UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

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

GOVERNOR EDMUND G. BROWN JR. RESPONSE TO SUMMARY DISPOSITION MOTIONS FILED BY THE NRC STAFF AND PACIFIC GAS AND ELECTRIC COMPANY

On December 21, 1981, the Nuclear Regulatory Commission Staff ("NRC Staff") and Pacific Gas and Electric Company ("PG&E") filed summary disposition motions concerning Contentions 10 (pressurizer heater contention) and 12 (valve contention). In accordance with the schedule established by this Board, Governor Brown now responds to those motions and urges that this Board deny each.

The substantive bases for the Governor's opposition to these motions are set forth hereafter in this Memorandum and in the Statement of Material Facts as to Which There is a Genuine Dispute (Exhibit 1 hereto), the Affidavit of Dale G. Bridenbaugh and Gregory C. Minor (Exhibit 2 hereto), the pre-filed testimony of the Governor's witnesses on these contentions (Exhibits 3 and 4 hereto) and the other exhibits attached hereto. Briefly, these motions must be denied because there is a genuine and material factual dispute concerning whether the pressurizer heaters and relief valves/block valves at Diablo Canyon have

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been properly classified and qualified. It is the Governor's position that these items of equipment are not properly classified and qualified. This equipment does not meet regulatory requirements for safety-grade (safety-related) equipment, despite the fact that Diablo Canyon operators are directed to rely upon this equipment in the Diablo Canyon Emergency Operating Procedures to perform critical safety functions, often without being provided other safety-grade means to accomplish the same functions. Accordingly, given the material factual dispute which exists and since this equipment has not been classified at a level commensurate with the functions it performs, the summary disposition motions must be denied.

Before addressing in detail the substantive bases for denial of these motions, there are two preliminary matters which are first addressed. These are whether the Board should even consider summary disposition motions on Contentions 10 and 12 in the special context of this case, and, second, the fact that PG&E's summary disposition motion is seriously defective for failure to comply with the NRC's regulations (10 C.F.R. § 2.749(a)) and thus must be denied out of hand.

I. The Board Should Not Consider Summary Disposition of Contentions 10 and 12

In their Memorandum and Order dated September 21, 1981, the Commissioners directed this Licensing Board to include Contentions

10 and 12 in the full power proceeding. See CLI-81-22, pp. 2-3, CCH Nuc. Reg. Rptr. ¶ 30,631. The Governor submits that the NRC's clear purpose in taking this action was to ensure that the Licensing Board would compile a complete evidentiary record regarding these two issues and that the Commission itself would ultimately be able to review that evidentiary record. Such a record, of course, could not be compiled if summary disposition were now granted.

In view of the Commission's directive of September 21, 1981, the Governor submits that these issues are, in essence, Commission questions on which summary disposition is not appropriate. Rather, it is essential that the evidentiary record mandated by the Commission be compiled so that the Commission, in later review of the record, will have the benefit of full responses to the issues which it has singled-out for consideration and deemed to be significant. Accordingly, the Governor urges this Board to rule that the summary disposition motions are inappropriate and, thus, are denied.

II. The PG&E Summary Disposition Motion Must Be Denied for Failure to Comply with NRC Procedural Requirements

Even if the Board were to consider the summary disposition motions, the PG&E motion must be denied summarily. Section 2.749(a) of the NRC's regulations required PG&E to annex to its

summary disposition motion "a separate, short and concise statement of the material facts as to which the moving party contends there is no genuine issue to be heard." 10 C.F.R. § 2.749(a). This is a mandatory provision of law. See Houston Lighting and Power Company (Allens Creek Nuclear Generating Station), ALAB-629, CCH Nuc. Reg. Rptr. ¶ 30,562 (1981).

