

DOCKETED
USNRC

'82 SEP 20 A10:57

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

OFFICE OF SECRETARY
DOCKETING & SERVICE
BRANCH

BEFORE THE ATOMIC SAFETY AND LICENSING APPEAL BOARD

In the Matter of)

PACIFIC GAS AND ELECTRIC COMPANY)

(Diablo Canyon Nuclear Power Plant,
Units 1 and 2))

Docket Nos. 50-275
50-323

(Full Power Proceeding)

PGandE EXCEPTIONS TO INITIAL DECISION
DATED AUGUST 31, 1982 AND MOTION TO
TOLL BRIEFING SCHEDULE

On August 31, 1982 the Atomic Safety and Licensing Board issued an Initial Decision on the full power portion of the Diablo Canyon licensing proceeding. Pursuant to 10 CFR 2.762(a) PGandE hereby takes exception to the following portions of the Initial Decision pending their clarification in response to the NRC Staff's request for clarification to be filed September 17, 1982.^{1/} Depending upon the response to the Staff's request PGandE may elect to withdraw one or more of the following exceptions.

1/

Since the first three of PGandE's exceptions are the same as the Staff's PGandE assumes the Staff's request for clarification will cover the points PGandE wishes to raise. However, if it does not, PGandE would like to reserve the right to supplement the Staff's request and, if necessary, will undertake to do so within three days of receipt of the Staff's request.

EXCEPTIONS

1. The Licensing Board erred in concluding there must be FEMA findings on the adequacy of the State Emergency Plan as it applies to Diablo Canyon prior to the granting of a full power operating license (Initial Decision pp. 20, 218.)

2. The Licensing Board erred in concluding that the SOP's in the County and State Plans required by Federal Regulations must be authenticated prior to issuance of a full power license (Initial Decision pp. 20, 218, Finding 31.)

3. The Licensing Board erred in concluding that the Director of Nuclear Reactor Regulation must obtain the written acquiescence of the appropriate State jurisdiction binding them to participate in those Standard Operating Procedures required to be followed by Federal Regulations prior to issuance of a full power operating license (Initial Decision p. 218.)

4. The Licensing Board erred in not including in the Conclusions of Law a provision as to offsite emergency preparedness. Conclusions 1 and 2 refer only to onsite emergency preparedness and the onsite emergency plan (Initial Decision p. 218.)

BRIEFING SCHEDULE

PGandE supports the Staff's motion to toll the period for filing briefs in support of or opposition to the exceptions until five days after the Board has ruled on the Staff's

request for clarification of the Initial Decision.

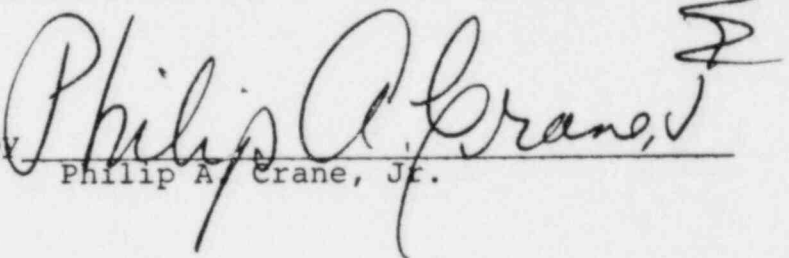
Respectfully submitted,

MALCOLM H. FURBUSH
PHILIP A. CRANE, JR.
RICHARD F. LOCKE
Pacific Gas and Electric Company
Post Office Box 7442
San Francisco, CA 94120
(415) 781-4211

ARTHUR C. GEHR
Snell & Wilmer
3100 Valley Center
Phoenix, AZ 85073
(602) 257-7288

BRUCE NORTON
Norton, Burke, Berry & French, P.C.
3216 N. Third Street
Suite 300
Phoenix, AZ 85012-2699
(602) 264-0033

Attorneys for
Pacific Gas and Electric Company

By 
Philip A. Crane, Jr.

