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USNRC

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

'82 SEP 20 110:53

Before the Atomic Safety and Licensing Appeal Board

OFFICE OF SECRETARY

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.

EXCEPTIONS OF GOVERNOR EDMUND G. BROWN JR.
TO LICENSING BOARD INITIAL DECISION OF
AUGUST 31, 1982

On August 31, 1982, the Licensing Board issued an Initial Decision ("ID") concerning the application of Pacific Gas and Electric Company ("PG&E") for full power licenses for the Diablo Canyon Nuclear Power Plant ("Diablo Canyon"). In accordance with Commission regulations, particularly 10 C.F.R. §2.762, Governor Brown submits exceptions to the August 31, 1982 ID and to certain orders and rulings of the Licensing Board which relate to the ID.^{1/}

^{1/} The exceptions to the ID relate most directly to pages 1-87 of the ID. The remainder of the ID basically repeats in numbered paragraphs the conclusions reached in pages 1-87. In some instances, the Governor's exceptions contest statements in pages 1-87 and the same findings in the succeeding sections after page 87. In other instances, however, the Governor has omitted dual citations to avoid repetition. This omission of dual citations does not mean that the Governor concurs in the findings subsequent to page 87; rather, the Governor specifically contests each finding at pages 88 to the end which relates to a matter excepted to at pages 1-87.

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I. Exceptions to Prehearing Orders and Rulings

1. The Licensing Board erred in ruling that the Commission's emergency planning regulations, particularly 10 C.F.R. §50.47 and Appendix E to Part 50, preclude consideration of the site-specific effects of an earthquake on emergency planning and preparedness at Diablo Canyon. The Licensing Board erred in failing to rule that the site-specific effects of an earthquake at or near Diablo Canyon must be considered in preparing for a radiological emergency at Diablo Canyon. (December 23, 1981 Prehearing Conference Order, Governor's March 19, 1982 Proposed Findings of Fact and Conclusions of Law ("Proposed Findings"), p. 3).

2. The Licensing Board erred in ruling that emergency planning can be approved for Diablo Canyon absent final FEMA findings on the state of offsite emergency preparedness. (December 23, 1981 Prehearing Conference Order; Proposed Findings, pp. 4, 8-17).

II. Exceptions to Initial Decision

3. The Licensing Board erred in ruling that the ID deals with the remaining issues related to full power operation of Diablo Canyon. (ID, p.2).

4. The Licensing Board erred in ruling that Joint Intervenor and Governor Brown failed to prove their contentions regarding the necessity for a change in classification of the pressurizer heaters, block valves, and power operated relief valves ("PORV"). The Board further erred in this ruling, and in

similar rulings on the emergency planning contention by improperly placing the burden of proof on Governor Brown and Joint Intervenors. (ID, p. 5; Proposed Findings, pp. 49-61).

5. The Licensing Board erred in ruling that adequate protective measures can and will be taken in the event of a radiological emergency. (ID, p. 5; Proposed Findings, pp. 3-6).

6. The Licensing Board erred in ruling that there is no requirement for the pressurizer heaters to be classified as safety-grade and that connection of only one half of the heater banks to the emergency power supply is adequate. (ID, p. 6; Proposed Findings, pp. 49-57).

7. The Licensing Board erred in ruling that the non-safety-grade PORV has no safety function and that the PORV systems are adequate for the functions to be performed. (ID, p. 6; Proposed Findings, pp. 57-61).

8. The Licensing Board erred as follows in making the recommendations set forth at page 7 of the ID:

- (a) The deficiencies noted on page 7 of the ID preclude approval of emergency planning and preparedness at Diablo Canyon;
- (b) The Board improperly delegated to the Staff, a party in this contested proceeding, responsibility to ensure elimination of significant deficiencies in emergency planning, noted at page 7 of the ID, rather than retaining jurisdiction itself to determine if and when the

deficiencies in emergency planning are eliminated;

- (c) The Board failed to rule that the question of whether the deficiencies noted at page 7 of the ID have been eliminated requires a hearing on the record at which each party, including the Joint Intervenors and Governor Brown, have an opportunity to present evidence.

9. The Licensing Board erred in failing to grant Governor Brown's motion to reopen the full power licensing proceeding on the quality assurance issues and in ruling that the motion should be held in abeyance. (ID, pp. 8-9; Governor's Motion to Reopen).

