

UNITED STATES OF AMERICA
ATOMIC ENERGY COMMISSION

In the Matter of)
PACIFIC GAS AND ELECTRIC COMPANY)
Diablo Canyon Site, Unit 2)

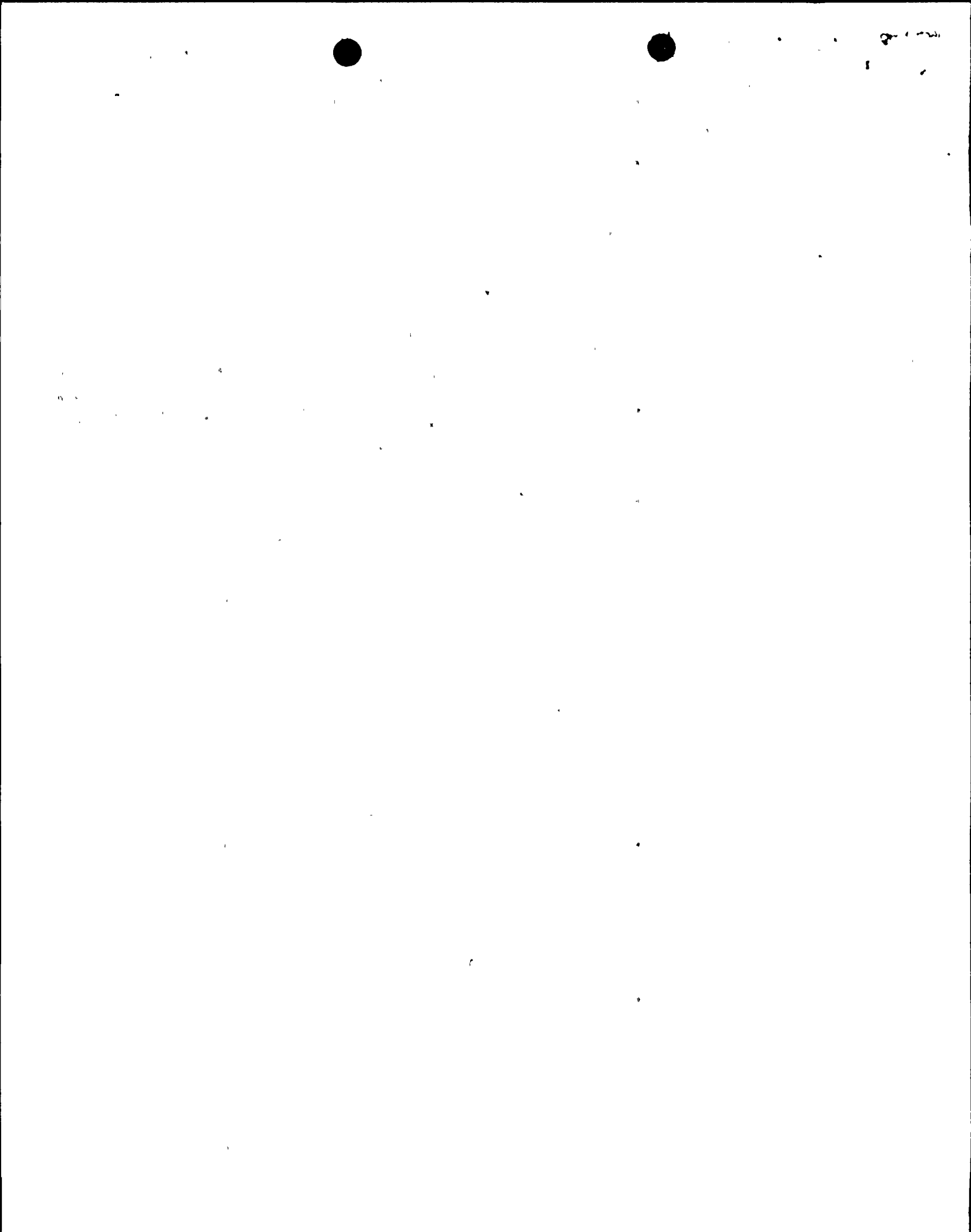
Docket No. 50-323

MOTION TO LIFT SUSPENSION
OF CONSTRUCTION

TO: MRS. ELIZABETH S. BOWERS, CHAIRMAN
ATOMIC SAFETY AND LICENSING BOARD

Pacific Gas and Electric Company hereby moves to lift the suspension of construction of the Diablo-Midway No. 3 Transmission Line imposed by order of the Atomic Energy Commission dated February 4, 1972. The principal ground for lifting the suspension is that the review of the environmental impact of construction of this transmission line has been completed. The AEC staff has issued its Final Environmental Statement, which included a review of the impact of construction of transmission lines, and the environmental hearing has been held. At the hearing PGandE's witness, Ross W. Woodward, outlined why construction of the Diablo-Midway No. 3 Line will have a minimal effect on the environment. He also discussed the restorative measures PGandE has agreed to undertake. Mr. Woodward's testimony was not controverted.

An affidavit in support of this motion, a proposed form of order, and certain supporting documents are attached. For the reasons outlined herein and in the attachments PGandE submits that



the suspension of construction of the Diablo-Midway No. 3 Transmission Line should be lifted.

Respectfully submitted,

F. T. SEARLS
JOHN C. MORRISSEY
PHILIP A. CRANE, JR.

BY 
Philip A. Crane Jr.

