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WERNER WOLFEN

CENTER FOR LAW
IN THE PUBLIC INTEREST
10203 SANTA MONICA BOULEVARD
FIFTH FLOOR
LOS ANGELES, CALIFORNIA 90067
TELEPHONE: (213) 879-5588

LEGAL STAFF

TIMOTHY B. FLYNN
CARLYLE W. HALL, JR.
A. THOMAS HUNT
JOHN R. PHILLIPS
BRENT N. RUSHFORTH
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MARSHA H. KWALWASSER

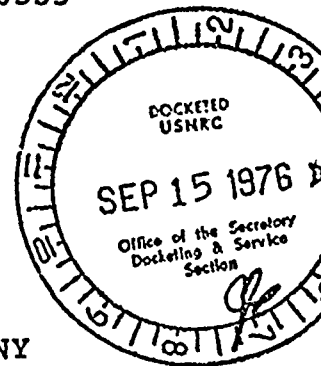
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BRENDA JACKSON

10 September 1976

Elizabeth S. Bowers, Esq.
Chairman
Atomic Safety & Licensing Board
U.S. Nuclear Regulatory Commission
Landow Building, Room 1209
Washington, D.C. 20555

Mr. Glenn O. Bright
Atomic Safety & Licensing Board
U.S. Nuclear Regulatory Commission
Landow Building, Room 1209
Washington, D.C. 20555

Dr. William E. Martin
Atomic Safety & Licensing Board
Senior Ecologist
Battelle Memorial Institute
Columbus, Ohio 43201



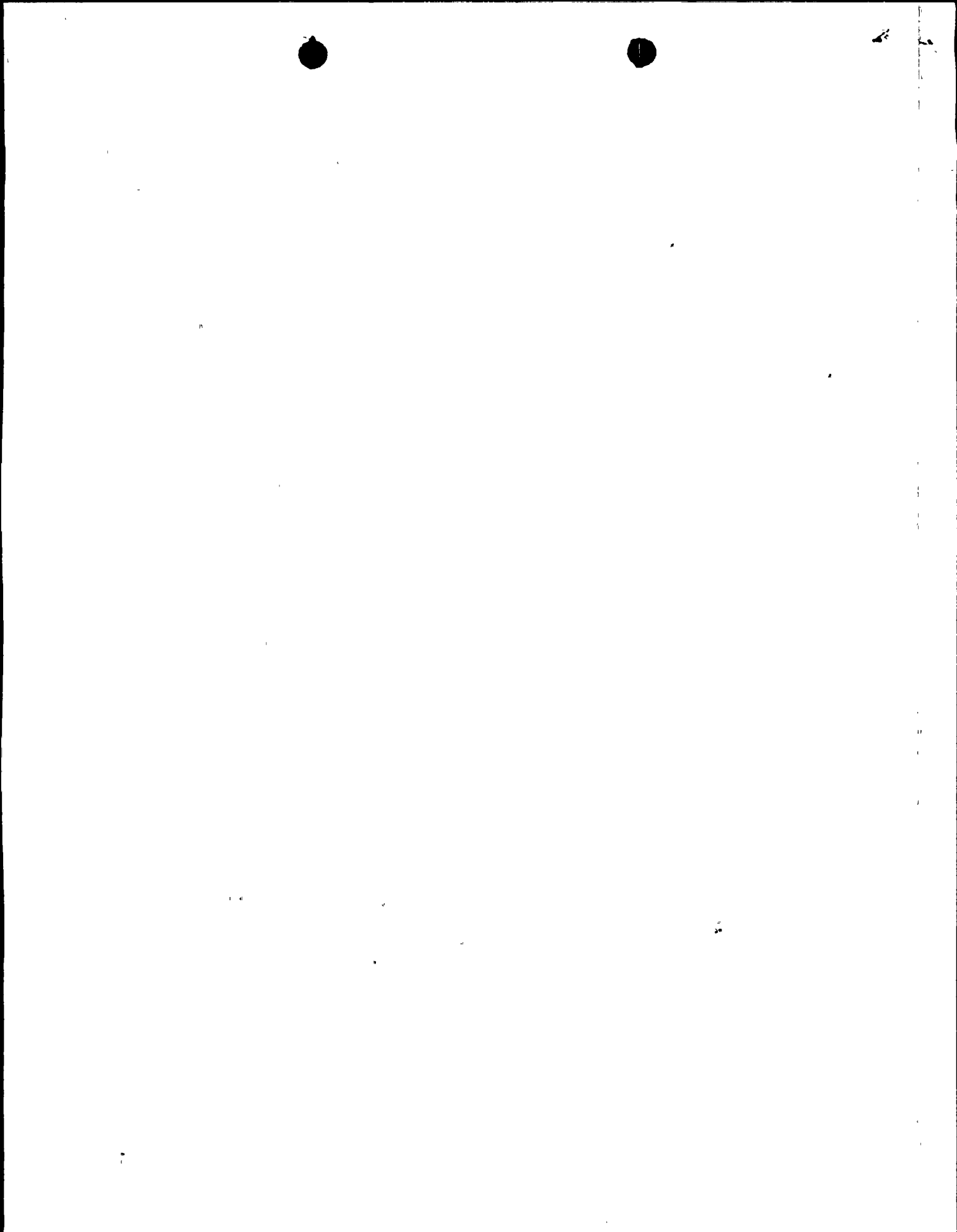
In the Matter of PACIFIC GAS AND ELECTRIC COMPANY
(Diablo Canyon Nuclear Power Plant, Units Nos. 1 and 2)
Docket Nos. 50-275 OL, 50-323 OL

