



order are those issues that the Governor and the joint intervenors contest in the reopened proceeding. In several instances, however, the issues must be further particularized to ensure that the litigation is clearly focused.

Specifically, those issues numbered 3(a), (b), (c), (d), (f), (g), (h), (i), (j), (k), (l), (m), (n) and 4, require further specification. For each of these issues the Governor and the joint intervenors must particularize the critical facts upon which they base their claim.<sup>2</sup> For example, issue 3(a) states that "[t]he ITP accepted the mean measured performance of structures and materials in lieu of code-specific minima." We have added at the end of that issue the words "in the following instances" followed by a blank space to indicate that the Governor and the joint intervenors must list the structures and materials for which the substitution for code-specified minima was made and why they claim this was improper. Issue 3(f) states that "[t]he ITP's modeling of the soil properties for the containment and auxiliary buildings was improper." We have added at the end of that issue the words "in that" followed by a blank

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<sup>2</sup> The Governor and the joint intervenors are to provide the required specification for the identified issues and they shall not add any other issues.

space to indicate that the Governor and the joint intervenors must specify the critical facts indicating how the modeling was improper.<sup>3</sup>

The Governor and joint intervenors must have the required particularization of issues in the hands of the other parties by September 12, 1983. The Governor and the joint intervenors shall collaborate on providing the required specification so that only one complete list of issues is filed. Further, should the Governor and the joint intervenors fail to provide the specification required by this order for any issue, they shall be precluded from relying upon or, in any manner using, that issue (or inferences drawn from that issue) in the reopened proceeding.

II. The issues listed below are those that, if modified in accordance with the instructions contained in this order, will be contested by the Governor and the joint intervenors in the reopened proceeding:

Upon the motions of the Governor and the joint intervenors and in accordance with the concessions of the applicant and the staff, the record in the Diablo Canyon operating license proceeding was reopened on the issue of design quality assurance. The primary focus

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<sup>3</sup> Also with respect to issue 3(1) the Governor and the joint intervenors must clarify their intended meaning as well as provide further particularization. As presented by the Governor, the issue is, at best, subject to differing and conflicting interpretations.

of the reopened proceeding, however, has now moved beyond the question of what deficiencies existed in the applicant's Diablo Canyon design quality assurance program to the question of whether the applicant can demonstrate that the IDVP and the ITP verify the correctness of the Diablo Canyon design. The licensing criteria contained in the PSAR, FSAR, Hosgri Report, SER, SER Supplements and other licensing documents are outside the scope of the issues in this reopened proceeding and are not subject to challenge, except to the extent that such criteria may have been modified in the verification program. The Governor and the joint intervenors assert that the verification programs have failed in the following respects:

1. The scope of the IDVP review of both the seismic and non-seismic aspects of the designs of safety-related systems, structures and components (SS&C's) was too narrow in the following respects:

(a) The IDVP did not verify samples from each design activity (seismic and non-seismic).

(b) In the design activities the IDVP did review, it did not verify samples from each of the design groups in the design chain performing the design activity.

(c) The IDVP did not have statistically valid samples from which to draw conclusions.

(d) The IDVP failed to verify independently the analyses but merely checked data of inputs to models used by PG&E.

(e) The IDVP failed to verify the design of Unit 2.

2. The scope of the ITP review of both the seismic and non-seismic aspects of the designs of the safety-related systems, structures and components (SS&C's) was too narrow in the following respects:

(a) The ITP did not verify samples from each design activity (seismic and non-seismic).

(b) In the design activities the ITP did review, it did not verify samples from each of the design groups in the design chain performing the design activity.

(c) The ITP did not have statistically valid samples from which to draw conclusions.

(d) The ITP has failed systematically to verify the adequacy of the design of Unit 2.

3. In various situations listed below the ITP used improper engineering standards to determine whether design activities met license criteria. In some of these situations the IDVP either used or approved the use of such improper standards or did not verify them at all.

(a) The ITP accepted the mean measured performance of structures and materials in lieu of code-specified minima in the following instances  
\_\_\_\_\_.

(b) The ITP failed to verify that the stress and load factors for steel used in the containment building were within code values in the following instances  
\_\_\_\_\_.

(c) The ITP failed to specify all damping values used in various seismic modes in the containment and auxiliary buildings in the following instances  
\_\_\_\_\_.

(d) The ITP failed to verify that PG&E's use of the double algebraic sum method of calculation (rather than the sum of the squares method) was an acceptable substitution in the following instances \_\_\_\_\_  
\_\_\_\_\_.

(e) The ITP's use of time-history modeling techniques for some accelerations, displacements and shell forces in the containment structure and Blume response spectra for other accelerations, displacements and shell forces in the same structure was improper.

(f) The ITP's modeling of the soil properties for the containment and auxiliary buildings was improper in that \_\_\_\_\_.

(g) The ITP's modeling of the crane in the turbine building was improper in that \_\_\_\_\_.

(h) The ITP's modeling of torsion factors for different buildings by differing techniques is improper in that \_\_\_\_\_.

(i) The ITP's modeling of hydrodynamic forces for

the intake structure were improper in that \_\_\_\_\_  
\_\_\_\_\_.

(j) The ITP's modeling of the intake structure by using different models for horizontal and vertical seismic loadings and combining vertical and horizontal responses was improper in that \_\_\_\_\_.

(k) The ITP's modeling of the intake structures by using ductility factors for steel and concrete was improper in that \_\_\_\_\_.

(l) The ITP's computations of modes in the containment building having frequencies between 20 and 33 HZ was improper in that \_\_\_\_\_.

(m) The ITP's modeling of the containment building by failing to use two horizontal components for the DE and DDE was improper in that \_\_\_\_\_  
\_\_\_\_\_.

(n) The ITP's stress values for concrete in shear walls used in modeling the auxiliary building was improper in that \_\_\_\_\_.

4. The IDVP accepted deviations from the licensing criteria without providing adequate engineering justification in the following respects:

- (a) \_\_\_\_\_.
- (b) \_\_\_\_\_.

5. The verification program has not verified that Diablo Canyon Units 1 and 2 "as built" conform to the design drawings and analyses.

6. The verification program failed to verify that the design of safety related equipment supplied to PG&E by Westinghouse met licensing criteria.

7. The verification program failed to identify the root causes for the failures in the PG&E design quality assurance program and failed to determine if such failures raise generic concerns.

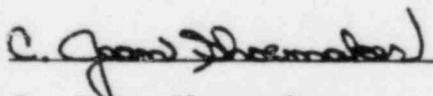
8. The ITP failed to develop and implement in a timely manner a design quality assurance program in accordance with 10 CFR Part 50, Appendix B to assure the quality of the recent design modifications to the Diablo Canyon facility and the IDVP failed to ensure that the corrective and preventative action programs implemented by the ITP are

sufficient to assure that the Diablo Canyon facilities will meet licensing criteria.

III. As we also indicated at the close of the prehearing conference, any proposed issues of the Governor and the joint intervenors depending on matters contained in yet unfiled ITRs must be in the hands of the other parties by September 30. Such issues must concern matters that could not reasonably have been set forth prior to the issuance of the new ITR. Such issues must contain a complete specification and particularization of facts forming the foundation of the claim to be acceptable. In addition, the new issues must identify the newly filed ITR which it concerns.

It is so ORDERED.

FOR THE APPEAL BOARD



C. Jean Shoemaker  
Secretary to the  
Appeal Board