PG&E ignored this mandatory requirement and submitted no statement of material facts as to which it alleges no genuine dispute exists.[1/] This is not the first time that PG&E has flagrantly failed to follow this precise NRC regulation pertaining to summary disposition. Last spring, in the low power proceeding, PG&E moved for summary disposition. The Governor on April 24, 1981 filed an opposition to the PG&E motion and documented (at pp. 9-10) that PG&E had failed to file the necessary statement of material facts. See Exhibit 5 hereto. The Governor also pointed out at that time that PG&E had similarly failed to comply with the same Section 2.749(a) requirement in the Stanislaus proceeding. Id. PG&E now comes before this Board yet again -- indeed for at least the third time -- and fails to file the required statement of material facts. This Board should not contenance such flagrant violation of its regulations yet another time. The Governor urges summary dismissal of PG&E's motion.

1/ In contrast, the Staff has complied with Section 2.749(a). See "Statement of Material Facts as to Which There is no Genuine Issue," attached to NRC Staff Summary Disposition Motion.

It must be emphasized that the necessary statement of material facts is not a procedural nicety. A party opposing summary disposition must annex to its summary disposition motion "a separate, short and concise statement of the material facts as to which it is contented that there exists a genuine issue to be heard." 10 C.F.R. § 2.749(a). When PG&E fails to submit its required statement, it is impossible for the Governor (and the Board) to discern what facts PG&E feels are material and not in dispute and thus those facts which must be controverted in responding to the motion. Accordingly, PG&E's failure to comply with Section 2.749(a) effectively subverts the summary disposition process. This fact was clearly articulated by the Licensing Board in the Stanislaus case, in which that Board sharply admonished PG&E for its failure to follow the summary disposition regulations. Thus, in Stanislaus the Licensing Board stated:

> Subsection (a) [of Section 2.749] clearly requires that "There shall be annexed to the motion a separate short and concise statement of the material facts as to which the moving party contends that there is no genuine issue to be heard." PG&E has failed to file this required statement of material facts. Such a requirement is not merely a procedural technicality, but it is of substantive significance. This statement is necessary in order to impose upon other parties a duty to file a statement of material facts as to which it is contended there exists a genuine issue to be heard under penalty of having uncontroverted material facts deemed to be admitted. It is necessary for the Board to have this information in a readily available form in order to evaluate the merits of a motion for summary disposition. In re Pacific Gas and Electric Co. (Stanislaus Nuclear Project), CCH Nuc. Reg. Rpt. ¶ 30,211 (LBP 1977) (emphasis supplied).

That PG&E had been given the necessary lesson in Stanislaus, but still ignores that clear teaching now requires a firm and final rejection of PG&E's deficient motion.

Because of PG&E's failure to set forth the facts it alleges are not in dispute, the Governor's substantive response which follows and the Governor's Statement of Material Facts as to which There is Genuine Dispute, attached hereto as Exhibit 1, will address directly only the factual allegations of the Staff motion.[2/]

III. Summary Disposition of Contentions 10 and 12 Must Be Denied

A. Contention 10

Contention 10, as admitted by the Board in its September 30, 1981 Memorandum and Order, is as follows:

> The Staff recognizes that pressurizer heaters and associated controls are necessary to maintain natural circulation at hot stand-by conditions. Therefore, this equipment should be classified as 'components important to safety' and required to meet all applicable safety-grade design criteria, including but not limited to diversity (GDC 22), seismic and environmental qualification (GDC 2 and 4), automatic initiation (GDC 20), separation and independence (GDC 3 and 22), quality assurance (GDC 1), adequate, reliable on-site power supplies (GDC 17) and the single failure criterion. The Applicant's proposal to connect two out of four emergency power supplies does not provide an equivalent or acceptable level of protection.

2/ In directly addressing the Staff Motion, the Governor's response will likely address and rebut most salient points asserted by PG&E in its motion and the attachments thereto.

The essence of the Staff motion is that while pressurizer heaters are designated as "components important to safety," they are not relied upon to perform any critical safety functions and thus need not be classified as "safety-related" or "safety-grade." Staff Motion at 5. The Governor disagrees and demonstrates below that sharp factual disputes exist over classification of the pressurizer heaters, which disputes preclude grant of the Staff motion.

