

1 UNITED STATES OF AMERICA
2 NUCLEAR REGULATORY COMMISSION

'82 SEP 28 A10:48

3 BEFORE THE ATOMIC SAFETY AND LICENSING BOARD
4

OFFICE OF SECRETARY
SERVICE
BRANCH

5 In the Matter of)
6 Pacific Gas and Electric Company)
7 (Diablo Canyon Nuclear)
8 Power Plant, Units 1 and 2))
9

Docket Nos. 50-275
50-323

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11 Motion for Clarification of the Licensing Board's
12 Initial Decision Dated August 31, 1982

13
14 INTRODUCTION

15 On August 31, 1982 the Licensing Board in this
16 proceeding issued an Initial Decision ("Decision") which
17 authorized the issuance of a full-power operating license
18 for Diablo Canyon Nuclear Power Plant, Units 1 and 2 which
19 contained certain conditions. On September 10, 1982 the NRC
20 Staff filed exceptions to certain rulings in that Decision
21 in accordance with 10 CFR § 2.762(a). The NRC Staff also
22 requested the Appeal Board to toll the time for the filing
23 of briefs related to its exceptions until the Licensing
24 Board ruled on the Staff request for clarification of the
25 Decision. On September 13, 1982 the Appeal Board granted
26 the NRC Staff's motion and tolled the period for filing

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1 briefs concerning exceptions until the Licensing Board rules
2 on the Staff's Motion for Clarification.

3 On September 15, 1982 Pacific Gas and Electric
4 Company ("PGandE") filed its exceptions to the Licensing
5 Board's August 31, 1982 Decision and also moved to toll the
6 briefing schedule until 5 days after the Licensing Board has
7 ruled on the Staff's Motion for Clarification. In addition
8 PGandE indicated that it wished to reserve the right to
9 supplement the Staff's request. On September 17, 1982 the
10 Staff filed its Motion for Clarification addressing 3 of the
11 4 exceptions taken by PGandE from the August 31, 1982
12 Decision. PGandE has reviewed the Staff's Motion and seeks
13 clarification on the matters set forth below.

14 DISCUSSION

15 A. NRC Staff Exceptions

16 PGandE has reviewed the Staff positions on Staff
17 Exceptions 1, 2 and 3 which also correspond to PGandE's
18 Exceptions 1, 2 and 3 1/ and concurs in the Staff position.
19 Accordingly, PGandE will not repeat herein essentially the
20 same position but adopts the Staff position as its own.

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25 1/ These exceptions concern: (1) FEMA Findings by State
26 Plan, (2) Standard Operating Procedures ("SOP's") and
(3) Acquiescence by State Jurisdiction to SOP's.

1 B. Offsite Emergency Preparedness

2 Conclusions of Law 1 and 2 2/ both relate to the
3 status of onsite emergency response preparedness at Diablo
4 Canyon Nuclear Power Plant but nowhere is there a conclusion
5 on the state of off-site emergency preparedness. This
6 apparent omission does not square with the Board's earlier
7 statement in the "Statement of Legal Issues and Their
8 Resolution" portion of the Decision regarding onsite and
9 offsite emergency preparedness. There the Board stated that
10 ". . . that there is reasonable assurance that adequate
11 protective measures [onsite and offsite] can and will be
12 taken in the event of a radiological emergency." 3/

13 This omission seems even more confusing when
14 viewed against the Board's conclusion that the ". . . [the]
15 activities authorized by this license can be conducted
16 without endangering the health and safety of the public,
17 insofar as the issues discussed herein are concerned." 4/

18 It would appear that a specific conclusion on the
19 adequacy of offsite emergency preparedness in accord with
20 the requirements of Section 50.47(b) and Appendix E of 10
21 CFR Part 50 should be included in the Conclusions of Law.

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24 2/ Initial Decision at p. 216.

25 3/ Initial Decision at p. 5.

26 4/ Initial Decision at p. 217.

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CONCLUSION

PGandE requests that the Licensing Board clarify its Initial Decision as set forth above. This clarification will avoid possible misunderstandings not only as to the conditions but also the ultimate intendment of the Decision.

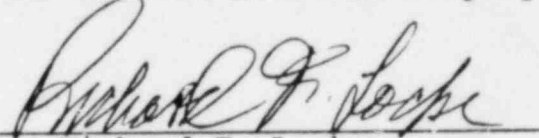
Respectfully submitted,

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DATED: September 24, 1982.

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the Matter of)
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Diablo Canyon Nuclear Power Plant,)
Units 1 and 2)

Docket No. 50-275
Docket No. 50-323

CERTIFICATE OF SERVICE

The foregoing document(s) of Pacific Gas and Electric Company has (have) been served today on the following by deposit in the United States mail, properly stamped and addressed:

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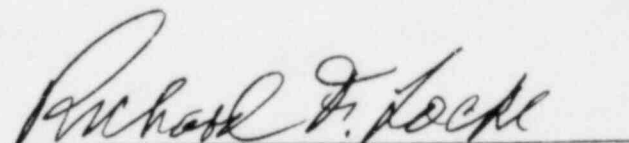
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Pacific Gas and Electric Company

Date: 9/24/82