

UNITED STATES OF AMERICA
ATOMIC ENERGY COMMISSION

1-23-74

In the Matter of)	
)	
PACIFIC GAS AND ELECTRIC COMPANY)	Dockets 50-275
)	50-323
Units 1 and 2)	
)	
Diablo Canyon Site)	
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ANSWER OF PACIFIC GAS AND ELECTRIC COMPANY
TO PETITION FOR LEAVE TO INTERVENE DATED
JANUARY 14, 1974 FILED BY JOHN J. FORSTER
AND LONNIE VALENTINE

Pacific Gas and Electric Company (PGandE) hereby
answers the above-captioned petition as follows:

1. Contention 1 deals with the effectiveness of the
ECCS. This has been the subject of a widely publicized generic
rulemaking proceeding (Docket RM-50-1) and final decision by the
Commission with new resulting regulations. PGandE will have to
comply with these regulations. If Petitioners do not accept the
revised regulations adopted by the Commission, they are in effect
seeking to attack a Commission regulation and must comply with
10 CFR 2.758.

2. Contention 1 A deals with pressure vessel rupture.
This is an appropriate area of inquiry only upon a showing of
special circumstances, and such a showing requires more than the
mere allegation thereof. Contentions or challenges regarding
pressure vessel integrity which have no substantial or prima facie
basis are excludible. (In the matter of Long Island Lighting
Company, ALAB-156, RA1-73-10 at 847.)

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3. Contention 2 deals with site geology. This has been adequately covered in the AEC Staff report placed in the Public Document Room describing a meeting held to discuss recent offshore explorations of USGS and PGandE. A copy of this report is appended hereto as Attachment A.

4. Contention 3 deals with matters which were considered during the environmental hearing held pursuant to Section B of Appendix D to 10 CFR 50. As such they are not proper matters for consideration in an operating license proceeding.

5. Contention 4 deals with financial and insurance matters. The financial information required to be set forth in the Final Safety Analysis Report (FSAR) is described in AEC regulations (10 CFR 50.33(f) and Appendix C to 10 CFR 50). Nothing more is required. As the law now stands the Diablo units will be covered by the Price-Anderson indemnity provisions because the construction permits were issued between August 30, 1954 and August 1, 1977. If Petitioners believe the level of financial protection required by the Price-Anderson Act to be inadequate, they must comply with 10 CFR 2.758 and should also appeal to Congress. The effect of a retroactive revocation of Price-Anderson, even if legally permissible, clearly is beyond the scope of this proceeding.

6. Contention 5 appears to deal with the environmental effects of accidents and thus is beyond the scope of the issues of this proceeding. The environmental effects of various accidents were analyzed in the environmental hearing as required by the Annex to

Appendix D to 10 CFR 50. If the contention is that more analysis is required, then the contention represents an attack on AEC regulations and must comply with 10 CFR 2.758.

7. Contention 6 appears to deal with the transportation of nuclear waste material. This is the subject of an AEC generic rulemaking proceeding (Docket RM-50-4) and thus is not a proper subject for an individual licensing proceeding.

8. Contention 7 deals with a number of acts of violence. AEC regulations provide that acts of war and sabotage need not be considered in licensing proceedings. (10 CFR 50.13.) The other matters in this paragraph are generic issues which are covered by AEC regulations. (10 CFR 73.)

9. Contention 8 deals with processing and storage of wastes. This is the subject of a generic rulemaking proceeding (Docket RM-50-3) and as such is not a proper subject for an individual licensing proceeding.

10. Contentions 9 and 10 are not clear. To the extent they deal with matters covered by Appendix I to 10 CFR 50 they concern matters currently being considered in an AEC rulemaking proceeding and thus are not a proper subject for an individual licensing proceeding.

11. Contention 11 appears to be an attack on the AEC regulatory review procedure. This is clearly beyond the scope of the instant proceeding and properly is a subject which should be addressed, if at all, to Congress.

12. Contention 12 involves uranium supply problems.

Here again the issue appears to be one beyond the scope of this proceeding as the question of supply is a risk which must be accepted by a reactor licensee. It has no health and safety significance. The necessary cost-benefit analysis was made during the environmental hearings and is not part of the operating license proceeding.