10. The Licensing Board erred in ruling that Planning Standard 10 C.F.R §50.47(b)(1) has been satisfied. (ID, pp. 11-21; Proposed Findings, pp. 8-20).

11. The Licensing Board erred in finding that PG&E's emergency planning efforts comply with 10 C.F.R. §50.47(b)(1). (ID, p. 11; Findings ^{2/}3, 6-14; Proposed Findings, pp. 17-20).

12. The Licensing Board erred in failing to adopt for NRC purposes the emergency planning zones established by the State of California. (ID, pp. 11-12; Findings 16-22).

13. The Licensing Board erred in concluding that all standard operating procedures ("SOPs") within a 10-mile radius of Diablo Canyon are complete, and the only incomplete SOPs

^{2/} Reference to "Findings" are to the ASLB's numbered findings at pages 91-218 of the ID.

affect only organizations that are outside the 10-mile zone. All SOPs in the County plan are integrally related and thus no finding of adequate preparedness can be reached when SOPs remain incomplete. (ID, pp. 12-14; Findings 25-29; Proposed Findings, pp. 13-17).

14. The Licensing Board erred in failing to withhold approval of emergency preparedness for Diablo Canyon until all offsite standard operating procedures and plans are complete and meet the criteria of 50.47 and NUREG-0654. (ID, pp. 12-18; Proposed Findings, pp. 8-17).

15. The Licensing Board erred in ruling that no plume exposure pathway planning is required for Santa Barbara County. (ID, p. 15; Finding 33; Proposed Findings, pp. 46-49).

16. The Licensing Board erred in ruling that no specific Santa Barbara County planning is required for the ingestion pathway. Id.

17. The Licensing Board erred in ruling that there exists reasonable assurance that an emergency plan for Santa Barbara County will be prepared and will be integrated into the overall emergency response capability for Diablo Canyon. (ID, p. 15; Proposed Findings, pp. 46-49).

18. The Licensing Board erred in ruling that an emergency plan and an emergency response capability are not required under 10 C.F.R. §50.47 for Santa Barbara County. (ID, p. 15; Proposed Findings, pp. 46-49).

19. The Licensing Board erred in ruling that no county-level emergency planning is required for Monterey County or

Ventura County. (ID, p. 15; Finding 34; Proposed Findings, pp. 8-17, 46-49).

20. The Licensing Board erred in ruling that emergency preparedness could be approved for Diablo Canyon absent final FEMA findings regarding the State of California Emergency Response Plan. (ID, pp. 16-17; Findings 15, 23-24; Proposed Findings, pp. 3-4, 8-13).

21. The Licensing Board erred in relying upon the so-called FEMA "interim findings," which were allegedly submitted on November 2, 1981. (ID, p. 16; Proposed Findings, pp. 3-4, 8-17).

22. The Licensing Board erred in ruling that the absence of procedures for the California Polytechnical Institute and the California Men's Colony does not require a ruling that emergency preparedness for Diablo Canyon is inadequate. (ID, p. 17, n. 8; Proposed Findings, pp. 8-17).

23. The Licensing Board erred in ruling that the State plan for Diablo Canyon is complete but for a few SOPs, that a systematic process for development and review between the State and FEMA has occurred; that FEMA is aware of and keeps abreast of current developments in the plan; and that there are no obstacles to completion of the plan. Not only is there no legal or evidentiary basis for these conclusions in the record, but the NRC's emergency planning regulations require final FEMA findings prior to any such conclusions by the Board. (ID, pp. 16-17; Proposed Findings, pp. 8-13).

24. The Licensing Board erred in finding that there is reasonable assurance that the State plan will be substantially

complete and capable of being implemented prior to full power operation of Diablo Canyon. (ID, p. 17; Proposed Findings, pp. 8-13).

25. The Licensing Board erred in failing to rule that the absence of letters of agreement for the PG&E and County plan does not pose an obstacle to the issuance of a decision approving the state of emergency preparedness. Further, the Licensing Board erred in failing to retain jurisdiction to determine whether adequate letters have been obtained. (ID, pp. 17-18; Findings 13, 35; Proposed Findings, pp. 13-17).

