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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

'82 NOV 12 A10:33

BEFORE THE ATOMIC SAFETY AND LICENSING APPEAL BOARD SECRETARY
& SERVICE
BRANCH

In the Matter of)	
)	
PACIFIC GAS AND ELECTRIC COMPANY)	Docket No. 50-275
)	
Diablo Canyon Nuclear Power Plant)	Docket No. 50-323
Units No. 1 and 2)	
)	(Full Power Proceeding)

REQUEST OF PACIFIC GAS AND ELECTRIC COMPANY
TO WITHDRAW CERTAIN EXCEPTIONS TO THE INITIAL DECISION
OF AUGUST 31, 1982

On August 31, 1982, the Licensing Board issued an Initial Decision which authorized the issuance of a full-power operating license for Diablo Canyon Nuclear Power Plant, Units 1 and 2 subject to certain enumerated conditions. Exceptions to certain rulings in that Decision were filed by the Staff on September 10, 1982 and by PGandE on September 15, 1982. The Staff exceptions concerned: (1) FEMA Findings on the State Plan, (2) Standard Operating Procedures (SOP's), and (3) Acquiescence by State Jurisdiction to SOP's. PGandE's exceptions included the three advanced by the Staff as well as a fourth exception concerning the apparent omission of a statement affirming the adequacy of off-site emergency planning in the Conclusions of Law.

Both the Staff and PGandE requested that the Appeal Board toll the time for the filing of briefs related to the exceptions

until the Licensing Board acted on the respective motions for clarification of the Decision.^{1/}

The Staff also requested that all parties be given until 5 days after issuance of the Licensing Board's ruling on the request for clarification to withdraw or file modifications to the exceptions.

The Appeal Board granted the Staff's Motion and tolled the period for filing briefs concerning exceptions until the Licensing Board acted on the Motion to Clarify. On September 24, 1982 and October 26, 1982 respectively the Licensing Board acted on the Staff and PGandE Motions.

In these Memoranda the Licensing Board clarified its earlier rulings concerning the relevant preconditions to the issuance of a full-power license. In its October 26, 1982 Memorandum the Licensing Board reaffirmed its September 24, 1982 ruling on the 3 identical issues advanced by the Staff concerning (1) FEMA findings on the State Plan, (2) completion of SOP's and (3) acquiescence by appropriate State jurisdictions. In addition the Licensing Board issued a clarification regarding the state of off-site emergency response planning for Diablo Canyon. The Licensing Board's clarification of the preconditions in its Decision regarding (1) the completion of SOP's, (2) acquiescence by appropriate State jurisdiction to SOP's together with an

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The Staff Motion for Clarification was filed on September 17, 1982 and PGandE's Motion was filed on September 24, 1982.

explicit finding on the adequacy of off-site emergency planning in its Conclusions of Law has rendered unnecessary any further action with regard to PGandE Exceptions 2, 3 and 4. As a result, PGandE will no longer pursue Exceptions numbered 2, 3 and 4 in its filing of September 15, 1982.

ACCORDINGLY, PGandE requests leave to withdraw Exceptions 2, 3 and 4 to the Initial Decision which were taken in our filing of September 15, 1982. PGandE will pursue its appeal of PGandE Exception 1 concerning the requirement for a FEMA Finding on the State Plan prior to issuance of a full-power license.

Respectfully submitted,

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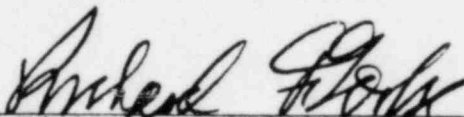
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Dated: November 8, 1982

By


Richard F. Locke

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:

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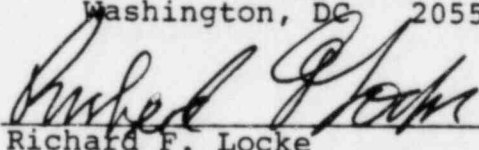
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