First, it is not clear that the heaters are, in fact, classified as "components important to safety." PG&E has asserted that the heaters are not required to be so classified and that they, in fact, are not classified as components important to safety. PG&E Summary Disposition Motion, p. 4. Thus, PG&E has stated:

> There are no requirements for the pressurizer heaters and associated controls to be classified as "components important to safety."
>
> . . . the pressurizer heaters and associated controls are not classified as "components important to safety." 3/

The Staff claims the heaters are classified as "components important to safety." Staff Motion at 5. The Governor believes they <u>should</u> be classified as important to safety but it is clear, at any rate, that a genuine dispute does exist regarding the actual classification of the pressurizer heaters. <u>See</u> Affidavit of

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3/ PG&E Summary Disposition Motion, Affidavit of John B. Hoch, p. 2, ¶¶ 6, 7.

Dale G. Bridenbaugh and Gregory C. Minor ("Bridenbaugh/Minor Affidavit"), Ex. 2, at p. 2 (all Exhibit references are to the exhibits attached hereto); Prepared Direct Testimony of Dale G. Bridenbaugh and Gregory C. Minor Regarding Contention 10 ("Bridenbaugh/Minor Contention 10 Testimony"), Ex. 3, at pp. 6-7.[4/] In view of such dispute, summary disposition is clearly inappropriate.[5/]

4/ The dispute over classification of the pressurizer heaters is magnified by an apparent dispute over certain of its critical functions. The NRC Staff states that pressurizer heaters are required to maintain system pressure at the hot standby condition. Staff Motion at 5. PG&E claims that the heaters are not required for hot standby pressure control and natural circulation. Affidavit of John B. Hoch, p. 1, attached to PG&E Summary Disposition Motion. The Governor's witnesses agree with the Staff that the heaters should be used for this function, since this is the normal control mode, the procedures specify this mode of operation, and it is difficult for the operators to follow a different and infrequently used procedure under stressful conditions. Bridenbaugh/Minor Contention 10 Testimony, Ex. 3, at p. 8. Clearly, again a genuine dispute of material fact is present.

5/ The material dispute concerns, in addition, the basic terminology utilized by PG&E for classification purposes. The terms "important to safety," "safety-related" and "safety-grade" have been seriously confused. See November 20, 1981 Memorandum from Harold R. Denton, Attachment B to Bridenbaugh/Minor Contention 10 Testimony, Ex. 3, at pp. 5-6. The Governor's position is that the pressurizer heaters and associated controls should be classified as "safety- related" or "safety-grade" as those terms are used in the Denton Memorandum.

Further, the pressurizer heaters are utilized to perform critical safety functions. For instance, post-accident decay heat removal via natural circulation is normally achieved through use of the pressurizer heater system. See Bridenbaugh/Minor Affidavit, Ex. 2, at pp. 2-3. Indeed, the pressurizer heaters are the normal and preferred system for pressure control and maintenance of natural circulation cooling. Id. at 3; Bridenbaugh/Minor Contention 10 Testimony, Ex. 3, at p. 4. The timely and successful achievement of natural circulation cooling is clearly a critical safety function, particularly in light of the TMI-2 accident experience where operators were unable to achieve this essential cooling device. See Bridenbaugh/Minor Contention 10 Testimony, Ex. 3, at pp. 7-8, 12. The PG&E Emergency Operating Procedure for Natural Circulation, EP OP-23, "Natural Circulation of Reactor Coolant" specifically calls for use of the pressurizer heaters. See Exhibit 6 hereto. Clearly, the non-safety-grade pressuizer heaters are relied upon to perform this critical safety function.[6/]

6/ PG&E's reliance on the pressurizer heaters is demonstrated further by the frequent reference to them in the Diablo Canyon Emergency Operating Procedures. No less than nine such procedures call for the use of the pressurizer heater system. See Applicant Pacific Gas and Electric Company's Answers to Governor Edmund G. Brown Jr.'s Second Set of Interrogatories, p. 47. PG&E claims that alternate means (to the heater system) for pressure control are available; however, none of the cited Emergency Operating Procedures specifically direct the operator how to proceed with alternatives if the heater system becomes unavailable. See Bridenbaugh/Minor Contention 10 Testimony, Ex. 3, at pp. 8-9.