26. The Licensing Board erred in ruling that emergency workers will be available in the event of a radiological emergency at Diablo Canyon. Because of the possibility of role conflicts, as described in testimony of Drs. Johnson and Erikson, there is a substantial likelihood that emergency workers may not be available during a radiological emergency. The Licensing Board erred in not requiring a scientific social survey of the citizenry and workers in the vicinity of Diablo Canyon to determine whether emergency workers will be available and thus whether emergency planning and preparedness, both onsite and offsite, are capable of being implemented. (ID, pp. 18-20; Findings 35-46; Proposed Findings, pp. 30-46).

27. The Licensing Board ruled that the problem of role conflicts should be addressed in instructions to emergency workers. (ID, p. 21). However, there is no credible evidence in the record to indicate that instructions to emergency workers will, in fact, be addressed, let alone effectively addressed.

This problem is compounded by the Board's error in also failing to rule that emergency preparedness will not be complete and adequate absent a scientific social survey to determine what kinds of instructions would be effective in communicating with emergency workers. (Proposed Findings, pp. 30-46).

28. The Licensing Board erred in ruling that the onsite emergency organization for PG&E complies with 10 C.F.R. §50.47(b)(2). (ID, pp. 22-24; Findings 50-70; Proposed Findings, pp. 17-20, 30-32).

29. The Licensing Board erred in ruling that PG&E is capable of timely augmentation of response capabilities and that it has specified interfaces among various onsite and offsite response activities. (ID, pp. 22-24; Findings 50-58; Proposed Findings, pp. 13-32).

30. The Licensing Board erred in ruling that PG&E's deviation from the guidance for timely augmentation of Staff during an emergency is justified due to the remoteness of the site. (ID, p. 23; Findings 62-65; Proposed Findings, pp. 30-32).

31. The Licensing Board erred in ruling that role conflict, if it exists for some plant employees, is not of sufficient magnitude to cause PG&E's staffing plans under 10 C.F.R. §50.47(2) to be unimplementable. (ID, p. 24; Findings 66-70; Proposed Findings, pp. 30-46).

32. The Licensing Board erred in ruling that Planning Standard 10 C.F.R. §50.47(3) has been satisfied. (ID, pp. 25-26; Findings 75-85).

33. The Licensing Board erred in ruling that the emergency classification system which is required by 10 C.F.R. §50.47(4) complies with regulatory requirements. (ID, pp. 27-28; Findings 90-97).

34. The Licensing Board erred in ruling that the August 19 exercise, wherein simulated sounding of emergency warning sirens was not given in a timely manner, did not require a finding that the Planning Standard had not been met. There is no basis for a finding that the deficiency has been corrected. (ID, p. 28; Proposed Findings, pp. 43-46).

35. The Licensing Board erred in ruling that Planning Standard 10 C.F.R. §50.47(5) pertaining to notification methods and procedures has been satisfied. (ID, pp. 29-35; Findings 100-129; Proposed Findings, pp. 30-46).

36. The Licensing Board erred in finding that the public warning system which is an area-wide siren system is reliable and will provide the necessary warning. (ID, p. 30; Proposed Findings, pp. 30-46).

37. The Licensing Board erred in finding that if the siren system is not operative, there are supplemental or other adequate means for providing warning to persons of a radiological emergency. (ID, pp. 30-31; Findings 115; Proposed Findings pp. 30-46).

38. The Licensing Board erred in failing to rule that the early warning siren system should be sounded prior to the general emergency stage. (ID, pp. 32-34; Findings 116-120; Proposed Findings, pp. 43-46).

39. The Licensing Board erred in ruling that the Diablo Canyon area population within six miles of the site is low, consisting of approximately 69 persons. The evidence demonstrated that, particularly during vacation and summer months, the population within six miles of the plant can be far in excess of 69 persons. (ID, p. 34; Proposed Findings, pp. 30-46).

40. The Licensing Board erred in concluding that the offsite plans for notification of the public are developed and that implementation is sufficiently complete to provide reasonable assurance that essentially complete and timely notification of the public can be achieved in accordance with 10 C.F.R. §50.47(5). (ID, p. 35; Proposed Findings, pp. 30-46).

41. The Licensing Board erred in ruling that Planning Standard 10 C.F.R. §50.47(b)(6) relating to emergency communications had been satisfied. (ID, pp. 36-39; Findings 135-157; Proposed Findings, pp. 22-30).

42. The Licensing Board erred in failing to rule that in view of the evidence relating to the communications available in San Luis Obispo County, emergency communications are not adequate. (ID, pp. 36-39; Findings 135-157; Proposed Findings, pp. 22-30).