Attorneys for
Pacific Gas and Electric Company
77 Beale Street
San Francisco, California 94106
415-781-4211

Dated: January 11, 1974



3-1-1954

UNITED STATES OF AMERICA
ATOMIC ENERGY COMMISSION

In the Matter of)

PACIFIC GAS AND ELECTRIC COMPANY)

Diablo Canyon Site, Unit 2)

Docket No. 50-323

AFFIDAVIT OF ROSS W. WOODWARD IN SUPPORT OF MOTION TO
LIFT SUSPENSION OF CONSTRUCTION OF DIABLO-MIDWAY NO.3
TRANSMISSION LINE

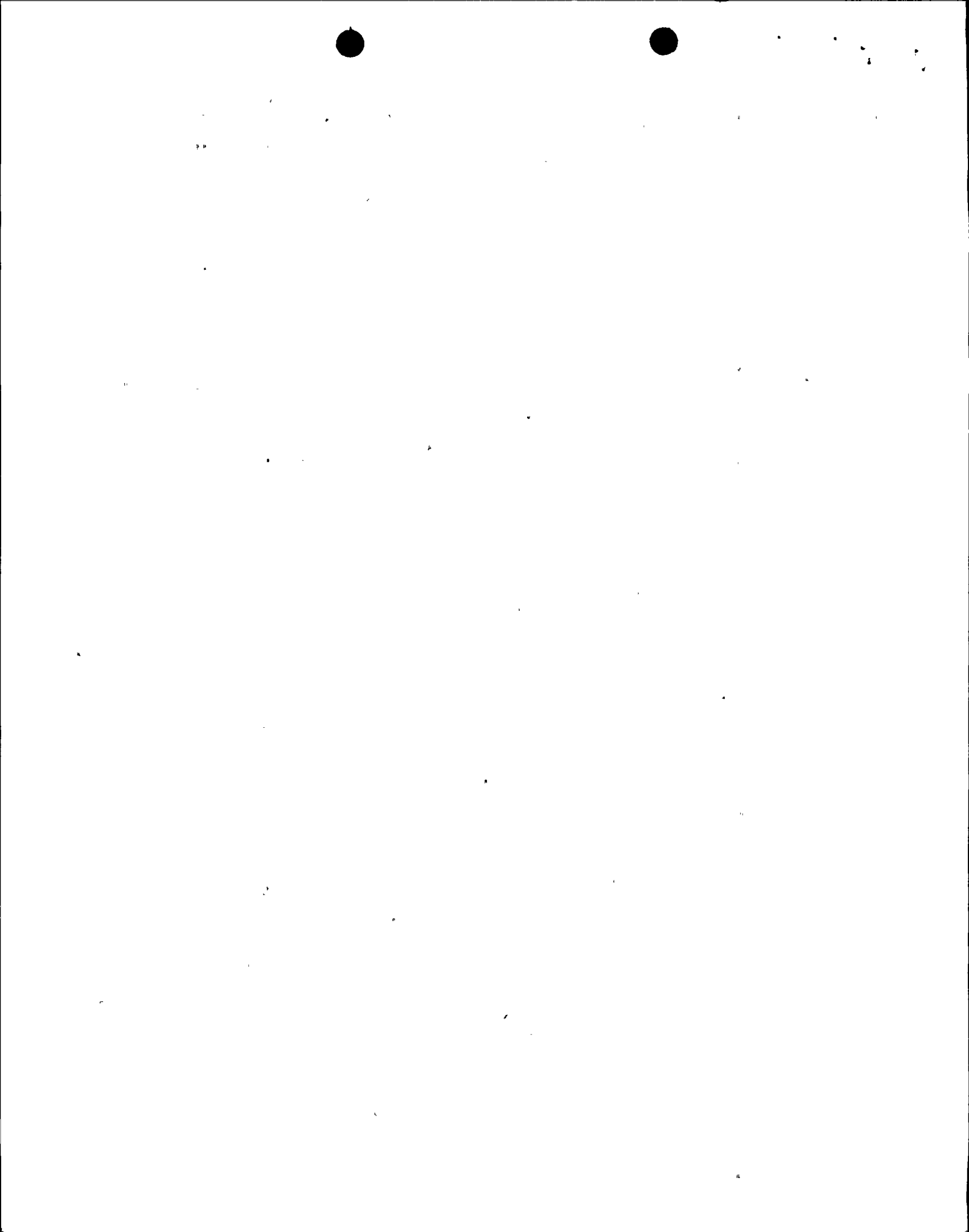
I, Ross W. Woodward, being first duly sworn, depose and say:

1. Construction of the Diablo-Midway No. 3 Transmission Line was suspended by order of the Atomic Energy Commission pending completion of a review of the environmental impact of continued construction of the transmission line under the Commission's regulations implementing the National Environmental Policy Act of 1969. A copy of the Commission's order is attached as Exhibit A.

2. PGandE made no response to the Order To Show Cause referred to in the attached order for the following reasons:

a. Construction of the Diablo-Gates and Diablo-Midway No. 2 Transmission Lines was not affected by this order. This construction provided enough work for the available crews during the anticipated duration of the suspension.

b. The Diablo-Midway No. 3 Transmission Line was not required for operation of Unit 1 at the Diablo Canyon site and thus was not scheduled to be constructed until the other two lines had been completed.



