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USNRC

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

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BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

OF BEHAVIOR  
DUE TO THE SERVICE  
BRANCH

In the matter of  
Pacific Gas and Electric Company  
Diablo Canyon Nuclear Power Plant  
Units 1 and 2  
Facility Operating Licenses  
No. DPR-80 and DPR-82

Docket Nos. 50-275-OLA-2  
50-323-OLA-2  
ASLBP No. 92-669-03-OLA-2

April 8, 1993

Intervenor San Luis Obispo Mothers for Peace  
Response to Memorandum and Order  
(Addendum to FES)

The NRC Staff issued an Environmental Assessment ("EA") for the Diablo Canyon Nuclear Power Plant on February 3, 1993. It concluded that "there are no new or unreviewed environmental impacts that were not considered as part of the Final Environmental Statement (FES) dated May 1973..." EA at 2. The Atomic Safety and Licensing Board responded with a Memorandum and Order (Addendum to FES) (March 19, 1993), therein noting the existence of an Addendum to the FES issued in May of 1976 which modified some of the environmental impacts from the 1973 FES. Additionally, the Licensing Board posed two questions for the interested parties:

1. Does the existence of the Addendum, with its impacts that differ in certain respects from those evaluated in the May 1973 FES, invalidate in whole or in part the conclusions reached by the staff in the February 3, 1993 EA?
2. Does this omission support in some degree MFP's challenge to the adequacy of the methodology used to produce the EA (proposed Contention XI, at 2)?

The San Luis Obispo Mothers for Peace ("SLOMFP") responds:

(1) Although unclear at initial reading, once informed, SLOMFP understands that the word "Addendum" in several locations in the EA issued February 3, 1993, refers to the 1976 Addendum to the 1973 FES. SLOMFP

accepts that the NRC Staff **considered** the differing environmental impacts noted in the Addendum in the conclusions reached in its EA. (2) **HOWEVER**, SLOMFP maintains its challenge of these conclusions. SLOMFP finds the preparation of the EA to lack depth of analysis. Ann Hodgdon, Counsel for the NRC Staff, admitted at the Prehearing Conference [December 10, 1992] that "the licensee puts in his application and environmental report which could be supplemented by other information. That's the basis of the environmental assessment. Part of it is generic." Transcript at 212.

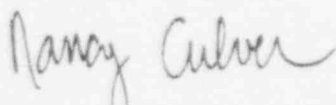
SLOMFP repeatedly hears the argument against the issuance of an Environmental Impact Statement ("EIS") based on the fact that an EA was adequate for all other license recapture amendment requests to date. PG&E states: "In assessing a contention asserting the need for an EIS, it is also essential to recognize that a CP recapture is not one of the actions requiring an EIS under 10 C.F.R. 51.20. The NRC has already issued over 50 CP recapture amendments. In all cases these amendments were the subject of an EA, not an EIS." PG&E's Response to SLOMFP First Late-Filed Contention [April 2, 1993] at 26. But 10 CFR 51.20 does not **forbid** the issuance of an EIS in this case. As a matter of fact, 10 CFR 51.20(2) specifically allows the Commission to exercise discretion in the determination of cases where an EIS might be required. Each nuclear power plant is unique and the need for an EIS should fit the circumstances of the plant and not the historic profiles of past CP recapture cases. Furthermore, SLOMFP notes the circumstances that make the Diablo Canyon Nuclear Power Plant ("DCNPP") unique:

1) PG&E is requesting a "recapture" of 13 to 15 years. No other CP recapture case requested such a lengthy license extension. 13 to 15 years is a significant period of time that warrants more than a "generic" EA.

2) SLOMFP has already identified problems with the safe operation of DCNPP during the proposed period of operation. Refer to SLOMFP Supplement to Petition to Intervene [October 26, 1992], SLOMFP Late-Filed Contention [March 12, 1992], SLOMFP Second Late-Filed Contention [March 16, 1993] and the letter and attachments to the Atomic Safety and Licensing Board regarding safety-related and non-safety-related cable degradation problems at DCNPP.

3) DCNPP is situated 2 1/2 miles from an active earthquake fault. For these reasons, SLOMFP finds that the "generic" methodology used by the NRC Staff to prepare the EA for DCNPP is inadequate to meet the circumstances.

Respectfully Submitted,



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# Certificate of Service

I hereby certify that copies of the foregoing San Luis Obispo Mothers for Peace Response to Second Set of Interrogatories and Request for Production of Documents Filed by Pacific Gas and Electric Company and Motion for Protective Order and Intervenor San Luis Obispo Mothers for Peace Response to Memorandum and Order (Addendum to FES) have been served upon the following persons by U.S. mail, first class.

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\* A facsimile of Intervenor San Luis Obispo Mothers for Peace Response to Memorandum and Order (Addendum to FES) was sent to Ann Hodgdon as requested by Judge Bechhoefer and communicated by telephone on April 6, 1993.

Dated April 8, 1993, San Luis Obispo County, CA  
Jill ZamEk

*Jill ZamEk*