

RELATED CORRESPONDENCE

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50-275

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- WILLIAM Y. WOODRUFF
- WILLIAM Z. WOODRUFF

October 29, 1974

Mrs. Sandra A. Silver,  
1315 Cecelia Court  
San Luis Obispo,  
California, 93401

Dear Mrs. Silver:

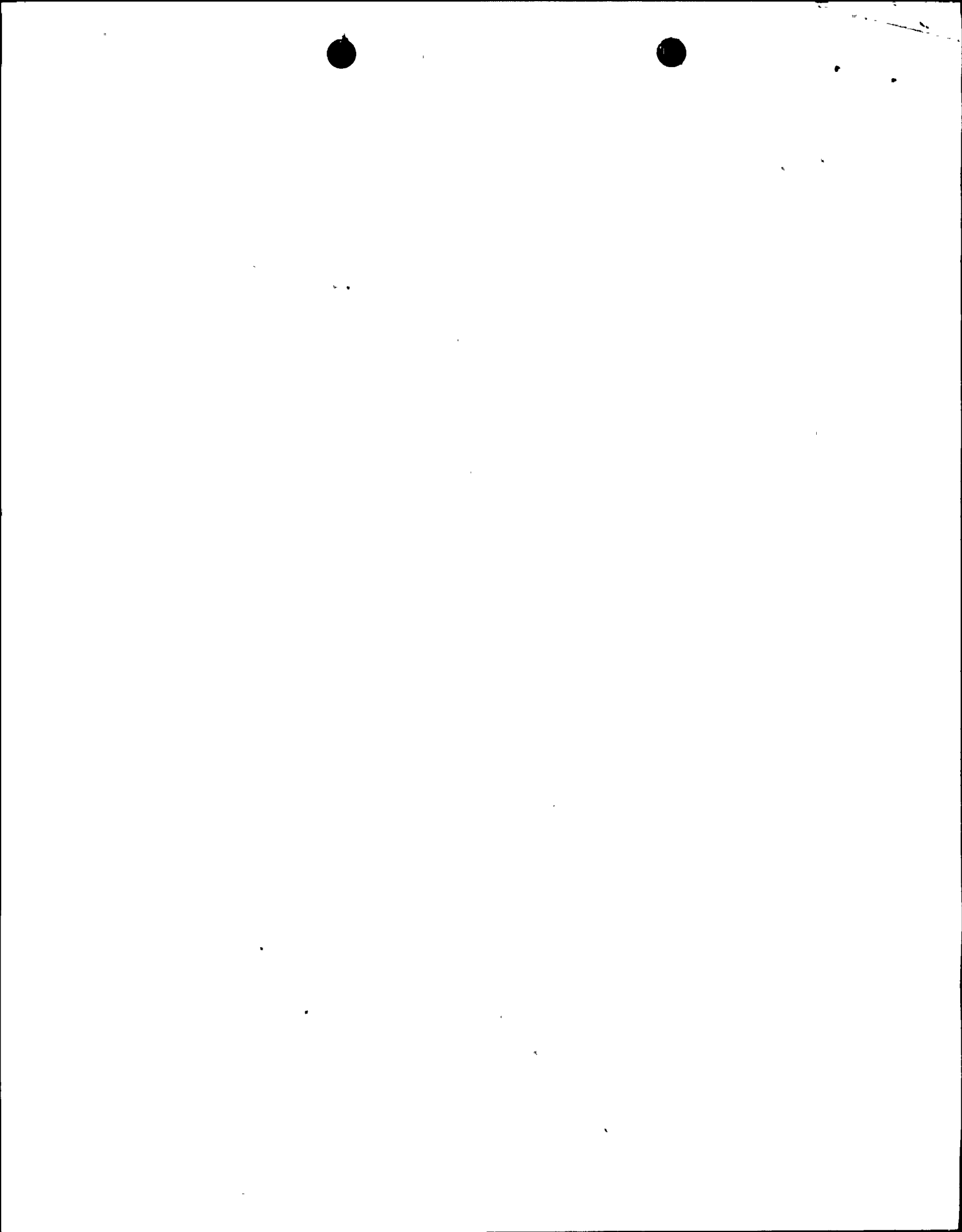
This is in reply to your letter to me dated October 21, 1974.

I regret that it will not be possible to schedule a site visit on Sunday, November 3, 1974. We expect by that time the strike currently in effect will be over. Consequently, there will be a large number of workmen on the site, and personnel otherwise qualified to act as guides will be involved with other duties.

In addition, your request appears to be largely a duplicate of your previous visit, and we do not feel obliged to conduct more than one of these tours. Some of the Unit 2 items may be new, but essentially they are duplicates of the corresponding Unit 1 components which you previously saw. Items B3, B7 and B8 have not yet been installed. Item C2 is a hazardous location and a visit there would not be permitted for reasons of safety. Item D3 could be accomplished if you wished to hire a boat.

Very truly yours,  
*P.A. Crane, Jr.*  
PHILIP A. CRANE, JR.