DATED: September 15, 1982

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the Matter of)

PACIFIC GAS AND ELECTRIC COMPANY)

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:

Judge John F. Wolf
Chairman
Atomic Safety and Licensing Board
U. S. Nuclear Regulatory Commission
Washington, D. C. 20555

Judge Glenn O. Bright
Atomic Safety and Licensing Board
U. S. Nuclear Regulatory Commission
Washington, D. C. 20555

Judge Jerry R. Kline
Atomic Safety and Licensing Board
U. S. Nuclear Regulatory Commission
Washington, D. C. 20555

Mrs. Elizabeth Apfelberg
C/o Nancy Culver
192 Luneta Drive
San Luis Obispo, California 93401

Janice E. Kerr, Esq.
Public Utilities Commission
of the State of California
5246 State Building
350 McAllister Street
San Francisco, California 94102

Mrs. Raye Fleming
1920 Mattie Road
Shell Beach, California 93449

Mr. Frederick Eissler
Scenic Shoreline Preservation
Conference, Inc.
4623 More Mesa Drive
Santa Barbara, California 93105

Mrs. Sandra A. Silver
1760 Alisal Street
San Luis Obispo, California 93401

Mr. Gordon Silver
1760 Alisal Street
San Luis Obispo, California 93401

John Phillips, Esq.
Joel Reynolds, Esq.
Center for Law in the Public Interest
10951 W. Pico Boulevard - Suite 300
Los Angeles, California 90064

David F. Fleischaker, Esq.
P. O. Box 1178
Oklahoma City
Oklahoma 73101

Arthur C. Gehr, Esq.
Snell & Wilmer
3100 Valley Bank Center
Phoenix, Arizona 85073

Bruce Norton, Esq.
Norton, Burke, Berry & French, P.C.
3216 N. Third Street
Suite 300
Phoenix, Arizona 85012-2699

Chairman
Atomic Safety and Licensing
Board Panel
U. S. Nuclear Regulatory Commission
Washington, D. C. 20555

Chairman
Atomic Safety and Licensing
Appeal Panel
U. S. Nuclear Regulatory Commission
Washington, DC 20555

Secretary
U. S. Nuclear Regulatory Commission
Washington, DC 20555

Attn: Docketing and Service Section

Bradley W. Jones, Esq.
Office of Executive Legal Director
BETH 042
U. S. Nuclear Regulatory Commission
Washington, DC 20555

Mr. Richard B. Hubbard
MHB Technical Associates
1723 Hamilton Avenue, Suite K
San Jose, CA 95125

Mr. Carl Neiberger
Telegram Tribune
P. O. Box 112
San Luis Obispo, CA 93402

Herbert H. Brown, Esq.
Lawrence Coe Lanpher, Esq.
Christopher B. Hanback, Esq.
Kirkpatrick, Lockhart, Hill,
Christopher & Phillips
1900 M Street N.W.
Washington, DC 20036

Byron S. Georgiou, Esq.
Legal Affairs Secretary
Governor's Office
State Capitol
Sacramento, CA 95814

Judge Thomas S. Moore
Chairman
Atomic Safety and Licensing
Appeal Board
U. S. Nuclear Regulatory Commission
Washington, DC 20555

Judge W. Reed Johnson
Atomic Safety and Licensing
Appeal Board
U. S. Nuclear Regulatory Commission
Washington, DC 20555

Judge John H. Buck
Atomic Safety and Licensing
Appeal Board
U. S. Nuclear Regulatory Commission
Washington, DC 20555

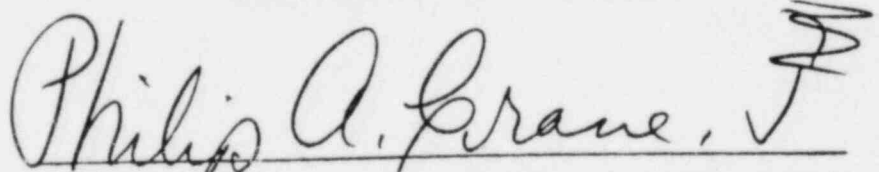
Commissioner Nunzio J. Palladino
Chairman
U. S. Nuclear Regulatory Commission
1717 H Street N.W.
Washington, DC 20555

Commissioner John F. Ahearne
U. S. Nuclear Regulatory Commission
1717 H Street N.W.
Washington, DC 20555

Commissioner Victor Gilinsky
U. S. Nuclear Regulatory Commission
1717 H Street N.W.
Washington, DC 20555

Commissioner James K. Asselstine
U. S. Nuclear Regulatory Commission
1717 H Street N.W.
Washington, DC 20555

Commissioner Thomas M. Roberts
U. S. Nuclear Regulatory Commission
1717 H Street N.W.
Washington, DC 20555


Attorney for
Pacific Gas and Electric Company

Date: September 15, 1982