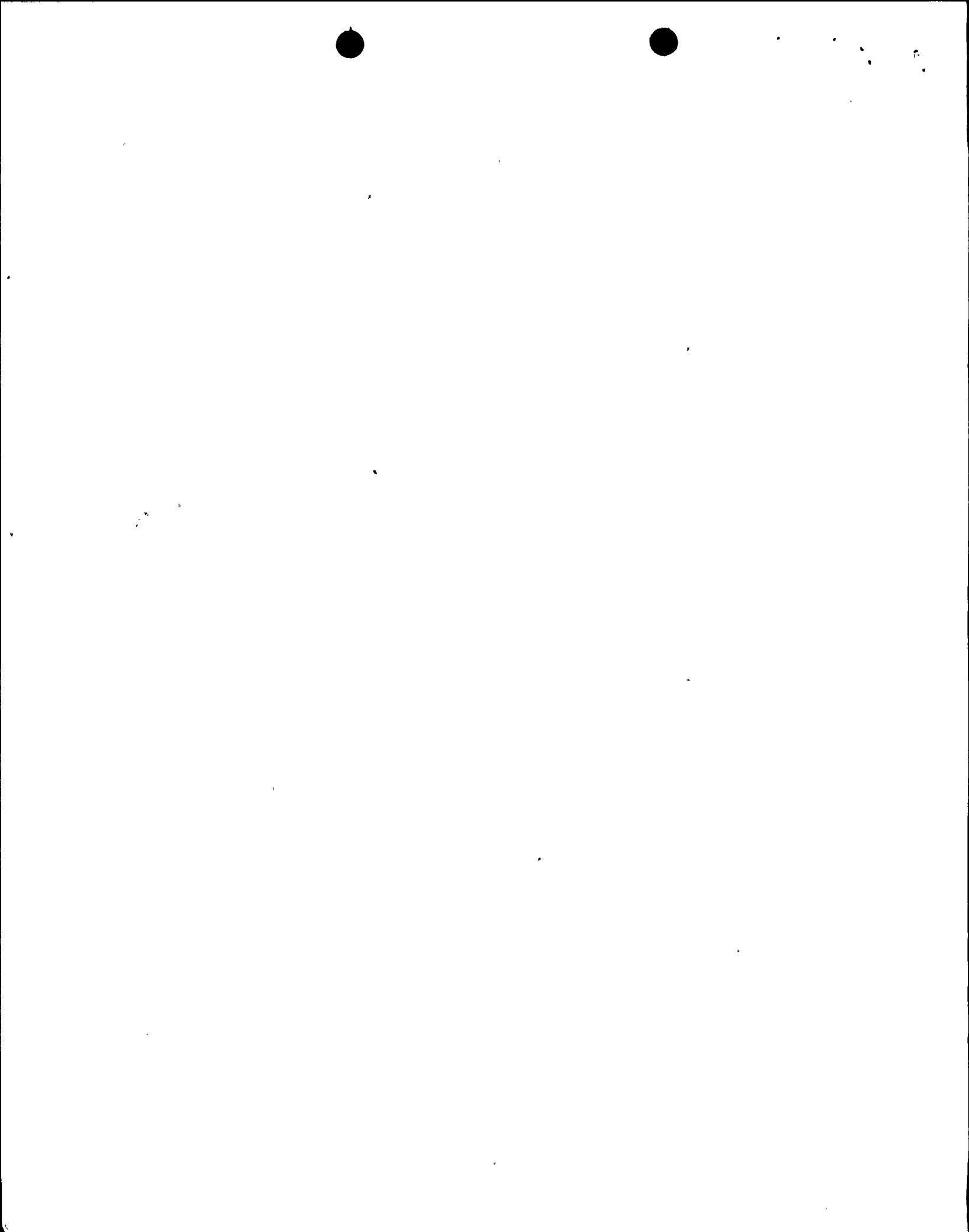
c. It was expected that the NEPA review would be completed by the end of 1972, which, presumably, would have permitted construction of the line to be commenced during 1973.

3. PGandE is running out of work for its tower line construction crews. Because of the early required completion dates of two other transmission lines, 115 tower erection employees and 40 foundation installation employees have or will complete their present work assignments early in 1974. Thirty-nine of these men have been laid off and 40 additional men are scheduled to be laid off within the next two weeks. The recently revised schedule provides that construction of the foundations for the Diablo-Midway No. 3 line is to be commenced February 1, 1974. This will permit the line to be ready when initial tests on Unit 2 are scheduled to begin. If this work is not commenced on or about this date it will be necessary for PGandE to lay off additional men due to lack of work and the operating date for Unit 2 will be in jeopardy.

4. All of the right-of-way for the Diablo-Midway No. 3 line has been acquired. As I outlined in my testimony before the Atomic Safety and Licensing Board on September 19, 1973 in connection with the environmental hearing held on Unit 2 (Tr. following p. 837), construction of the Diablo-Midway No. 3 transmission line will have a minimal effect on the environment. For convenience the pertinent portion of my testimony (less Exhibits) is attached hereto as Exhibit B. Since I gave this testimony the Diablo-Gates and Diablo-Midway No. 2 lines have been completed and placed in service.

