

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

DOCKETED
USNRC

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD *82 JAN -7 P2:14

In the Matter of)

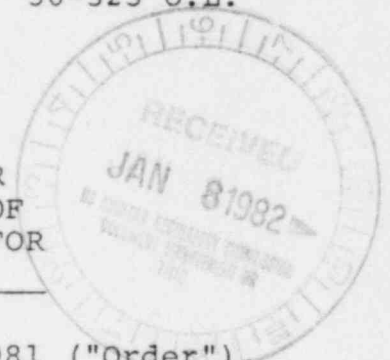
PACIFIC GAS AND ELECTRIC COMPANY)

(Diablo Canyon Nuclear Power Plant,)
Units 1 and 2))

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

OFFICE OF SECRETARY
DOCKETING & SERVICE
BRANCH

REQUEST FOR CERTIFICATION OF ASLB ORDER
DISCLAIMING JURISDICTION OVER EFFECTS OF
EARTHQUAKES ON EMERGENCY PLANNING AND FOR
EXPEDITED CONSIDERATION



By Memorandum and Order served December 28, 1981 ("Order"), the Licensing Board ruled that it does not have jurisdiction "to consider impacts on emergency planning of earthquakes which cause or occur during an accidental radiological release." Order at 2. The Board concluded that this ruling was mandated by the Commission's December 8, 1981 decision in the San Onofre proceeding. See CLI-81-33.

Governor Brown requests that this Board certify to the Appeal Board the Licensing Board's decision for the following reasons:

1. The complicating effects of an earthquake on emergency planning have been introduced as a factual issue in this proceeding by PG&E. Thus, PG&E's Emergency Plan provides that an initiating event for the Emergency Plan is both an earthquake "greater than OBE levels" and an earthquake "greater than SSE levels." See PG&E Emergency Plan, Table 4.1-1, pp. 11 and 15. Since PG&E claims to have planned for the potentially serious complications of an earthquake on nearby faults, including the proximate Hosgri fault, the

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Governor should be permitted to examine the adequacy of PG&E's planning. Surely, the Commission's December 8 Order in San Onofre should not be construed so as to dissuade PG&E from planning and preparing for the very events that PG&E has incorporated into its Emergency Plan. And, surely the Commission could not have intended the State whose resources would be required during a radiological emergency to be barred from participating on this crucial issue.

2. On October 13, 1981, Governor Brown requested the Commission to provide the Governor with an opportunity to comment if the Commission intended its ruling in San Onofre to have precedential effect on the Diablo Canyon proceeding. See Attachment. The Commission did not provide such opportunity to the Governor, thus suggesting that the Commission did not intend its San Onofre ruling to bind the Board in Diablo Canyon. Instead, the Commission's action leaves room for the Board to make a factual finding that the circumstances of Diablo Canyon require consideration of earthquake consequences on emergency preparedness.

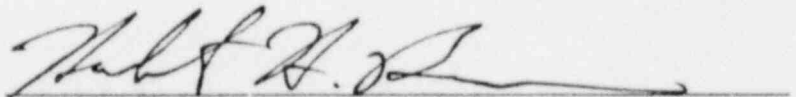
3. The central issue in the Diablo Canyon proceeding has been and remains the expected effects of a major earthquake on the nearby Hosgri fault, which PG&E overlooked in siting the Diablo Canyon plant. Obvious potential effects of such an earthquake would be on roads, bridges, and other elements of the public infrastructure that are crucial to evacuation and other protective actions in the event of a radiological emergency. For example, if a critical bridge along an evacuation route from the Diablo Canyon plant were seriously damaged by an earthquake, the evacuation route itself

would be rendered unusable. Assuming the loss of such an evacuation route, would the Commission want the plant to operate? The answer would presumably be no, because the integrity of the evacuation route which supported licensing of the plant no longer exists, and the public health and safety standard thus cannot be met. Unless the Licensing Board's December 23 Order is reversed, this and other critically related issues will be precluded from the hearing.

Because the hearing is scheduled for January 19, the Governor requests expedited consideration of this matter. If the Appeal Board were to rule for the Governor, the January 19 hearing date could still be met, because all parties to the proceeding have received the TERA report commissioned by PG&E to analyze the effects of earthquakes on emergency planning and necessary discovery has already been completed. If expedited consideration is not given to this matter and the Appeal Board later rules for the Governor, a further hearing will be required, one that can be avoided by prompt action and consideration of earthquake-related issues at the January 19 hearing.

Respectfully submitted,

Byron S. Georgiou
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January 6, 1982

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE COMMISSION

In the Matter of)	
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PACIFIC GAS AND ELECTRIC COMPANY)	Docket Nos. 50-275 O.L.
)	50-323 O.L.
(Diablo Canyon Nuclear Power Plant,)	
Units 1 and 2))	
)	

REQUEST FOR CLARIFICATION

Governor Edmund G. Brown Jr., representing the State of California herein, takes notice that the Commission is considering in the San Onofre proceeding whether to require analysis of the complicating effects of certain levels of earthquakes on emergency planning and preparedness. Please be advised that if the Commission intends to issue an order or take other action in the San Onofre proceeding that would affect or provide precedent for the scope or substance of the review of earthquake effects on emergency planning and preparedness at Diablo Canyon, the Governor wishes to be so informed and to have the opportunity to provide written comments to the Commission.

Indeed, the complicating effects of an earthquake along the Hosgri Fault, which is located less than three miles from the Diablo Canyon plant, are of profound concern to the integrity of emergency planning and preparedness at Diablo Canyon. Not only is it imperative that such complicating effects be considered for earthquakes equal to the 7.5 M Safe Shutdown Earthquake ("SSE"), but it is essential that emergency planning and preparedness be

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considered for earthquakes greater than the SSE. PG&E's own emergency plan for the Diablo Canyon plant provides that an "Earthquake greater than SSE levels" constitutes a "Site Area Emergency." Table 4.1-1, p. 15 (Rev. 3).

Respectfully submitted,

Byron S. Georgiou
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October 13, 1981

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 copies of the "REQUEST FOR CERTIFICATION OF ASLB ORDER DISCLAIMING JURISDICTION OVER EFFECTS OF EARTHQUAKES ON EMERGENCY PLANNING AND FOR EXPEDITED CONSIDERATION" have been served to the following on January 6, 1982 by U.S. mail, first class, except as otherwise indicated.

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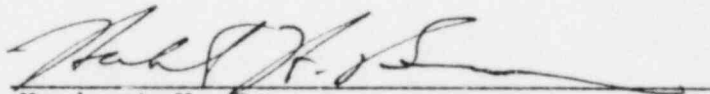
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January 6, 1982

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