing a coordinated evacuation procedure because the exercise did not realistically simulate the circumstances likely to be present in the event of an actual emergency at Diablo Canyon. Specifically, no evacuation of remote areas of the LPZ was demonstrated; no capability to evacuate large numbers of actual residents of the San Luis Obispo and the Five Cities area was demonstrated; no ability to control access on traffic routes actually being utilized for evacuation

was demonstrated; no capacity to coordinate evacuation and control access on traffic routes in the event of a major earthquake occurring simultaneously with an emergency at the site was demonstrated; and no capability to clear blocked roads or to assure evacuation and/or sheltering of the public in the event of adverse weather conditions was demonstrated. In short, the exercise was seriously deficient as a training tool in at least these significant respects, therefore precluding an affirmative response to this admission. This inadequacy calls into question compliance with 10 C.F.R. §50.47 (b)(1), (2), (5), (6), (7), (8), (9), (10), (12), (14), (15); see also NUREG-0654 criteria applicable to each of the cited planning standards and the October 30, 1981 letter from Stilwell to Eldridge (attached to Governor Brown's November 13, 1980 Response to Staff interrog: ).

RESPONSE TO ADMISSION NO. 6

Joint Intervenors have not yet completed their review of the various classification and action level schemes. However, at this time, as far as is known, the plan for San Luis Obispo County has not yet been finalized. It is, therefore, not possible to know with certainty (1) whether the plan will be adopted and (2) whether the classification scheme ultimately adopted will be consistent with that of PGandE and the State. Assuming that a classification scheme similar to that set forth in the May, 1981 draft plan is adopted, then each plan will contain basically the same scheme.

RESPONSE TO ADMISSION NO. 7

Joint Intervenors object to this request for admission on the ground that it calls for a legal conclusion -- namely, compliance as a matter of law with applicable regulations -- rather than for the admission of the genuineness of any relevant document or for the admission of the truth of any specified relevant matter of fact. See 10 C.F.R. §2.742. Although numerous unspecified factual issues undoubtedly underlie the legal conclusion called for by the request to admit, the propounding party's failure to identify those facts precludes a response by Joint Intervenors to this request.

RESPONSE TO ADMISSION NO. 8

Joint Intervenors object to this request for admission on the ground that it calls for a legal conclusion -- namely, compliance as a matter of law with applicable regulations -- rather than for the admission of the genuineness of any relevant document or for the admission of the truth of any specified relevant matter of fact. See 10 C.F.R. §2.742. Although numerous unspecified factual issues undoubtedly underlie the legal conclusion called for by the request to admit, the propounding party's failure to identify those facts precludes a response by Joint Intervenors to this request.

RESPONSE TO ADMISSION NO. 9

Denied. Joint Intervenors have not yet completed their review of the extent to which the various plans actually incorporate measures taking into account the complicating effects

of an earthquake. However, at this time, as far as is known, none of the plans has been revised to incorporate such measures, and there is no assurance that such action will be accomplished by January 1, 1982. Moreover, in light of the fact that the TERA Corporation report entitled "Earthquake Emergency Planning at Diablo Canyon" underestimates the peak ground accelerations likely to occur in the event of a major earthquake on the Hosgri Fault, Joint Intervenors do not believe that the measures described in that report constitute adequate assurance that the public will be protected in the event of an earthquake occurring simultaneously with a radiological emergency at Diablo Canyon.

RESPONSE TO ADMISSION NO. 10

Denied. The State plan is not fully integrated into the onsite and local offsite emergency response plans for Diablo Canyon -- nor could it be -- because the local plan is still in the proces of extensive revision. In light of the numerous approvals necessary at both the State and local levels, it would be speculative to conclude that integration will be achieved by the date specified.

RESPONSE TO ADMISSION NO. 11

Joint Intervenors object to this request for admission on the ground that it calls for a legal conclusion -- namely, compliance as a matter of law with applicable regulations -- rather than for the admission of the genuineness of any relevant document or for the admission of the truth of any specified relevant matter of fact. See 10 C.F.R. §2.742. Although

numerous unspecified factual issues undoubtedly underlie the legal conclusion called for by the request to admit, the propounding party's failure to identify those facts precludes a response by Joint Intervenors to this request.

RESPONSE TO ADMISSION NO. 12

Joint Intervenors object to this request for admission on the ground that it calls for a legal conclusion -- namely, compliance as a matter of law with applicable regulations -- rather than for the admission of the genuineness of any relevant document or for the admission of the truth of any specified relevant matter of fact. See 10 C.F.R. §2.742. Although numerous unspecified factual issues undoubtedly underlie the legal conclusion called for by the request to admit, the propounding party's failure to identify those facts precludes a response by Joint Intervenors to this request.