January 11, 1974


Ross W. Woodward



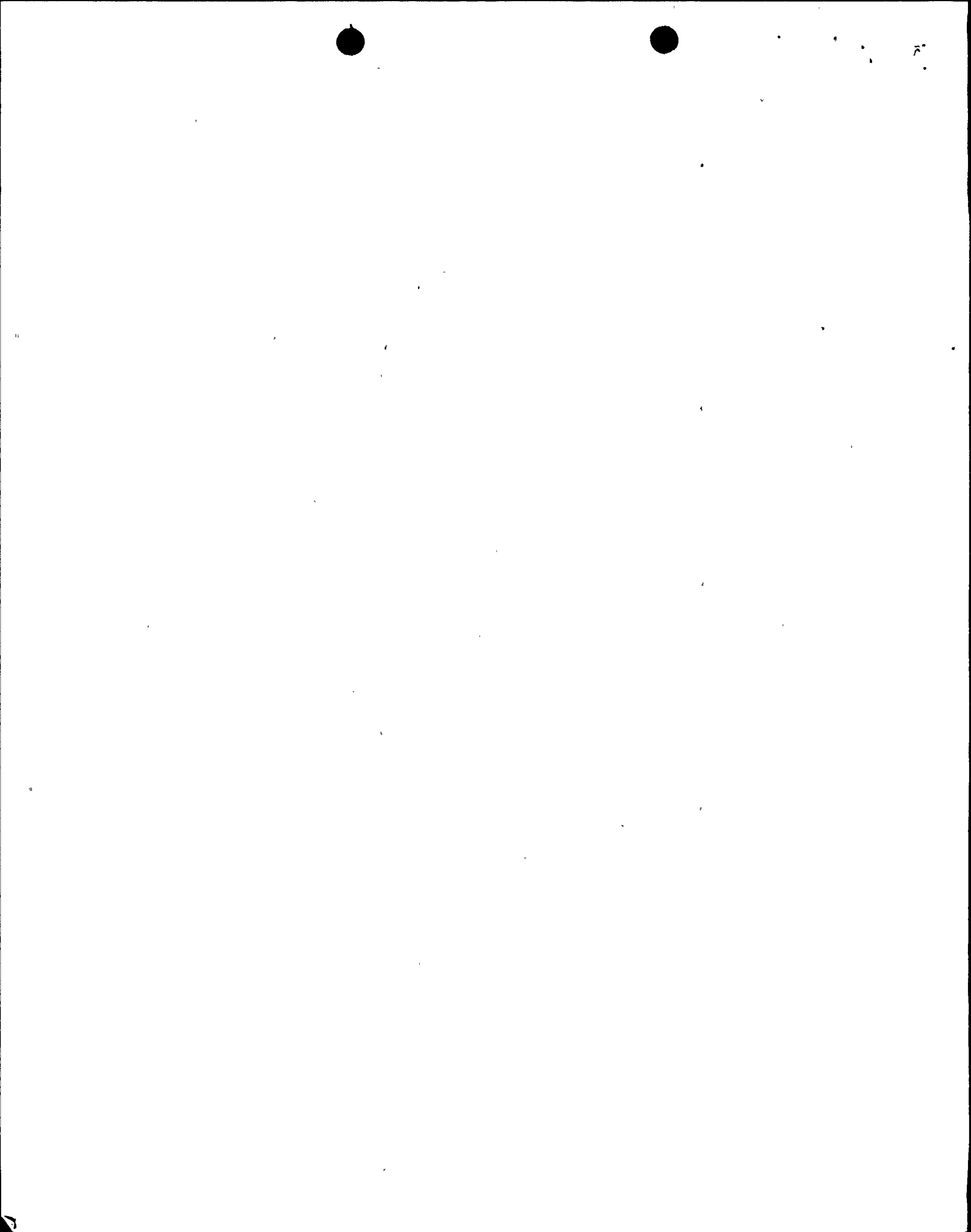
Subscribed and sworn to before me this 11th day of
January, 1974.


Theodora Cooke

SEAL

Notary Public in and for the City
and County of San Francisco, State
of California

My Commission expires January 28, 1977



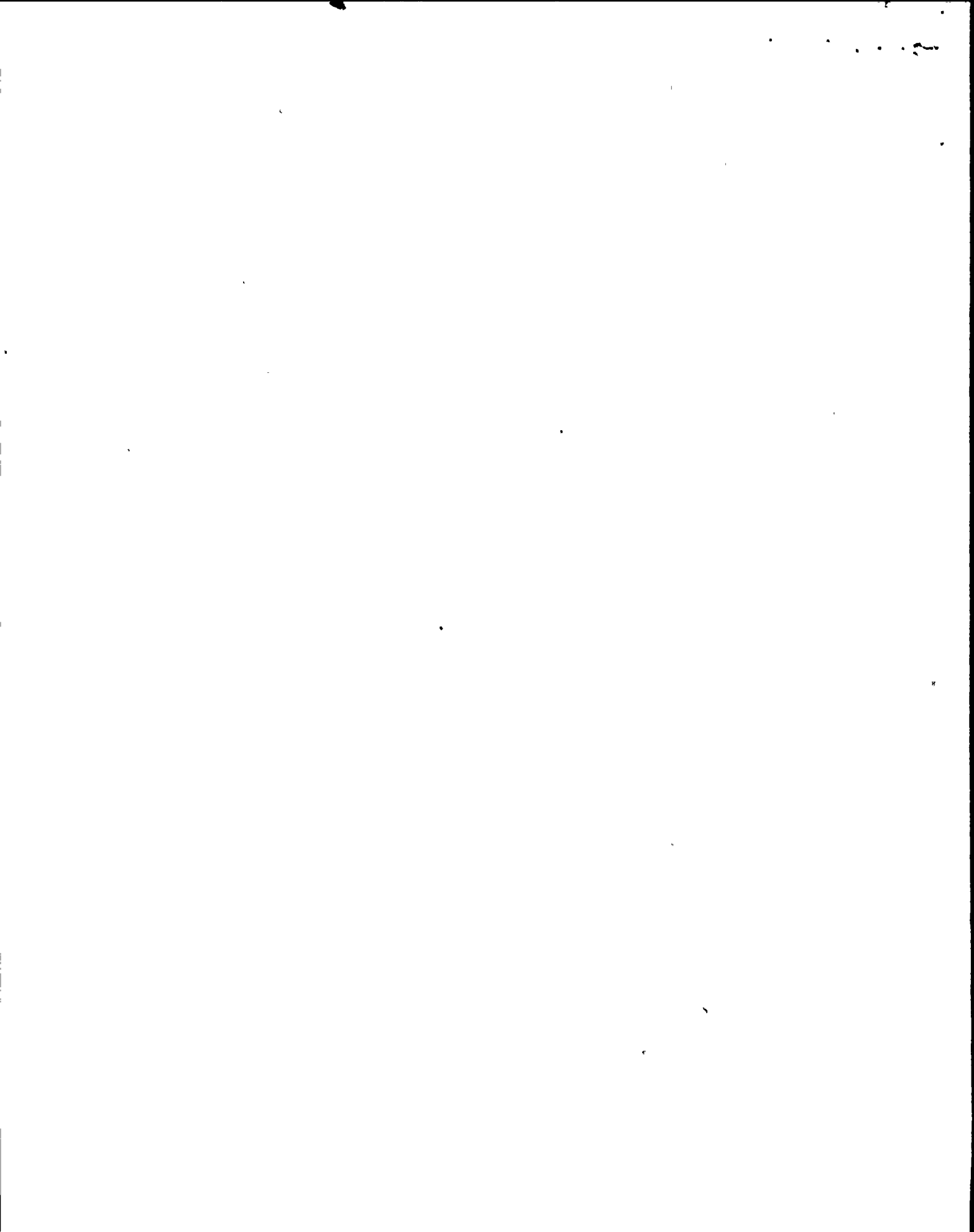
UNITED STATES OF AMERICA
ATOMIC ENERGY COMMISSION

In the Matter of

PACIFIC GAS & ELECTRIC COMPANY

Diablo Canyon Nuclear Power Plant
Units 1 and 2Docket Nos. 50-275
and 50-323ORDER SUSPENDING CERTAIN CONSTRUCTION
ACTIVITIES AT THE DIABLO CANYON
NUCLEAR POWER PLANT