43. The Licensing Board erred in concluding that adequate communications systems for offsite communications in San Luis Obispo County are or will be present and that the equipment needed to activate sirens, backup systems, pagers, and tone alerts is on order and is expected to be installed by May 20, 1982. (ID, p. 38; Findings 148; Proposed Findings pp. 22-30).

44. The Licensing Board erred in concluding that the offsite communications systems for San Luis Obispo County are or will be adequate to cope with a radiological emergency at Diablo Canyon and that the emergency communications meet Planning Standard 10 C.F.R. §50.47(b)(6). (ID, pp. 36-39; Proposed Findings pp. 22-30).

45. The Licensing Board erred in ruling that Planning Standard 10 C.F.R. §50.47(b)(7) relating to public education and information has been satisfied. (ID, pp. 40-47; Findings 163-186; Proposed Findings, pp. 32-43).

46. The Licensing Board erred in finding that PG&E has developed an adequate public information and public education program absent a showing that PG&E has considered the site-specific and sociological aspects of the population around Diablo Canyon. (ID, pp. 40-47; Proposed Findings, pp. 32-43).

47. The Licensing Board erred in finding adequate emergency preparedness in view of the fact that the evidence demonstrates that San Luis Obispo County has not implemented, nor even attempted to implement, a public information program and that the evidence does not support a finding that such a program to meet regulatory requirements will be implemented by the County. (ID, pp. 40-47; Proposed Findings, pp. 32-43).

48. The Licensing Board erred in approving public information and education for Diablo Canyon in view of the undisputed testimony that public education regarding evacuation routes and expected responses in the event of an emergency is extremely low. (ID, pp. 40-47; Proposed Findings pp. 32-43).

49. The Licensing Board erred in failing to rule that the public education program planned for Diablo Canyon is deficient because it does not take into account the attitudes and perceptions of County residents and because no survey of the local population has been conducted and utilized to develop a public information and education program. (ID, pp. 40-47; Proposed Findings, pp. 32-43).

50. The Licensing Board erred in ruling that the absence of the public information booklet and the failure to disseminate that booklet to the public did not preclude a finding of adequate preparedness for Diablo Canyon. The Licensing Board further erred in failing to retain jurisdiction to determine whether that booklet will be published at the earliest reasonable date, whether that booklet will be adequate, and whether that booklet will be disseminated to the public well in advance of operation of Diablo Canyon. (ID, pp. 41-42; Findings 173-175; Proposed Findings, pp. 32-43).

51. The Licensing Board erred in failing to rule that a social survey is necessary to prepare public education and information for an emergency at Diablo Canyon. (ID, pp. 42-47; Findings 176-186; Proposed Findings, pp. 32-43).

52. The Licensing Board erred in failing to rule that a social survey would offer useful and prudent information in public information planning for Diablo Canyon. (ID, p. 43; Findings 187; Proposed Findings, pp. 32-43).

53. The Licensing Board erred in ruling that the longest net distance from the plant that the vast majority of the population within 10 miles of the plant would have to travel in order

to seek protection from plume radiation is four miles. (ID, p. 45). This finding ignored the undisputed evidence that the site-specific conditions at Diablo Canyon, particularly the steady winds blowing toward Pismo Beach and Shell Beach, require a finding that the plume exposure zone will be beyond 10 miles for Diablo Canyon. (State Plan; County Plan; Proposed Findings, pp. 8-17, 46-49).

54. The Licensing Board erred in concluding that the actions planned by PG&E, and San Luis Obispo County under Planning Standard 10 C.F.R. §50.47(b)(7) will provide reasonable assurance that the public can and will be given adequate information on how they will be notified and what their actions will be if a radiological emergency should occur at Diablo Canyon. (ID, p. 47; Proposed Findings, pp. 32-43).

55. The Licensing Board erred in failing to order a social survey as advocated by Joint Intervenors and Governor Brown. (ID, p. 47; Proposed Findings, pp. 32-43).

56. The Licensing Board erred in finding that Planning Standard 10 C.F.R. §50.47(b)(8) relating to emergency facilities and equipment has been satisfied. (ID, pp. 48-50; Findings 192-210).

57. The Licensing Board erred in ruling that adequate emergency facilities and equipment to support the emergency response have been or will be provided and maintained in accordance with requirements of 10 C.F.R. §50.47(b)(8). (ID, pp. 48-50).

