

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

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USNRC

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

'81 NOV 12 P5:48

In the Matter of)

PACIFIC GAS AND ELECTRIC COMPANY)

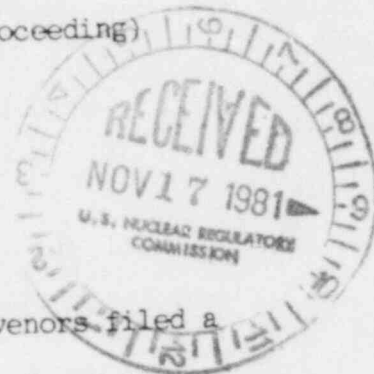
Diablo Canyon Nuclear Power Plant)
Units No. 1 and 2)

Docket No. 50-275

Docket No. 50-323

(Full Power Proceeding)

RESPONSE OF PACIFIC GAS AND ELECTRIC COMPANY
TO JOINT INTERVENORS' REVISED CONTENTION ON
ENVIRONMENTAL QUALIFICATION OF SAFETY-RELATED
ELECTRICAL EQUIPMENT



In a pleading dated October 23, 1981 Joint Intervenor^s filed a proposed contention concerning environmental qualification of safety-related electrical equipment. For the reasons set forth below the proposed contention should be rejected.

1. The Board has already denied a contention practically identical to the one here under review.

The proposed contention is merely a rehash of Contention 14 in the Joint Intervenor^s' Statement of Clarified Contentions dated June 30, 1981. In an Order dated August 4, 1981 the Board denied that contention.

"The Board agrees in part with the sentiments expressed by the Joint Intervenor^s. It is obvious that as of June 10, 1981 not all Diablo Canyon electrical equipment had been fully qualified. The Board, however, expects that Diablo Canyon will not be permitted to operate until the safety-related electrical equipment has been qualified in accordance with the mandates of the various general design criteria, as required by regulation. Having said this, the Board does not see herein a litigable issue set forth. This part of the contention is therefore denied." (Order at 8)

The same rationale applies to the contention now proposed by Joint Intervenor^s and it likewise should be denied.

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2. The proposed contention goes beyond the scope of the Board's order.

The Board's August 4 order contained the following paragraph:

"Joint Intervenors also contend that the Staff has failed to determine that environmental qualification of Class IE electrical equipment for full-power operation is adequate, and that the Staff has not determined the adequacy of the radiation qualification of safety-related equipment. Joint Intervenors are quite correct in this assertion. The Staff has stated (SER, Supp. 13, p. 7-1; SER, Supp. 14, p. 3-8) that the Staff evaluation of these matters will be presented in a following SER supplement. The Board, therefore, will allow Joint Intervenors, if they so desire, to file a contention on these matters setting forth specific areas of inadequacy in the Staff's evaluation to be contained in a forthcoming SER supplement. The contention will be due fifteen days after service of the SER supplement." (Order at 8; emphasis added)

From this language it is obvious that the gravamen of the contention is the adequacy of the Staff's evaluation as set forth in the SER supplement (No. 15). Joint Intervenors completely ignore this subject except for the concluding sentence in the contention, which merely states a conclusion unsupported by facts.

3. The Commission has approved use of NUREG-0588 and PGandE has committed to complying with NUREG-0588.

Since PGandE has committed to complying with the Commission-approved (CLI-80-21) NUREG-0588 it has met all applicable regulatory requirements. Joint Intervenors' attempt to require more of PGandE must be denied.

4. The Staff's environmental qualification evaluation was complete and adequate.

SER Supplement 15 clearly indicates that the Staff's environmental qualification evaluation was complete and adequate. At page B-4 the

document indicates the Staff has performed two audits of PGandE's environmental qualification program. The first audit consisted of a review of 30% of PGandE's equipment, and the second audit consisted of a review of 100% of PGandE's equipment. Thus, all PGandE's equipment has been reviewed. The adequacy of the Staff's evaluation is clearly confirmed by reviewing the other portions of the SER supplement. There is no deficiency in the Staff evaluation which could be made the subject of a valid contention.

5. Joint Intervenors have not complied with the requirements for a late-filed contention or for reopening the record.

Joint Intervenors have attempted to advance a contention beyond the scope of the Board's order. In doing so they are attempting to advance a late filed contention or to reopen a closed hearing record. The issues they attempt to raise now could have been handled during the 1978-1979 hearings and in some cases, such as aging, they were. The Commission's requirements for late filed contentions and reopening closed records are well-recognized and have been cited on a number of occasions in these proceedings. Thus, they will not be repeated here (10 CFR 2.714(a) (1); In the Matter of Pacific Gas and Electric Company (Diablo Canyon Nuclear Power Plant) 13 NRC 361, April 1, 1981).

PGandE submits that any one of these five arguments is sufficient to deny the Joint Intervenors's proposed contention. As a sixth ground for such a denial PGandE submits the attached affidavits of Gary H. Moore, Warren H. Fujimoto and Charles O. Coffer who address the arguments advanced by Joint Intervenors in support of their invalid contention.

Respectfully submitted,

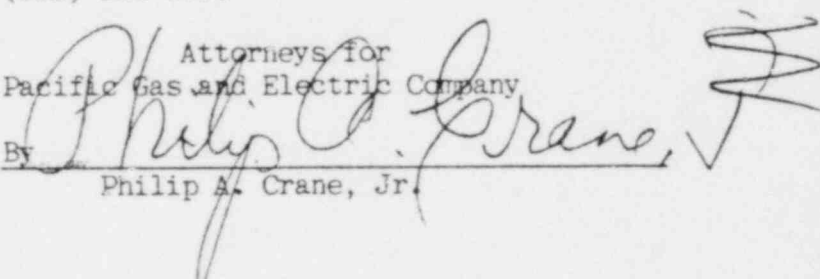
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