On November 29, 1971, The Director of Regulation of the Atomic Energy Commission issued an Order to Show Cause directed to Pacific Gas and Electric Company (the licensee), to show cause why construction activities involving clearing the off-site right-of-way and constructing the second Diablo-Midway transmission line for the Diablo Canyon Nuclear Power Plant, Units 1 and 2, should not be suspended pending completion of a review of the environmental impact of the continued construction of the transmission line under the Commission's regulations implementing the National Environmental Policy Act of 1969 (NEPA), 10 CFR Part 50, Appendix D. A determination that such construction activities at the Diablo Canyon Nuclear Power Plant should be suspended pending completion of the NEPA environmental review had been made by the Director of Regulation upon consideration of the licensee's written statement of reasons (with supporting factual submission)

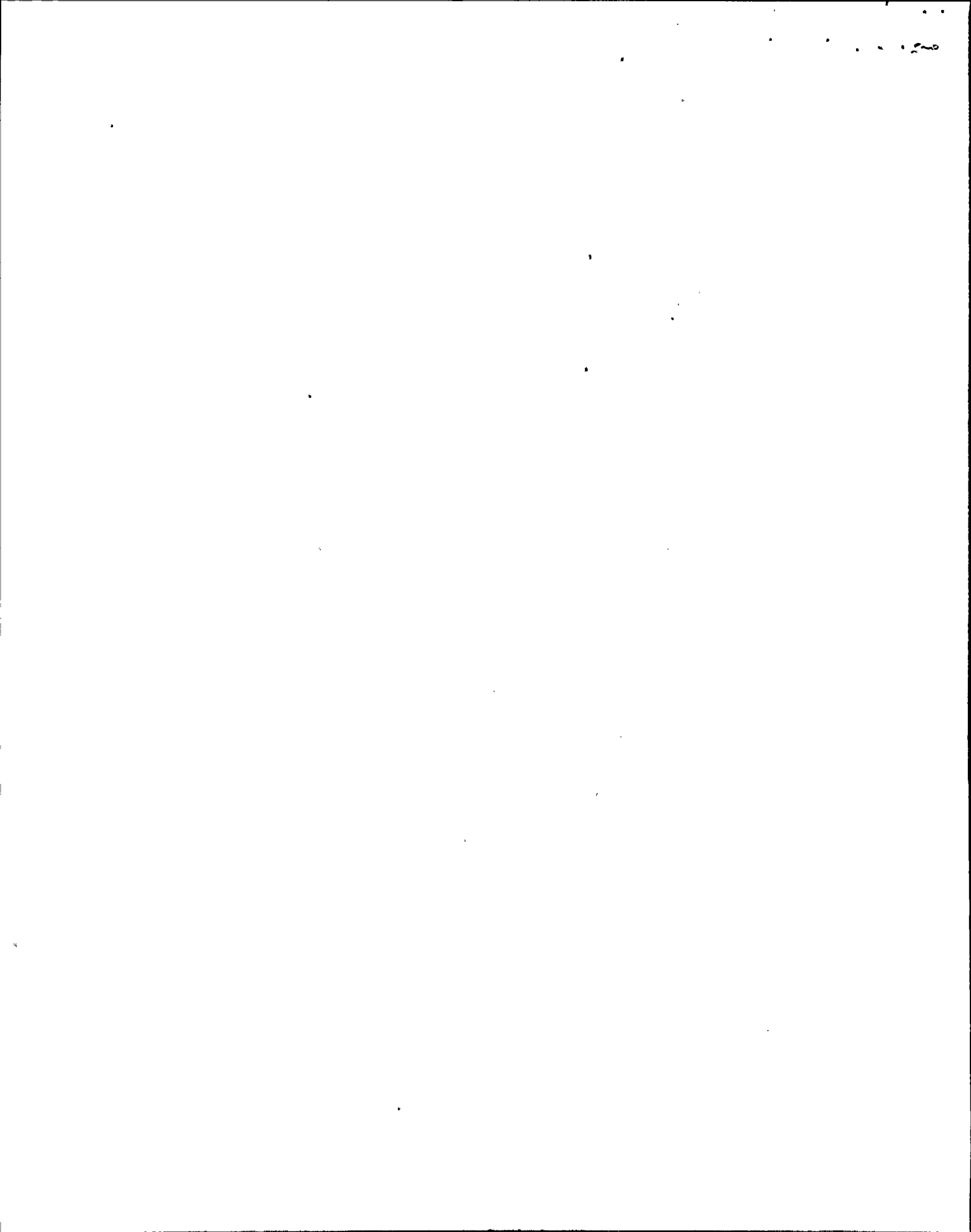


dated October 18, 1971, why the construction permit should not be suspended, in whole or in part, pending completion of the NEPA environmental review, and upon consideration and balancing of the criteria set out in section E.2 of Appendix D of 10 CFR Part 50. The reasons for the determination were set out in a document entitled "Discussion and Findings by the Division of Reactor Licensing, U. S. Atomic Energy Commission, Relating to Consideration of Suspension Pending NEPA Environmental Review of the Construction Permits for the Diablo Canyon Nuclear Power Plant, Units 1 and 2, AEC Docket Nos. 50-275/323," dated November 29, 1971, which was appended to and made a part of the Order to Show Cause.