The Staff position seems to be that while operators are directed to use the pressurizer heaters to perform critical safety functions such as natural circulation cooling, the operators do not need to use the pressurizer heaters because other means, not utilizing the heaters, are available. This assertion must be rejected. Such other means to achieve natural circulation cooling have not been demonstrated at Diablo Canyon. Bridenbaugh/Minor Affidavit, Ex. 2, at pp. 4-5.[7/] More important, the operators are not directed to utilize such alleged other means; instead, they are directed to use the heaters, with no safety-grade backup means specified in the Emergency Operating Procedures. Id. at 3.[8/]

> On the one hand, PG&E has argued that the pressurizer heaters are not required for natural circulation; rather, other methods are available to ensure that this important cooling mechanism occurs. However, in the Diablo Canyon Emergency Procedures (OP-13 and 23), no other methods are provided for

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7/ The fact that the high points of the coolant loops are normally covered with secondary coolant supplied by the main or auxiliary feedwater systems does not, of itself, assure adequate cooling of the core without the pressurizer heaters. Other systems must be operable, operator actions must not interfere with the system's necessary function, and conditions conducive to maintenance of natural circulation must be present. This cooling mode has not been demonstrated at Diablo Canyon nor have the Emergency Operating Procedures been fully and adequately prepared to utilize this mode. Bridenbaugh/Minor Affidavit, Ex. 2, at p. 4; Bridenbaugh/Minor Contention 10 Testimony, Ex. 3 at p. 9.

8/ Emergency Operating Procedure OP-13, "Malfunction of Reactor Pressure Control System" (Exhibit 7 hereto), provides guidance on how to maintain primary pressure control when the pressure (cont'd on next page)

> the operators' use. Thus, . . . at a minimum, either the heaters should be upgraded to safety-grade or the other methods which presumably rely on safety-grade systems should be specified. Since the other methods are not specified in the procedures at this time, there can be no assurance that Diablo Canyon operators would, in fact, utilize such other systems if the non-safety-grade heaters were unavailable. Thus, the procedures are inadequate or the heaters' classification is inadequate, or both. 9/

Thus, the non-safety-grade pressurizer heaters are relied upon to perform critical safety functions; backup systems which allegedly are available to perform the same or an equivalent function are not specified in the procedures for operators' use. Therefore, there clearly is a sharply disputed material fact concerning whether the pressurizer heaters have been correctly classified and whether the Diablo Canyon Emergency Operating Procedures are adequate if the present non-safety-related classification persists.

8/ (Cont'd) control devices malfunction. This procedure only assumes control channel failure or failure to deenergize and therefore provides corrective action only by placing the system in manual control. No guidance is given as to how to proceed to "feed and bleed" or the other "alternate control methods." Similarly, EP OP-23, "Natural Circulation of Reactor Coolant," has as a basic assumption that offsite power and the heaters are available, making it incomplete for certain accident sequences. See Bridenbaugh/Minor Contention 10 Testimony, Ex. 3, at p. 10.

9/ Bridenbaugh/Minor Contention 10 Testimony, Ex. 3, at pp. 10-11 (footnote omitted). We do not contend (as implied in the Staff Motion at pp. 5-6) that pressurizer heaters cannot be utilized in the EOP's if they are not safety-grade. We do assert, however, that where non-safety-grade equipment is relied upon for a critical function, a safety-grade backup device should be clearly specified. The PG&E EOP's do not do this.

The Staff also asserts that the electrical power supply to the pressurizer heaters is adequate. Staff Motion at 7-8. The Governor again disagrees. In order to transfer some of the heaters to the onsite emergency power system, an operator must be dispatched to a remote location in the Auxiliary Building, three floors below the control room, to perform electrical breaker manipulations. Bridenbaugh/Minor Affidavit, Ex. 2, at pp. 3-4; Bridenbaugh/Minor Contention 10 Testimony, Ex. 3, at p. 11. This is contrary to the TMI Action Plan recommendation that the transfer be performed from the control room. Bridenbaugh/Minor Affidavit, Ex. 2, at pp. 3-4.[10/] This is also contrary to the automatic initiation requirements of General Design Criteria 20. Bridenbaugh/Minor Contention 10 Testimony, Ex. 3, at p. 13. Again, a clear and material factual dispute exists concerning the adequacy of the power supply to the pressurizer heaters.