RESPONSE TO ADMISSION NO. 13

Denied. PGandE's onsite plan does not incorporate provisions regarding the complicating effects of an earthquake. Indeed, the TERA Corporation report previously cited herein was necessitated by the absence of such provisions in the site plan. PGandE has not yet amended Rev. 3 to incorporate the necessary response to this issue.

RESPONSE TO ADMISSION NO. 14

Joint Intervenors have not yet completed their review of PGandE's onsite plan (Rev. 3). However, at this time, as far as

is known, the criteria for choice set forth in the documents cited do not provide reasonable assurance that the correct protective actions will be timely selected and implemented. Indeed, during the August 19 exercise, protective actions were not ordered for the general public until several hours after a general emergency was declared. Joint Intervenors believe, therefore, that the criteria must be revised to assure that as immediately as is feasible the protective actions to be taken will be selected and communicated to the public. See 10 C.F.R. §50.47(b)(4), (5), (7), (9), (10), (12), (14); see also NUREG-0654 criteria applicable to the planning standards cited.

#### RESPONSE TO ADMISSION NO. 15

Joint Intervenors object to this request for admission on the ground that it calls for a legal conclusion -- namely, compliance as a matter of law with applicable regulations -- rather than for the admission of the genuineness of any relevant document or for the admission of the truth of any specified relevant matter of fact. See 10 C.F.R. §2.742. Although numerous unspecified factual issues undoubtedly underlie the legal conclusion called for by the request to admit, the propounding party's failure to identify those facts precludes a response by Joint Intervenors to this request.

#### RESPONSE TO ADMISSION NO. 16

Denied. Joint Intervenors have not yet completed their review of the TERA report and the various plans. However, at this time, as far as is known, the TERA report has not been



integrated into any of the relevant plans. Moreover, the report does not adequately take into account the complicating effects of an earthquake because, among other things, it underestimates the ground accelerations likely to be generated by a major earthquake on the Hosgri Fault. In addition, the assumptions that manpower and equipment will be available to do repairs, clear roads, and control access are not supported, nor is there adequate basis cited in support of the limited time estimated to be necessary to take such actions. Finally, there has been no demonstration that critical communications, monitoring, and notification equipment

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will continue to function in the event of an earthquake given the conceded failure to design and qualify such equipment to function during such a seismic event.

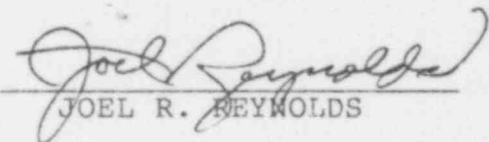
DATED: November 25, 1981

Respectfully submitted,

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UNITED STATES OF AMERICA  
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BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

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PACIFIC GAS AND ELECTRIC COMPANY )  
(Diablo Canyon Nuclear Power )  
Plant, Unit Nos. 1 and 2 )

Docket No. 50-275 O.L.  
50-323 O.L.

AFFIDAVIT OF RICHARD B. HUBBARD

RICHARD B. HUBBARD, being duly sworn, do say under oath that I, the undersigned have assisted in preparing and reviewing responses of Joint Intervenors to NRC Staff's Request For Admissions and NRC Staff Third Set of Interrogatories dated October 21, 1981. Said answer to Admissions 5, 6, 9, 10, 13, 14 and 16 are true and correct to the best of my knowledge and belief.

*Richard B. Hubbard*

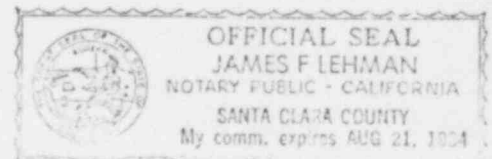
Richard B. Hubbard

Subscribed and sworn to before  
me this 24 day of NOVEMBER, 1981.

*James F. Lehman*  
NOTARY PUBLIC

My commission expires:

8/21/84



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.  
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CERTIFICATE OF SERVICE

I hereby certify that on this 25th day of November, 1981, I have served copies of the foregoing JOINT INTERVENORS' RESPONSE TO NRC STAFF'S REQUEST FOR ADMISSIONS AND THIRD SET OF INTERROGATORIES, mailing them through the U. S. mails, first class, postage prepaid.

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