Dear Members of the Board:

The purpose of this letter is to request an extension of time to reply to applicant's motion for summary disposition of certain environmental contentions from September 14, 1976 to September 24, 1976. We ground our request on the need of a recently retained expert consultant to review voluminous technical data relevant to these contentions.

Yesterday our office received a motion from the applicant for summary disposition of environmental contentions 1.A-J. These environmental issues relate to adverse impacts that thermal pollution from the Diablo Canyon plant might cause. These issues also involve many complex biological and other scientific problems that intervenors' counsel, unaided by expert consultants, are unable to analyze.

As you know, we only recently entered these proceedings in behalf of several intervenors. Before the intervenors retained



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us, they had proceeded with few resources and without assistance of counsel or technical experts. As a result, they had assembled little scientific evidence relevant to the thermal pollution issues encompassed by contentions 1.A-J.

When we accepted the Diablo Canyon case, we began to seek technical consultants in the many scientific fields relevant to both the safety and environmental contentions in these proceedings. Earlier this week, we retained a technical consultant with some understanding of thermal pollution issues, a Ph.D. in biology, Dr. Leslie Grimm. Dr. Grimm begins work for us today in Palo Alto in the office of our technical consultants for nuclear plant engineering, Messrs. Dale Bridenbaugh, Richard Hubbard and Gregory Minor. She will have access to the library facilities of Stanford University.

We would like to have the benefit of Dr. Grimm's opinion regarding the applicant's motion for summary disposition of the thermal pollution issues in order to base our answer on reliable scientific information. Before Dr. Grimm can give us an informed opinion, she must review the voluminous information relevant to thermal pollution in the Final Environmental Statement and the Environmental Report, examine relevant literature in the Stanford libraries, and consult colleagues with expertise in marine biology and other relevant technical fields. A ten day extension of time is a reasonable period, at a minimum, to allow Dr. Grimm to accomplish such review and consultation.

Prior decisions of the Atomic Licensing and Appeals Board demonstrate that good cause exists for granting an extension of time when such an extension is needed to accomplish evaluation and review of complex technical data. (e.g., In the Matter of CONSOLIDATED EDISON CO. (Indian Point Station, Unit No. 2) ALAB 174, RAI 74-1, pp. 55-61 (January 29, 1974) and In the Matter of Trustees of Columbia University, ALAB, AEC 4, p. 640 (May 19, 1971).) Clearly, here, where intervenors recently retained an expert qualified to review technical data relating to thermal pollution, she ought to be given a reasonable period of time to review that data.

Accordingly, based on the above-cited precedent and the need for intervenors' recently retained technical consultant for reasonable time to review relevant information before intervenors' counsel can respond in a scientifically meaningful fashion, we respectfully request that the Board grant an extension of time until September 24, 1976 for intervenors' response to applicant's motion for summary disposition of environmental contentions 1.A-J.

Sincerely,


James Geocarlis
Attorney for Several Intervenors