The upgrading of all the pressurizer heater system components to a "safety-related" classification has been considered in the past and was, in fact, recommended by one of the major NRC groups assembled to review the TMI accident. The recommendations presented included:

> The pressurizer heater system should be classified as safety grade which would assure emergency power availability and protection from failures due to environmental conditions. 11/

10/ See NUREG-0737, Clarification of TMI Action Plan Requirements, p. 3-86.

11/ Memorandum for J. Allan, NRC, from R. D. Martin, NRC, "Operations Team Recommendations," October 10, 1979, p. 23.

This recommendation, if followed, would require full adherence to all applicable safety requirements and qualification of the components to appropriate seismic and environmental conditions. There are no reasons to believe that such upgrading could not be done and, indeed, neither the Staff nor PG&E provides any reason why such an upgrade would not be desirable from a safety standpoint.

If the safety classification of the heaters were upgraded, the pressurizer heater system clearly should become more reliable. Plant safety would be improved by the minimization of the number of challenges to the system and by the optimization of the operability and controllability of systems used in the mitigation or control of abnormal events. The NRR Lessons Learned Task Force found that "maintenance of natural circulation capability is important to safety."[12/] Pressurizer heaters are the preferred components for this capability, and indeed, are specified to be used in the Diablo Canyon procedures. However, although performing critical safety functions, the heaters are not classified as safety-grade and safety-grade backups are not specified for the operators' use. The Governor submits that these essential components are seriously misclassified. In view of the genuine factual disputes which exist, summary disposition must be denied and this contention set for hearing next week.

12/ NUREG-0578, p. A-2.

B. Contention 12

Contention 12, also admitted into this proceeding by the Board's September 30, 1981, Memorandum and Order, is as follows:

> Proper operation of power operated relief valves, associated block valves and the instruments and controls for these valves is essential to mitigate the consequences of accidents. In addition, their failure can cause or aggravate a LOCA. Therefore, these valves must be classified as components important to safety and required to meet all safety-grade design criteria. 13/

The Staff argues, in essence, that the power operated relief valves ("PORV's") and associated block valves ("BV's") at Diablo Canyon perform no critical safety function and thus are not required to meet safety-grade criteria. Staff Motion at 9. The Governor disagrees and demonstrates below and in the attached exhibits that these valves do in fact perform critical safety functions, that they are relied upon for safe operation of Diablo Canyon, and that they accordingly must be classified as safety-grade. At a minimum, a sharp factual dispute exists concerning Diablo Canyon PORV/BV classification and thus summary disposition must be denied.

13/ The Appeal Board's Order of December 11, 1981, expands Contention 12 to include "the testing and verification of these same components" since "testing and verification of these components is an integral part of the qualification process." ASLAB Order, Dec. 11, 1981, p. 3. Thus, the adequacy of the qualification process, including the adequacy of the EPRI testing program, is included in the expanded scope of Contention 12. The NRC Staff has not addressed this expanded scope in its summary disposition motion. See Staff Motion at 4, fn. 2.

First, the Diablo Canyon PORV's/BV's do perform critical safety functions. Thus, these valves perform the following functions:

a. Maintain integrity of the primary pressure boundary.

b. Provide pressure relief for low temperature overpressurization conditions.

c. Reduce the number of challenges to the safety valves.

d. Reduce the number of challenges to the ECCS.

e. Provide a bleed capability during the feed-and-bleed mode of operation to remove decay heat from the core. 14/

Several of these functions are consistent with the functions in 10 C.F.R. Part 100, Appendix A, Section III.C, which is used by the NRC to define criteria for "safety-related" classification. 15/

