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UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

SERVED SEP 28 1982

ATOMIC SAFETY AND LICENSING BOARD

Before Administrative Judges

John F. Wolf, Chairman  
Glenn O. Bright  
Jerry R. Kline

In the Matter of	)	Docket Nos. 50-275 OL
	)	50-323 OL
PACIFIC GAS AND ELECTRIC COMPANY	)	
	)	
(Diablo Canyon Nuclear Power Plant,	)	
Units 1 and 2)	)	September 27, 1982

MEMORANDUM IN RESPONSE TO NRC STAFF'S MOTION FOR  
CLARIFICATION OF THE LICENSING BOARD'S INITIAL DECISION  
DATED AUGUST 31, 1982

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The Board analyzes the arguments set forth in the motion as follows:

(a) FEMA Finding on State Plan. The Board finds that the NRC's argument is not well taken in that the necessary findings regarding the State plan have not been made in the record. While there is reasonable assurance on the record that the State plan is

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substantially completed, Section 50.47 explicitly requires FEMA findings of adequacy before an operating license may issue. The record does not contain such findings. The Board has concluded that the interim findings of FEMA do not meet that requirement.

The fact is that testimony in the record shows that a FEMA review was to take place in July of this year, subsequent to the hearing. The Board concludes that the results of that review should be submitted to the NRC Staff prior to the issuance of a full power license.

(b) Standard Operating Procedures (SOP's). The NRC Staff's interpretation that the Licensing Board intended this requirement to apply only to the authentication of SOP's for County organizations within the Federal plume exposure pathway EPZ is correct.

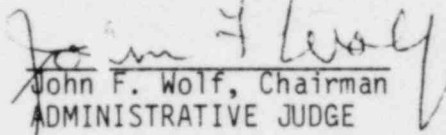
(c) Acquiescence by State Jurisdiction to SOP's. Requirement (b) in the Initial Decision of August 31, 1982 on page 218, refers to the same matter discussed in the previous question.

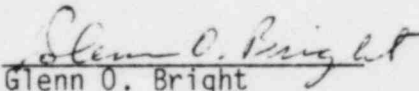
(1) Action that would constitute "acquiescence" as used in the condition refers to the signature on the plan as an authentication on each individual SOP which in sum would constitute the plan.

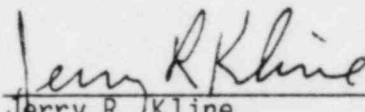
(2) "State jurisdiction" includes any jurisdiction, within the Federal Emergency Planning Zones from which SOP's are required.

(3) The Federal regulations referred to are 10 CFR 50.47C(2), which defines the Federal Emergency Planning Zones.

THE ATOMIC SAFETY AND  
LICENSING BOARD

  
John F. Wolf, Chairman  
ADMINISTRATIVE JUDGE

  
Glenn O. Bright  
ADMINISTRATIVE JUDGE

  
Jerry R. Kline  
ADMINISTRATIVE JUDGE

Dated at Bethesda, Maryland  
this 24th day of September 1982