13. Contention 13 deals with evacuation and disaster plans. In PGandE's opinion all information required by AEC regulations (10 CFR 50.30(b) and Appendix E) is set forth in Section 13.3 of the FSAR. Any request for further information is, in effect, an attack on AEC regulations and must comply with 10 CFR 2.758.

14. Contention 14 deals with the need for power, geothermal and solar energy as alternatives, and rates. Rate matters are properly considered by AEC, if at all, in connection with energy conservation measures. These will be considered in the environmental hearing and need not be considered herein. The need for power and geothermal and solar energy alternatives likewise were considered at the environmental hearing and need not be considered here.

15. Contention 15 is garbled and confused. With regard to low plant availability as an alleged added cost to consumers, The Wall Street Journal of January 21, 1974 carried an article indicating that availability of new nuclear units on the Commonwealth-Edison system were 81% compared with an availability factor of 69% for new fossil units. At any event, review of this paragraph fails to reveal any contention cognizable by the Board in

this proceeding.

16. Contention 16 deals with radiation monitoring devices, which was a subject dealt with at the environmental hearing and need not be considered again here. (Tr. p. 1133 et seq.) The AEC Staff reviewed the monitoring program proposed by PGandE and found it to be adequate (Final Environmental Statement p. 6-14).

17. Contention 17 is a generalized, conclusionary statement and not a contention cognizable in this proceeding.

18. Contention 18 deals with the location of the transmission lines. This has been considered a number of times in a number of forums, most recently at the environmental hearing, and need not be considered at this proceeding. (Tr. p. 832 et seq.)

19. Contention 19 is vague and general. As previously stated above the types of accidents PGandE is required to consider are covered by AEC regulations.

20. Contention 20 deals with containment of radioactivity on abandonment of the facility. Permitted releases of radioactivity are dealt with in AEC regulations and no special issue exists which must be considered herein.

21. Contention 20 A does not appear to present any contentions cognizable in this proceeding but merely presents a statement of opinion.

22. As a general comment many of the so-called contentions fail to comply with 10 CFR 2.714 because they do not set forth the

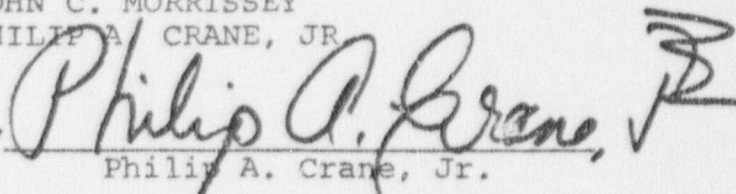
basis for the contention but merely state conclusions. This is particularly true for Contentions 16 and 18 and to the others in lesser degree.

WHEREFORE, PGandE prays that the above-captioned Petition to Intervene be denied.

Respectfully submitted,

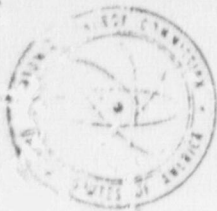
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By


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Dated: January 23, 1974



UNITED STATES
ATOMIC ENERGY COMMISSION
WASHINGTON, D.C. 20545

Docket Nos. 50-275
and 50-323

JAN 11 1974

APPLICANT: PACIFIC GAS AND ELECTRIC COMPANY (PG&E)

FACILITY: DIABLO CANYON UNITS 1 AND 2

SUMMARY OF MEETING HELD TO DISCUSS RECENT OFFSHORE EXPLORATIONS OF
USGS AND PG&E

A meeting between representatives of PG&E, USGS, and the AEC was held at the US Geological Survey offices in Menlo Park, California, on January 8, 1974. PG&E was also represented by Douglas H. Hamilton of Earth Sciences Associates, one of their geological consultants. J. Harding of the Friends of the Earth was also present, but did not participate in the meeting. The complete list of attendees is given in Enclosure No. 1.