Second, the PORV's/BV's are relied upon to perform the foregoing safety functions. For instance, the BV's and/or PORV's are called upon to be operated or checked for misoperation in several of the Emergency Operating Procedures. For example, EOP-20, "Excessive Reactor Coolant System Leakage," calls for checking the PORV's as a possible source of excessive leakage from the coolant system (i.e., a small LOCA). See Ex. 8 hereto. EOP-38, "Anticipated Transient Without Trip," describes the need for automatic opening of the PORV's and checking later to see that they are not stuck open in the event of a pressure decay and

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14/ Bridenbaugh/Minor Affidavit, Ex. 2, at pp. 5-6; Bridenbaugh/Minor Contention 12 Testimony, Ex. 4, at p. 4.

15/ Bridenbaugh/Minor Affidavit, Ex. 2, at pp. 5-6; Bridenbaugh/Minor Contention 12 Testimony, Ex. 4, at p. 4.

coolant loss. See Ex. 9 hereto. EOP-2, "Loss of Secondary Coolant," describes the actions to prevent challenges to the pressurizer safety valves in the case of loss of secondary coolant. It also mentions that a transient may cause the PORV's to open and requires that their resetting be checked, thus insuring against a small LOCA in the primary coolant. See Ex. 10 hereto.[16/]

Diablo Canyon has three PORV's and three BV's. PG&E has described two of the PORV's and all of the BV's as being "important to safety." It is unclear, however, how PG&E defines that term[17/] and, accordingly, the precise classification of all

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16/ Similarly, the procedure for Emergency Shutdown (OP-22) describes conditions where the use of a PORV/BV combination may be needed to depressurize the primary loop so the safety injection pumps may be used for boration. See Ex. 11 hereto. The PORV would be opened and the block valve used for throttling the flow. The procedure does not restrict the operator to any particular PORV nor does it identify a safety-grade alternative component to accomplish the task. Thus, any of the PORV/BV combinations should be able to accomplish this safety-related task. See id.

17/ The FSAR is vague as to the safety classification of the PORV's/BV's and their circuits and controls. The Applicant has stated that the qualification level of the three PORV's and their circuits are not all identical. However, documents which the operator relies on for guidance in operating the plant during emergency conditions (Emergency Operating Procedures) and deciding on an acceptable plant configuration (Diablo Canyon Technical Specifications) provide no evidence of differentiation between the greater or less "qualified valves or associated equipment." Bridenbaugh/Minor Contention 12 Testimony, Ex. 4, at p. 5.

these valves is unclear and in dispute. See Bridenbaugh/Minor Affidavit, Ex. 2, at p. 5; Bridenbaugh/Minor Contention 12 Testimony, Ex. 4, at pp. 3-4.

Even assuming that two PORV's and three BV's are classified as safety-related or safety-grade, the remaining non-safety-grade PORV may still be called upon to perform critical safety functions. For instance, Section 3.4.9.3 of the Diablo Canyon Technical Specifications requires that two PORV's be operable during Hot Shutdown (Mode 4) conditions for overpressure protection. There is no guidance, however, to operators in the emergency procedures to utilize the more qualified, i.e., safety-related, safety-grade PORV. Thus, all PORV's should be qualified to the same level or the operators' EOP's should restrict which two valves are to be used. Bridenbaugh/Minor Contention 12 Testimony, Ex. 4, at pp. 6-7.

Similarly, during operating modes 1, 2 and 3 (Power Operation, Startup, and Hot Standby), Tech Spec Section 3.4.4 requires that each PORV must be operable or, if not operable, to be isolated by an operable BV which is then deenergized. For these modes, either the PORV's or their associated BV's are relied upon to protect the integrity of the primary pressure boundary. However, according to the Technical Specification, it is possible to block the two higher-qualified valves and rely only on the lesser-qualified valve and its associated controls. Again, there should be instructions to the operator to prevent this situation, i.e.

to prevent sole reliance on a non-safety-grade system, if the difference in valve classification continues to exist. See Bridenbaugh/Minor Contention 12 Testimony, Ex. 4, at p. 7. At a minimum, a clear factual dispute exists concerning PG&E's apparent reliance on non-safety-grade systems to perform safety functions.[18/]