The Order to Show Cause provided that an answer might be filed and a hearing demanded within thirty (30) days of the date of the Order to Show Cause and that upon failure to file an answer within the specified time, an order suspending the above mentioned construction activities pending completion of those portions of the NEPA environmental review would be issued without further notice.

No answer to the Order to Show Cause or demand for a hearing was filed by the licensee.

In view of the foregoing, and pursuant to the Commission's regulations in 10 CFR Parts 2 and 50, Appendix D, IT IS HEREBY ORDERED THAT, construction activities involving clearing the off-site right-of-way and constructing the second Diablo-Midway



transmission line for the Diablo Canyon Nuclear Power Plant, Units 1 and 2, shall be suspended until further order of the Commission.

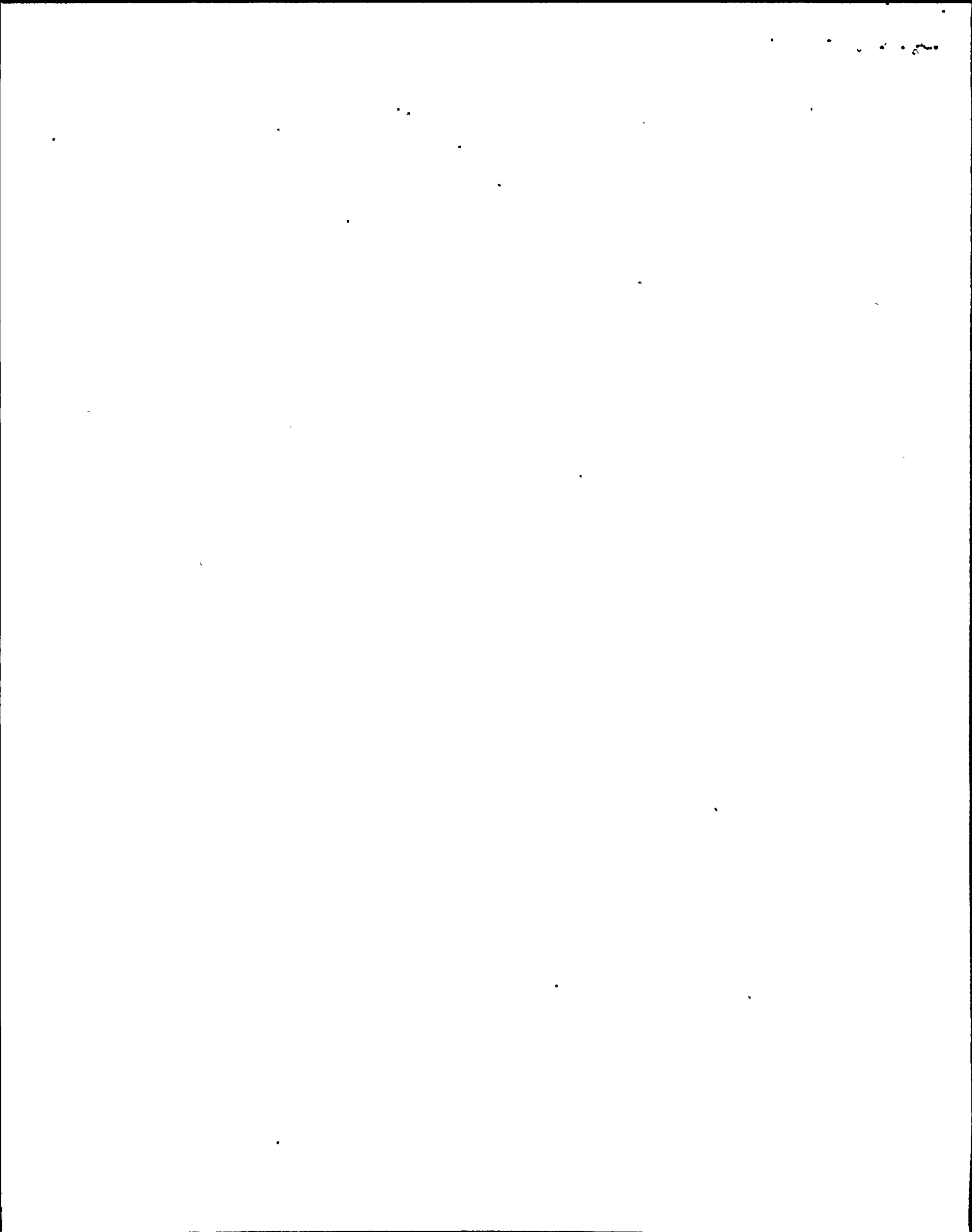
This order is effective upon service.

FOR THE ATOMIC ENERGY COMMISSION

Original Signed by
L. Manning Muntzing
L. Manning Muntzing
Director of Regulation

Dated at Bethesda, Maryland,

This *4th* day of February, 1972.



1 discussion of the construction of the Diablo-Midway No. 3 line
2 and the measures the Company has taken to lessen the environmental
3 impact of construction of all three transmission lines.

4 Construction of the Diablo-Midway No. 3 transmission
5 line will have a minimal effect on the environment. As previously
6 stated construction of the Diablo-Midway No. 2 line is approxi-
7 mately 98.6% complete. The second Diablo-Midway line will
8 parallel the first line over approximately 76.9% of its length
9 at a center line distance of only 200 feet, and it will parallel
10 the existing Morro Bay-Midway 230 kv line over approximately
11 15.4% of its length at a center line distance of 130 feet, a
12 total parallel of approximately 92.3%. The lines to Midway split
13 about 19 miles west of Midway and proceed on rights-of-way
14 separated $3/4$ to $3-3/4$ miles to Midway Substation. The lines
15 were split because to include them both on one right-of-way would
16 have interfered with oil wells operating in the vicinity.