The purpose of the meeting was to discuss faulting near Diablo Canyon that was discovered during recent offshore geologic mapping performed by both USGS and PG&E in the vicinity of the Diablo Canyon site. USGS conducted extensive work in this offshore area during the Fall of 1973, and in November reported the discovery of a possible fault in this region (see memo from W. P. Gammill to J. M. Hendrie dated November 21, 1973). PG&E performed additional mapping work in this area during December of 1973.

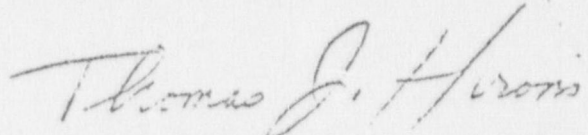
Mr. Holly Wagner of the USGS presented and described the offshore seismic reflection survey in the vicinity of the Diablo Canyon site. The survey design consists of continuous reflection profiles along traverses that are approximately normal to the coast line and are spaced at one-mile intervals. The staff viewed both the seismic reflection recordings and a map showing the locations and trends of three faults and two sea terraces that have been interpreted from the seismic reflection data. For our discussion the faults were referred to as Faults A, B, and C. Each was discussed as follows:

1. Fault A: At its nearest approach, this fault is located about 3 miles southwest of the Diablo Canyon site. It strikes northwest and has a total mapped length of less than one mile. The fault is confined to the Mesozoic geologic section and does not offset the sea floor. It intersects one of the sea terraces, which has a 10 foot change in elevation, at a small angle, and it was at this point of intersection that the original seismic profile (#139) crossing occurred. As a

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The staff has evaluated the offshore exploration data obtained to date by USGS and PG&E. As a result of this evaluation, the staff feels that faults A and B are local features which do not represent potential earthquake sources that would produce accelerations at the site which are greater than those produced by the safe shutdown earthquake set forth by PG&E in the FSAR.

Fault C may be related to the larger structural feature described by Hoskins and Griffith; however, its limited extent of nine miles makes it a minor source of potential earthquake activity, regardless of its relation to the Hoskins - Griffith feature. As with faults A and B, the staff feels that accelerations at the site produced by fault C would be well within the limits for which the plant is designed.



Thomas J. Hirons
Light Water Reactors Group 1-3
Directorate of Licensing

Enclosure:
Attendance List

ENCLOSURE NO. 1

ATTENDANCE LIST

PACIFIC GAS AND ELECTRIC

V. J. Ohio
W. J. Lindblad

EARTH SCIENCES ASSOCIATES

D. H. Hamilton

USGS

R. Jerkas
F. McKee
H. Wagner

AEC - LICENSING

W. P. Gammill
T. J. Hiron
R. B. McFullen
J. C. Stepp

FRIENDS OF THE EARTH

J. Harding

UNITED STATES OF AMERICA
ATOMIC ENERGY COMMISSION

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PACIFIC GAS AND ELECTRIC COMPANY)

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Diablo Canyon Site)
_____)

CERTIFICATE OF SERVICE

The foregoing Answer of Pacific Gas and Electric Company to Petition For Leave to Intervene dated January 14, 1974 filed by John J. Forster and Lonnie Valentine has been served today on the following by deposit in the United States mail, properly stamped and addressed:

Mr. Nathaniel H. Goodrich
Chairman
Atomic Safety and Licensing
Board Panel
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Washington, D. C. 20545

Secretary
U. S. Atomic Energy Commission
Washington, D. C. 20545

Attn.: Chief, Public Proceedings
Staff

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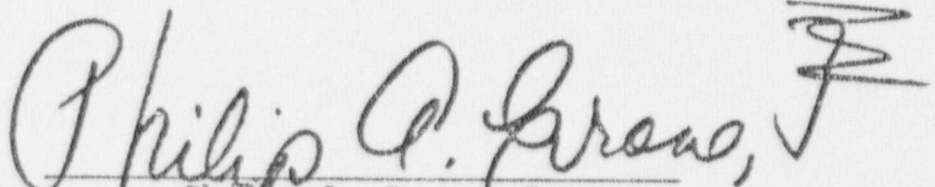
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Dated: January 23, 1974