UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the Matter of	)	
	)	
PACIFIC GAS AND ELECTRIC COMPANY	)	Dockets 50-275-OL 50-323-OL
	)	
Units 1 and 2	)	
	)	
Diablo Canyon Site	)	
	)	

REPLY OF PACIFIC GAS AND ELECTRIC COMPANY
TO MOTION FOR RECONSIDERATION

On September 15, 1976 Intervenors filed a motion for reconsideration by the Board of its order dated September 1, 1976.

With regard to Contention 2 B. PGandE has no objection to dealing with plant reliability at the environmental hearing. If this contention is re-established by the Board PGandE requests seven days after the Board's order within which to submit written testimony on the issue.

With regard to Contention 4 B. PGandE submits that the Board's Amendment of this contention was proper.

(a) In the first place, the Contention as proposed had no time frame. Did it cover the next 5 years, 10, 20, 50, 100, or more? In this respect it was too vague to be acceptable.

(b) In the second place, Intervenors have to show some connection or interaction between the Diablo Units and the other units in California, existing and proposed, before these other units may be factored into the Diablo Canyon cost-benefit analysis. In Wisconsin Electric Power Company (Point Beach 2) 6 AEC 491, 1973, the Appeal Board, in responding to a contention

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that the Licensing Board improperly failed to consider the total and cumulative effect of open cycle cooling on Lake Michigan by more than a single plant, stated as follows:

> ". . . NEPA and the Commission's regulations require a discussion of the environmental impact of the proposed licensing action under consideration. They do not require a discussion of the impact of future projects or, indeed, of any existing plants unless they interact with or have some demonstrated relationship to or 'contact' with the project under consideration. The FES and the Board did consider the potential relationship to the Point Beach facilities of certain effects of the Kewaunee plant - the only facility which the record indicates could possibly interact with the Point Beach facility. In doing so, they satisfied all applicable requirements."

As stated in the affidavit filed by Mr. Michael A. Parsont in connection with the NRC staff's motion for summary disposition (Attachment 6), Humboldt Bay, Rancho Seco, and San Onofre are all more than 200 miles from Diablo Canyon. This is much farther apart than the maximum distance required by NRC regulations for calculations in support of license applications (Appendix I, 10 CFR 50; 10 CFR 100). Similarly, the only additional units identified in Intervenors' motion (p. 6) are at least over 50 miles from Diablo Canyon and likewise beyond the distance required to be analyzed by NRC regulations. There is thus no basis for factoring these stations into the NEPA cost-benefit analysis for Diablo Canyon.

(c) Whether any additional nuclear power plants other than those presently under construction ever will be built in California is too speculative to require analysis under NEPA. The past is

replete with examples of proposed projects which have been cancelled. Bodega Bay, Mendocino, and Malibu are three projects which come readily to mind, and within the past year or so Southern California Edison Company announced the cancellation of Vidal Junction, which is listed on page 6 of Intervenors' motion. In any event, NEPA does not require consideration of such speculative matters. As stated by the premier interpreter of NEPA, Judge Skelly Wright:

> "NEPA requires predictions, but not prophecy, and impact statements ought not to be modeled upon the works of Jules Verne or H. G. Wells." (Scientists' Inst. for Pub. Info., infra, p. 1093)

(d) The cases cited by Intervenors in support of their motion are not persuasive here. Atchinson, Topeka and Santa Fe Railway Co. v. Callaway (382 F. Supp. 610 (D.C. D.C. 1974)) involved a proposed lock and dam admittedly a part of a much larger and well-defined ultimate project. NRDC v. NRC (D.C. Cir. July 21, 1976) requires that the Commission have before it "meaningful information" before judging environmental impacts, and such information is lacking here. Scientists' Inst. for Pub. Info. Inc. v. AEC, 481 F 2d 1079 (D.C. Cir. 1973) held that the liquid metal fast breeder reactor program should be covered in a detailed environmental impact statement. There is no such well defined program for new reactors contemplated in California. Porter County Chapter of the Izaak Walton League of America, Inc. v. Atomic Energy Commission (5 ELR 20 274, 515 F 2d 513 (7th Cir. 1975)) was reversed by the United States Supreme Court (No. Indiana

Public Service Co. v. Porter County Chapter of the Izaak Walton League of America, Inc. 423 U. S. 12 (1975) and thus is no longer authority for anything. In any event, the quote from the Department of the Interior letter (FES P. A14-1-23) has to do with thermal effects. The FES and Environmental Report show that these effects are confined primarily to Diablo Cove and do not interact with other coastal power plants, all of which are miles away.

Respectfully submitted,

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Dated: September 24, 1976

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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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