17 Where vegetation exists clearing for the No. 3 line
18 will be minimal and will be conducted in accordance with appli-
19 cable regulations. Aside from the tower sites the only clearing
20 required will be for stringing trails to lay the conductor pulling
21 lead lines and a portion of the spur roads. These will disappear
22 when the vegetation is re-established following completion of
23 construction.

24 Most of the necessary access roads have been constructed
25 in connection with the No. 2 line, and only 1.4 miles of main-line



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1 roads together with the necessary spur roads will be required to
2 build the No. 3 line.

3 The question of the selection of the route for the
4 Diablo-Midway transmission lines was considered at length by the
5 California Public Utilities Commission after 26 days of adversary
6 public hearings. The decision of the CPUC in that proceeding is
7 included as Appendix O in Supplement No. 2 to the Diablo Canyon
8 Environmental Report. Recently, the CPUC issued an order deleting
9 the condition contained in paragraph 2 of its original order. A
10 copy of this latest order is set forth in Exhibit _____ attached.
11 Thus PGandE's choice of its transmission line routes was sus-
12 tained in its entirety by the CPUC. Furthermore, since the
13 Diablo-Gates and Diablo-Midway No. 2 lines are largely complete,
14 the only possible line which could be rerouted would be the
15 Diablo-Midway No. 3 line. However, relocation of the Diablo-
16 Midway No. 3 line would result in a greater overall impact on
17 the environment than maintaining the existing routes because of
18 the need to construct additional access roads, laydown areas,
19 construction yards, and camps for a new route.

20 Similarly, undergrounding any of the lines is not a
21 viable alternative. Wholly aside from the tremendous additional
22 expense involved as well as technological problems, constructing
23 an underground transmission line would have a much greater impact
24 on the environment than an overhead line. This evolves from the
25 need to clear the right-of-way to bare soil to provide working



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1 space to excavate trenches, bury pipes, and lay cables. In ad-
2 dition, a completely different alignment would be required and
3 the area would have to be kept cleared to permit the lines to be
4 maintained.

5 The most up-to-date construction techniques, based in
6 part on experience already gained on this project, will be
7 utilized in constructing the No. 3 line. In addition to con-
8 ventional methods smaller, narrower equipment is being used on
9 smaller, steeper roads; all-wheel drive and specialized off-high-
10 way vehicles are available to minimize road construction; minimal
11 clearing of tower sites and conductor stringing trails is planned;
12 helicopters will be used for much of the conductor pulling; a
13 maximum effort by all concerned will be made to minimize the
14 environmental impact.

15 Once construction of the lines has been completed the
16 lines have little impact on the environment because they do not
17 interfere with use of the land or natural resources beneath them.

18 The impact of construction of the transmission lines is
19 being reduced by restorative measures now underway. These will
20 be applied following construction of the No. 3 line as well.
21 Major efforts have been made on erosion control which have been
22 quite successful. These include revegetating disturbed areas by
23 hydro, or hand, seeding, frequently using straw "rolled in" with
24 sheeps-foot rollers, and sometimes covered with netting. Dis-
25 turbed slopes around tower sites have been re-contoured to



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1 conform as closely as possible with the original ground slope.
2 In addition to the seeding and contouring work many drainage
3 areas have been redesigned improving the drainage considerably.
4 Hundreds of Monterey and Bishop Pine trees have been planted
5 along road cuts and fills. Structures have been dulled and
6 "non specular" conductor purchased. A continuing monitoring
7 program for trouble spots is in effect and will continue through-
8 out the construction program, with remedial action, if necessary,
9 taking place immediately.

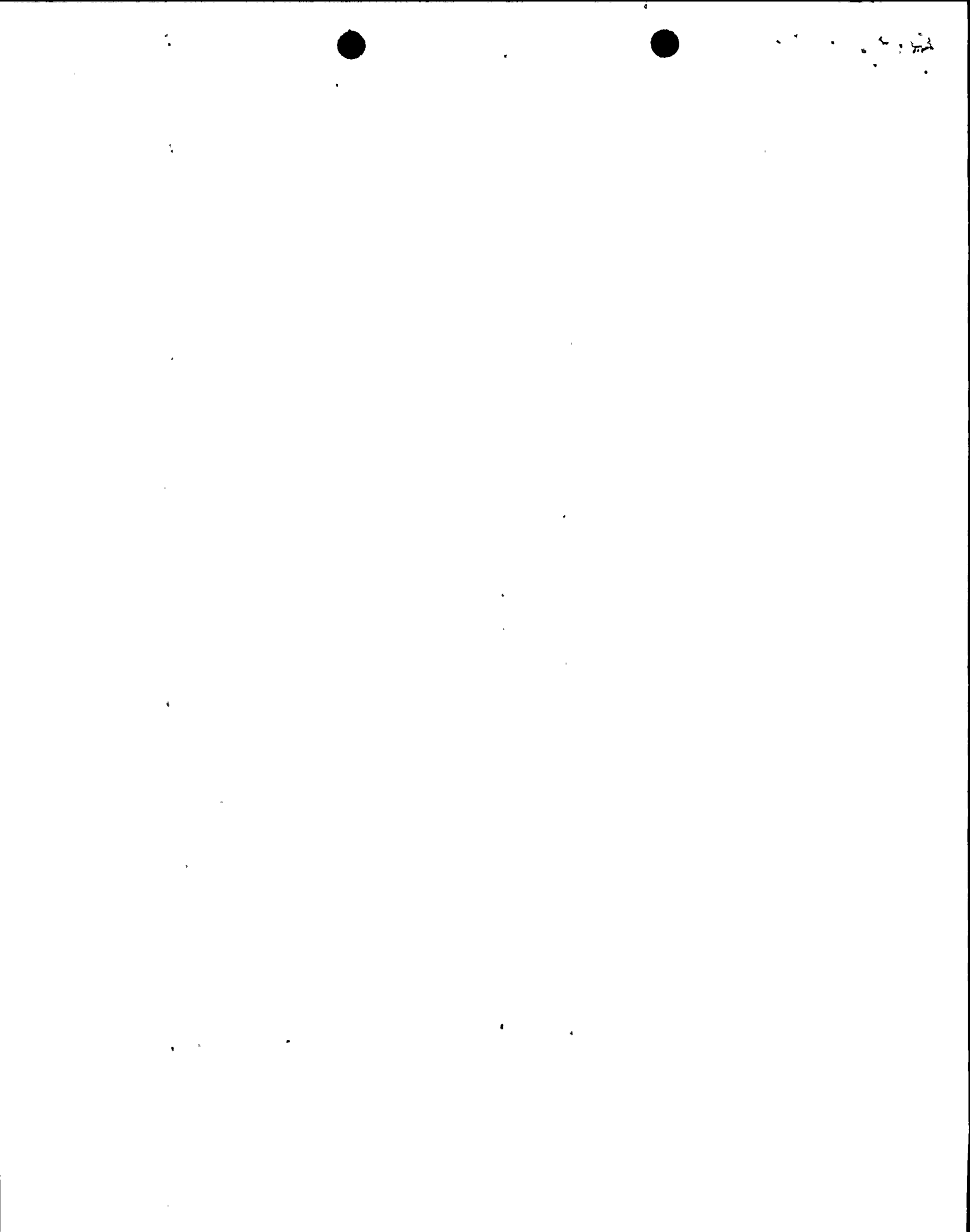
10 In paragraph 5 of its decision the CPUC directed PGandE
11 to survey existing access roads and report in writing