58. The Licensing Board erred in ruling that Planning Standard 10 C.F.R. §50.47(b)(9) relating to accident assessment has been satisfied. (ID, pp. 51-56; Findings 214-243; Proposed Findings, pp. 13-22).

59. The Licensing Board erred in failing to rule that the errors in the accuracy of equipment to measure radiation does not impede the adequacy of emergency preparedness for Diablo Canyon. (ID, pp. 52-53; Proposed Findings pp. 20-22).

60. The Licensing Board erred in ruling that the environmental qualification of equipment relied on in emergency operating procedures is adequate and that operators are not required to be advised in the emergency operating procedures of which equipment may not survive harsh environmental conditions. (ID, pp. 55-56; Proposed Findings, pp. 17-22).

61. The Licensing Board erred in ruling that adequate capability exists for assessing the significance of any radiological releases from Diablo Canyon and for monitoring such releases. (ID, p. 56; Proposed Findings, pp. 8-22).

62. The Licensing Board erred in ruling that the evacuation time estimates for Diablo Canyon were done properly and that the PG&E and County emergency plans are in conformance with 10 C.F.R. §50.47(b)(10) and the Part J of NUREG-0654. (ID, pp. 57-58; Findings 246-260). The evacuation time estimates for Diablo Canyon are not reliable in view of the fact that no social surveys or other analyses have investigated the perceptions, attitudes, characteristics and likely actions of the population in San Luis Obispo County. (ID, pp. 57-58; Proposed Findings pp. 32-43).

63. The Licensing Board erred in ruling that PG&E and other entities have established a program which complies with Planning Standard 10 C.F.R. § 50.47(b)(11) relating to radiological exposure control. (ID, p. 59; Findings 262-266; Proposed Findings, pp. 17-22).

64. The Licensing Board erred in ruling that Planning Standard 10 C.F.R. § 50.47(b)(12) relating to medical and public health support has been satisfied. (ID, pp. 60-62; Findings 268-283; Proposed Findings, pp. 13-17).

65. The Licensing Board erred in failing to rule that the exceptions to compliance with Planning Standard 10 C.F.R. § 50.47 (b)(12), noted at page 62 of the ID, did not preclude the finding of preparedness in compliance with 10 C.F.R. § 50.47. (ID, p. 62).

66. The Licensing Board erred in ruling that Planning Standard 10 C.F.R. § 50.47(b)(13) pertaining to recovery and reentry has been satisfied. (ID, pp. 63-65; Findings 287-298; Proposed Findings, pp. 8-13).

67. The Licensing Board erred in concluding that it had reasonable assurance that a recovery and reentry operation could and would be undertaken in the aftermath of a radiological accident at Diablo Canyon. (ID, p. 64; Findings 298; Proposed Findings, pp. 8-13).

68. The Licensing Board erred in ruling that there was compliance with 10 C.F.R. § 50.47(b)(14) pertaining to exercises and drills. (ID, pp. 66-70; Proposed Findings, pp. 32-49).

69. The Licensing Board erred in failing to rule that the 1981 emergency planning exercise was inadequate for failing to test as much of the integrated plans as is reasonably achievable, as required by Appendix E to Part 50. (ID, pp. 65-70).

70. The Licensing Board erred in finding that there is reasonable assurance that meaningful exercises and drills can and will be performed to demonstrate the overall capability of responding to an accident at Diablo Canyon. (ID, pp. 69-70).

71. The Licensing Board erred in ruling that there had been compliance with 10 C.F.R. § 50.47(b)(15) pertaining to radiological emergency response training. (ID, pp. 71-73; Findings 321-333; Proposed Findings, pp. 43-46).

72. The Licensing Board erred in concluding that the plans of PG&E, the County and the State of California are adequate to assure that emergency response workers will be adequately trained in radiological emergency procedures. (ID, p. 73; Proposed Findings, pp. 13-22).

73. The Licensing Board erred in ruling that there has been compliance with 10 C.F.R. § 50.47(b)(16) relating to responsibility for the planning effort for development, periodic review, and distribution of emergency plans. (ID, pp. 74-75; Findings 337-346).

