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December 27, 1976

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

Dear Members of the Board:

The purpose of this letter is to inform you of our intention to file a motion to add two new contentions relevant to the health and safety portions of the Diablo Canyon proceedings. In addition, we would like to confirm our understanding of the proper procedure for taking exception to the Board's ruling rejecting Intervenors' motion for reconsideration of our conservation/need for power/alternative source contention.

This fall while we were litigating the environmental issues, several of Intervenors' technical consultants also were considering the adequacy of the safety contentions drawn by the Intervenors several years ago without the assistance of counsel or technical consultants. Based on this technical review, Intervenors have decided to move to add two new contentions. First, we will move to add a contention regarding the problem of over-pressurization in the Diablo Canyon Westinghouse reactors. Second, we will move to add a contention regarding the need for backfitting of the Diablo Canyon plant pursuant to 10 C.F.R. §50.109.

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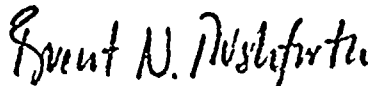
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Intervenors' technical consultants are now gathering additional information on the above contentions in order to prepare affidavits to support the new contentions. Intervenors plan to complete their affidavits and motion for filing by the end of January.

Turning to the Board's ruling on Intervenors' conservation/need for power/alternative source contention, it is our understanding of the Board's instructions to us during the hearings earlier this month that we need not file any exceptions to the Board's ruling until the Board issues its initial decision for the operating license. The Board's instruction to us seems to reflect the procedure for taking exceptions outlined in 10 C.F.R. §2.730(f) and §2.762(a). Therefore, we will reserve their exceptions to the Board's ruling on Intervenors' motion for reconsideration of the conservation/need for power/alternative source contention until the Board issues its initial decision unless the Board instructs us that such a procedure is improper.

Sincerely,



Brent N. Rushforth
Attorney for Several
Intervenors

BNR/deb



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