Finally, the Staff argues that analyses have demonstrated that Diablo Canyon will suffer no severe harm even if the non-safety-grade PORV should fail open. Staff Motion at 11. The Governor disagrees and submits that no such confidence is warranted. The TMI-2 accident demonstrated that proper operation of PORV's and BV's can be important in mitigating the effects of an accident.[19/] Thus, it is impossible to assure that stuck-open PORV's at Diablo Canyon could not lead to core damage. Only under the most ideal conditions (i.e., ignoring systems interaction, common-mode failures, operator error, and other system failures) can the Staff and Applicant assume no fuel damage will result from a stuck-open PORV. See Bridenbaugh/Minor Affidavit,

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18/ The fact that Diablo Canyon has more PORV's and BV's than other plants does not alter the need to properly classify the third PORV. The third, non-safety-grade PORV may help the reactor ride through a load rejection transient, thus preventing a challenge to the protection system, but it also creates additional failure points which could result in a small LOCA, additional common mode failure mechanisms, and the possibility of systems interaction which could impact other safety-related functions. Bridenbaugh/Minor Contention 12 Testimony, Ex. 4, at p. 8.

19/ The PORV's and BV's also play an important role in depressurizing the reactor coolant so that backup boration techniques may be applied. Bridenbaugh/Minor Affidavit, Ex. 2, at pp. 6-7. The EOP's also assume the PORV's will automatically open in an ATWS event, an event which could lead to a major accident although not presently recognized as a (cont'd)

Ex. 2, at p. 7-8.[20/]

This Board should require all Diablo Canyon PORV's and BV's to meet safety-grade criteria. If, as appears possible, 5 of 6 valves do meet those criteria, it is inexplicable that the last PORV would be kept at a lesser classification, thus creating the potential for severe accident conditions. At a minimum, a sharp factual dispute exists concerning the correctness of PG&E's valve classifications, a dispute which precludes summary disposition.

19/ (Cont'd)

design basis event. BV's are also used to mitigate and control a small LOCA resulting from a failed PORV. Id.

20/ If a PORV failed, it would cause a small LOCA. If two or more failed due to a common-mode failure or systems interaction, the effects would be more severe. If the failure should occur simultaneously with a LOCA of other origin, it would produce confusing symptoms and indications to the operator, release additional contaminated coolant to the containment, and could result in more severe consequences than a LOCA would otherwise produce. Bridenbaugh/Minor Affidavit, Ex. 2, at p. 7.

For the foregoing reasons, and for the reasons further stated in the exhibits hereto, we urge that summary disposition of Contention 12 be denied.

Respectfully submitted,

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

Herbert H. Brown
Lawrence Coe Lanpher
KIRKPATRICK, LOCKHART, HILL,
CHRISTOPHER & PHILLIPS
1900 M Street, N.W.
Washington, D.C. 20036

Attorneys for Governor Brown
of the State of California

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EXHIBIT LIST

Exhibit 1	Statement of Material Facts as to Which There is a Genuine Dispute
Exhibit 2	Affidavit of Dale G. Bridenbaugh and Gregory C. Minor
Exhibit 3	Prepared Direct Testimony of Dale G. Bridenbaugh and Gregory C. Minor Regarding Contention 10
Exhibit 4	Prepared Direct Testimony of Dale G. Bridenbaugh and Gregory C. Minor Regarding Contention 12
Exhibit 5	Pages 9-10 of April 24, 1981 Opposition of Governor Brown to NRC Staff and PG&E Motions for Reconsideration and Summary Disposition
Exhibit 6	EP OP-23, "Natural Circulation of Reactor Coolant"
Exhibit 7	EP OP-13, "Malfunction of Reactor Pressure Control System"
Exhibit 8	EP OP-20, "Excessive Reactor Coolant System Leakage"
Exhibit 9	EP OP-38, "Anticipated Transients Without Trip"
Exhibit 10	EP OP-2, "Loss of Secondary Coolant"
Exhibit 11	EP OP-22, "Emergency Shutdown"