74. The Licensing Board erred in ruling that with respect to Contention 10 (pressurizer heaters), that a safety-grade qualification is not required by Commission practice and regulations and, further, in failing to order PG&E to upgrade the

qualification of the pressurizer heaters. Also, the Licensing Board erred in finding that connecting only one-half of the heater banks to the emergency power supply is an adequate remedy to the problems which had been identified. (ID, pp. 76-81; Proposed Findings, pp. 49-57).

75. The Licensing Board erred in ruling in connection with Contention 12 (block valves and PORVs) that the PORVs and associated block valves are not required to be safety-related. The Board further erred in finding that the PORV systems have been inadequately designed, constructed and tested. (ID, pp. 82-86; Proposed Findings, pp. 57-61).

76. The Licensing Board erred in reaching any conclusion with respect to the adequacy of the design and construction of the PORVs in view of the fact that the independent design verification program ongoing at Diablo Canyon has identified the PORVs as being misdesigned. This fact was brought to the Board's attention, but notwithstanding this fact, the Board proceeded to rule on the adequacy of PORV design without exercising its responsibility to have before it all of the facts relevant to this issue. (ID, pp. 82-86; Proposed Findings, p. 7).

77. The Governor takes exception to each and every conclusion of law set forth at pages 216-218 of the ID. Specifically, the Governor excepts to the conclusions that:

(a) Onsite emergency preparedness for Diablo Canyon provides assurance that effective protective actions can and will be taken in the event of an emergency;

(b) That the onsite emergency response plan for Diablo Canyon meets the requirements of 10 C.F.R. § 50.47(b) and

Appendix E, Part 50;

(c) That only the systems and components which perform the critical safety functions identified in Appendix A to Part 100 need to be classified as safety-related;

(d) That the pressurizer heaters at Diablo Canyon do not perform any critical safety functions;

(e) That the block valves at Diablo Canyon do not perform and critical safety function;

(f) That the PORVs at Diablo Canyon do not need to be safety-grade in all respects;

(g) That Contentions 10 and 12 fail to raise an issue requiring a change in classification of the pressurizer heaters, block valves, or PORVs;

(h) That the activities authorized by the ID can be conducted without endangering the health and safety of the public;

(i) That the issuance of the license is not inimical to the common defense and security or to the health and safety of the public;

(j) That the Director of Nuclear Reactor Regulation may be delegated authority to verify that the deficiencies in the County plan noted in the Interim FEMA Findings have been corrected;

(k) That the Director of Nuclear Reactor Regulation may be authorized to obtain a written acquiescence of appropriate State jurisdictions binding them to participate in those standard operating procedures required to be followed by Federal regulation;

(1) That the Director of Nuclear Reactor Regulation may be authorized to secure FEMA Findings on the adequacy of the State plan, without providing the Governor and other parties to be heard and to present evidence on the adequacy of those Findings;

(m) That the Director of Nuclear Reactor Regulation may be authorized to verify that tone alerts or equivalent warning devices are operational in schools, hospitals and other institutions without providing the Governor and other parties an opportunity to contest those findings.

III. Exemptions to Other ASLB Orders

78. The Licensing Board erred in denying Joint Intervenors Motion to Reopen the environmental record for consideration of Class 9 accidents. Memorandum and Order dated June 19, 1981.

79. The Licensing Board erred in denying the admissibility of proffered contentions. Memorandum and Order dated August 4, 1981.

80. The Licensing Board, erred in rejecting intervenors' objections to the Board's August 4, 1981, Memorandum and Order. Order dated August 27, 1981.


81. The Licensing Board erred in ruling against consideration of earthquake consequences on emergency planning and preparedness; erred in holding interim FEMA findings acceptable; and erred in rejecting the revised contention on environmental qualification. Order dated December 23, 1981.

82. The Licensing Board erred in denying the Governor's request for directed certification of the impacts of earthquakes on emergency planning and preparedness. Memorandum and Order dated January 11, 1982.

83. The Licensing Board erred in denying Joint Intervenor's Motion for Summary Disposition of Contention 1. Memorandum and Order dated January 15, 1982.

Respectfully submitted,

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September 16, 1982

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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

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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.

CERTIFICATE OF SERVICE

I hereby certify that copies of "EXCEPTIONS OF GOVERNOR EDMUND G. BROWN JR. TO LICENSING BOARD INITIAL DECISION OF AUGUST 31, 1982" have been served to the following this 16th day of September, 1982 by U.S. Mail, first class.

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