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April 2, 1993

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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of:	)	
	)	Docket Nos. 50-275-OLA-2
Pacific Gas and Electric Company	)	50-323-OLA
	)	(Construction Period
(Diablo Canyon Nuclear Power	)	Recovery)
Plant, Units 1 and 2)	)	
	)	

PACIFIC GAS & ELECTRIC COMPANY'S
RESPONSE TO MEMORANDUM AND ORDER (ADDENDUM TO FES)

On March 19, 1993, the Licensing Board issued "Memorandum and Order (Addendum to FES)" asking two questions regarding the NRC Staff's Environmental Assessment ("EA"), dated February 3, 1993, addressing the proposed amendment at issue in this proceeding.[1] The Licensing Board's questions are premised upon its observations that the NRC Staff issued a Final Environmental Statement ("FES") in May 1973, that the Staff issued an "Addendum" to the FES in May 1976, and that the Staff's February 1993 EA concludes that the proposed amendment involves "no new or unreviewed environmental

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[1] "Pacific Gas and Electric Co., Diablo Canyon Nuclear Power Plant, Units 1 and 2; Issuance of Environmental Assessment and Finding of No Significant Impact," 58 Fed. Reg. 7,899 (February 10, 1993).

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impacts that were not considered as part of the [FES] dated May 1973." EA at 2. In fact, however, even more absolutely the 1993 EA also states that "the Commission concludes that there are no significant environmental impacts associated with the proposed amendment." EA at 11 (emphasis added). Within this context, Pacific Gas and Electric Company ("PG&E") provides the following responses to the Licensing Board's questions.

1. Does the existence of the Addendum, with its impacts that differ in certain respects from those evaluated in the May 1973 FES, invalidate in whole or in part the conclusions reached by the Staff in its February 3, 1993 EA?

No. The NRC Staff specifically considered the Addendum in preparing the EA. The EA on its face refers to the Addendum in several places. See, e.g., EA at 4 ("projected [onsite radiological] exposures are significantly less than the 450 person-rem per year per unit values estimated in the FES Addendum"); EA at 10-11 ("Several environmental-related plant modifications have been made since issuance of the FES and Addendum . . . . Most of these plant design changes had a direct positive impact on the environment."). The Addendum is also considered and referenced in the environmental report included in PG&E's July 1992 license amendment application ("LAR").[2] Accordingly, the Addendum was expressly and directly considered in the environmental analysis of

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[2] See, e.g., LAR at 18.

the proposed amendment. The NRC Staff concluded, apparently with this in mind, that the proposed amendment would involve no significant impact.

The fact that the environmental impacts discussed in the Addendum differed "in certain respects" from those in the FES is also irrelevant as a factual matter in this proceeding. The changes in the Addendum from the FES were directed at certain limited issues, largely thermal effluents (Addendum Section 3.0), aquatic impacts (Addendum Section 5.0), and construction impacts (Addendum Section 4.0). The intervenors in the present case do not premise their late-filed environmental contention on any of these matters. Moreover, with respect to the radiological impact of station operation, the FES, Addendum and the EA all reach the conclusion that such impacts will not be significant.[3/] Thus, the mere existence of the Addendum creates no new procedural or factual issue.

2. Does this omission support in some degree MFP's challenge to the adequacy of the methodology used to produce the EA (proposed Contention XI, at 2)?

No. As stated above, the Addendum was considered in preparing the EA. More recent operating data was also considered, which confirmed the continuing validity of the findings in the 1973 FES and 1976 Addendum.

3/ With respect to routine operations, see FES at 5-66; Addendum at ii; EA at 5-6. With respect to postulated accident impacts, see FES at 7-7; EA at 2-4.

Therefore, there is no apparent inadequacy in the methodology used to produce the EA.[4/]

Respectfully submitted,

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Dated in Washington, DC
this 2nd day of April, 1993

4/ PG&E has also reviewed the untimely proposed Contention XI, at 2, as cited by the Licensing Board. PG&E reads the contention to challenge the NRC Staff's decision not to prepare an environmental impact statement ("EIS"), alleging that there are some unconsidered significant impacts that would necessitate an EIS. PG&E can find in the proffered contention no challenge to the "methodology" or process followed in preparing the EA. In any event, however, for reasons explained at length in PG&E's separate response to the late-filed environmental contention, there are no previously unconsidered impacts and there is no basis in law or fact to require an EIS. Moreover, there is no new information cited by MFP in the proposed contention that was not previously available to MFP in the LAR filed nine months ago in July 1992.

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NUCLEAR REGULATORY COMMISSION

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In the Matter of:	)	
	)	Docket Nos. 50-275-OLA
Pacific Gas and Electric Company	)	50-323-OLA
	)	(Construction Period
(Diablo Canyon Power	)	Recapture)
Plant, Units 1 and 2)	)	
	)	

CERTIFICATE OF SERVICE

I hereby certify that copies of "PACIFIC GAS & ELECTRIC COMPANY'S RESPONSE TO MEMORANDUM AND ORDER (ADDENDUM TO FES)" in the above-captioned proceeding have been served on the following by deposit in the United States mail, first class, or, as indicated by an asterisk (*), by deposit for Federal Express delivery, or, as indicated by the (†) symbol, by hand delivery, this 2nd day of April, 1993.

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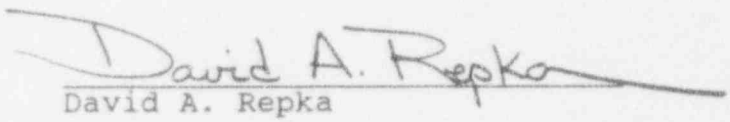

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