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UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

'83 OCT -6 P2:14

OFFICE OF SECRETARY  
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BEFORE THE ATOMIC SAFETY AND LICENSING APPEAL BOARD

In the Matter of	)	
PACIFIC GAS AND ELECTRIC COMPANY	)	Docket No. 50-275
Diablo Canyon Nuclear Power Plant	)	Docket No. 50-323
Units Nos. 1 and 2	)	(Reopened Hearing --
	)	Design Quality
	)	Assurance)

PACIFIC GAS AND ELECTRIC COMPANY'S  
RESPONSE TO  
GOVERNOR DEUKMEJIAN'S AND JOINT INTERVENORS'  
ADDITIONAL CONTENTIONS  
ON QUALITY ASSURANCE

On September 29, 1983 Governor Deukmejian and Joint Intervenors filed Additional Contentions on Design Quality Assurance with this Board. The first group of sub-contentions [3(o) to 3(t)] deal with seismic design quality assurance matters. In addition, they have added a utterly new contention concerning a totally unrelated matter which was last documented in SSER No. 16, NUREG-0675, issued on August 26, 1983 dealing with the component cooling water system at Diablo Canyon.

1           As to the group of contentions pertaining to  
2 seismic design quality assurance matters [3(o) to 3(t)], they  
3 suffer from the same lack of specificity required for  
4 contentions as we expressed in our Response of September 22,  
5 1983 to the revised contentions which had been submitted by  
6 the Governor and Joint Intervenors on September 8, 1983  
7 pursuant to this Board's Order of August 26, 1983. As we  
8 stated then (Response p. 2), the Board required the  
9 Intervenors to "particularize the critical facts upon which  
10 they base their claim." August 26 Order at p. 2. In each  
11 instance, the contentions 3(o) to 3(t) fail to meet this  
12 criterion in that they have failed to specify any, let alone  
13 the critical, facts of how the particular item fails to meet  
14 licensing criteria.

15           As respects proposed contention No. 9 dealing with  
16 the component cooling water system, the Governor and Joint  
17 Intervenors have once again flagrantly disregarded the  
18 Commission's regulations for late filed contentions as well  
19 as the Board's Orders of April 21 and August 26, 1983.

20           In the first place, the proposed contention, which  
21 involves matters not heretofore made an issue in this  
22 proceeding, must be considered a late filed contention.  
23 However, the Governor and Joint Intervenors have not made  
24 any attempt to satisfy the requirements of 10 C.F.R.  
25 2.714(a)(1) for late filed contentions and for this reason  
26 it must be excluded. See Pacific Gas and Electric Company

1 (Diablo Canyon Nuclear Power Plant, Units 1 and 2),  
2 CLI-82-39, 16 NRC \_\_\_\_ (December 23, 1982 slip op. at 4).

3 Secondly, even assuming arguendo that the proposed  
4 contention was deemed to involve issues made a part of the  
5 verification program, the filing does not comply with the  
6 terms of the Board's Order of August 26, 1983 which required  
7 contentions to be particularized by September 12, 1983  
8 except for "issues depending on matters contained in yet  
9 unfiled ITR's [which] must be in the hands of the other  
10 parties by September 30." Order p. 7. Since it does not  
11 meet these requirements it cannot be admitted.

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13 ///

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1 For the foregoing reasons the additional  
2 contentions proposed by the Governor and the Joint  
3 Intervenors in their September 29, 1983 filing should be  
4 disallowed.

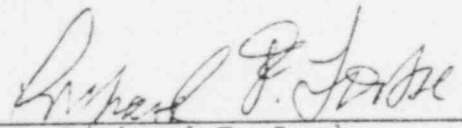
5  
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22 DATED: October 4, 1983.  
23  
24  
25  
26

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

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USNRC

In the Matter of )  
 )  
PACIFIC GAS AND ELECTRIC COMPANY )  
 )  
Diablo Canyon Nuclear Power Plant, )  
Units 1 and 2 )  
\_\_\_\_\_ )

Docket No. 50-2783 OCT-6 P2:14  
Docket No. 50-323

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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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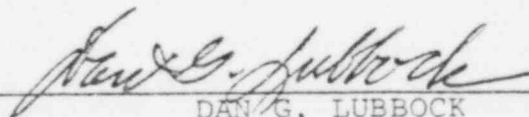
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Date: October 5, 1983

\*Sent via courier on October 4, 1983.

\*\*Sent via express mail on October 5, 1983.

  
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