12 ". . . what action is now required to
13 reasonably control erosion and to
14 reasonably restore the areas affected
by construction to their natural state."

15 This has been done. Copies of the text of the first three reports
16 rendered to the CPUC in accordance with this paragraph are at-
17 tached hereto as Exhibit _____. The reports show that considerable
18 progress toward ultimate recovery already has been accomplished.

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UNITED STATES OF AMERICA
ATOMIC ENERGY COMMISSION

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PACIFIC GAS AND ELECTRIC COMPANY) Docket No. 50-323
Diablo Canyon Site, Unit 2)
_____)

ORDER

Based on the Board's findings and conclusions and pursuant to the Atomic Energy Act and the Commission's regulations, IT IS ORDERED that the Director of Regulation is authorized to lift the suspension of construction of the Diablo-Midway No. 3 Transmission Line originally imposed by order of the Commission dated February 4, 1972 and to amend Construction Permit No. CPPR-69 to permit this work to proceed.

IT IS FURTHER ORDERED, in accordance with 10 CFR § 2.760, § 2.762, § 2.764, § 2.765 and § 2.786 of the Commission's Rules of Practice, that this Initial Decision shall be effective immediately upon issuance and shall constitute the Final Decision of the Commission subject to any review thereof pursuant to the above-cited rules.

IT IS SO ORDERED.

THE ATOMIC SAFETY AND LICENSING BOARD
Glenn O. Bright, Member
William E. Martin, Member
Elizabeth S. Bowers, Chairman

Issued at Washington, D. C.

this _____ day of _____, 1974.



UNITED STATES OF AMERICA
ATOMIC ENERGY COMMISSION

In the Matter of)
)
PACIFIC GAS AND ELECTRIC COMPANY)
)
Diablo Canyon Site, Unit 2)
_____)

Docket No. 50-323

CERTIFICATE OF SERVICE

The foregoing Motion of Pacific Gas and Electric Company has been served today on the following by deposit in the United States mail, properly stamped and addressed:

Elizabeth S. Bowers, Esq.
Atomic Safety and Licensing
Board Panel
U. S. Atomic Energy Commission
Washington, D. C. 20545

Secretary
U. S. Atomic Energy Commission
Washington, D. C. 20545

Attn.: Chief, Public Proceedings Staff

Mr. Glenn O. Bright
Atomic Safety and Licensing
Board Panel
U. S. Atomic Energy Commission
Washington, D. C. 20545

Mr. Angelo Giambusso
Deputy Director for Reactor Projects
U. S. Atomic Energy Commission
Washington, D. C. 20545 (2 copies)

Dr. William E. Martin
Senior Ecologist
Battelle Memorial Institute
Columbus, Ohio 43201

Andrew Skaff, Esq.
Counsel
Public Utilities Commission
of the State of California
State Building
San Francisco, California 94102

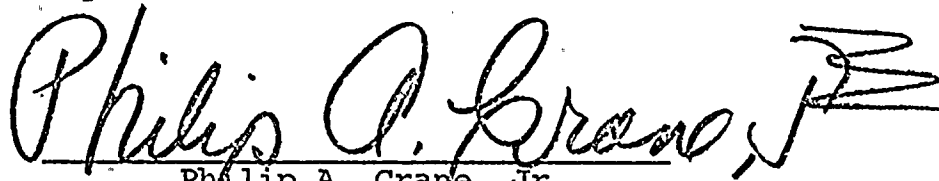
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Mr. Frederick Eissler, President
Scenic Shoreline Preservation
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Santa Barbara, California 93110

Mr. Nathaniel H. Goodrich
Chairman
Atomic Safety and Licensing
Board Panel
U. S. Atomic Energy Commission
Washington, D. C. 20545

Lawrence J. Chandler, Esq.
Office of the General Counsel
Regulation
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Gerald Mason, Esq.
Ogle & Gallo
P. O. Box 720
Morro Bay, California 93442


Philip A. Crane, Jr.
Attorney for
Pacific Gas and Electric Company

Dated: January 11, 1974



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