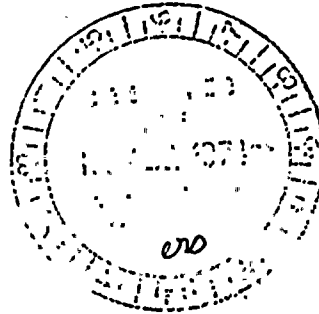
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RELATED DOCUMENTS

SAN LUIS OBISPO MOTHERS FOR PEACE/October 21, 1974

Mr. Philip A. Crane, Jr.  
Law Department  
Pacific Gas and Electric Co.  
77 Beale Street  
San Francisco, CA 94106



(Re: AEC Dockets 50-275 & 50-323)

Dear Mr. Crane:

Persuant to Rules and Regulations of the U.S.A.E.C. (10 CFR Part 2 Paragraphs 2.740 et seq.) we request permission to enter, inspect; and photograph certain items and/or categories of items at the Diablo Canyon Power Station site.

We would like to make the visit on Sunday, November 3, 1974, meeting your escort at 9:00 AM, presumably at the project entrance gate in Avila Beach.

Members of the party will include Elizabeth Apfelberg, Raye Fleming, Gordon Silver, Richard Spohn, and myself.

One of the serious problems we met on the first plant visit (September 29, 1974) was the last-moment forced separation of our party into two groups. We consider it reasonable to request that our small party of five be permitted to make the visit as one group.

It is requested that, as we proceed through the site visit, the escort be instructed to identify, by name and also by function, anything we might want identified.

If you undertake to rearrange, for a more expeditious visit, the items in our enclosed list, please provide us with a copy of the revised list as soon as possible.

I am enclosing a site visit list on which are enumerated what we want to inspect and hope your office will respond promptly.

Very truly yours,

*Sandra A. Silver*

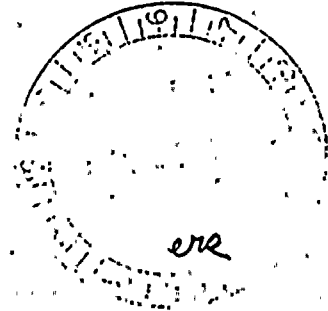
Sandra A. Silver  
1315 Cecelia Court  
San Luis Obispo, CA 93401

Enclosure: Site Visit List



SITE VISIT LIST  
(Unit 1 unless-indicated)

- A. Containment Structures and Facilities
  - 1. Containment structure and interior facilities, general layout, Unit 2
  - 2. Containment structure and interior facilities, equipment, and components, Unit 1
  - 3. All containment hatches
  
- B. Auxiliary & Fuel Handling Buildings & Facilities
  - 1. Entire fuel handling and storage facilities and pathways
  - 2. Spent fuel pool, Units 1 and 2
  - 3. New and spent fuel storage racks
  - 4. Control Room and associated offices, Units 1 and 2: general layout, facilities and equipment
  - 5. Drumming station, drum storage area, operating console
  - 6. Solid radwaste storage facilities (Fig. 11.5-5A, FSAR)
  - 7. Spent Resin Storage Area and facilities
  - 8. Load Out station (Fig. 11.5-14, FSAR)
  - 9. All remote (external to control room) shut down controls
  - 10. Communications Room
  - 11. Liquid holdup tanks
  - 12. Waste Gas Decay tanks
  
- C. Turbine Generator Building and Facilities
  - 1. General layout from 95ft and 140 ft elevations
  - 2. View of C.1. from platform at 163 ft elevation
  
- D. Intake & Discharge Structures and Components
  - 1. Intake structure and facilities
  - 2. Discharge structure and facilities
  - 3. Close-up view of D.1 and D.2. from the sea
  
- E. Items or Systems Located in Several Buildings
  - 1. Safety injection system





U.S. ATOMIC ENERGY COMMISSION  
BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of  
PACIFIC GAS & ELECTRIC CO. }  
Diablo Canyon, Units 1 & 2 }

Dockets 50-275 OL  
50-323 OL

MOTION TO COMPEL DISCOVERY

PROCEDURAL BACKGROUND

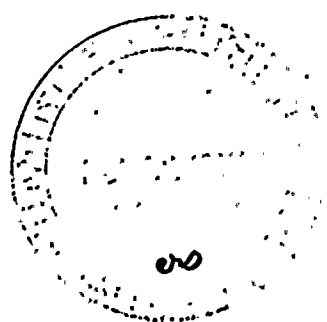
1. By letter request sent to Pacific Gas & Electric Co. (PG&E) and dated October 21, 1974 (copy enclosed herewith) San Luis Obispo Mothers For Peace (MFP) requested permission to enter, inspect, and photograph certain items and/or categories of items at the Diablo Canyon Power Station site.
2. The request was made of PG&E pursuant to the general and specific provisions governing discovery and set forth in 10 CFR Part 2 Paragraphs 2.740 et seq.
3. PG&E, by letter dated October 29, 1974 (copy enclosed herewith) denied the request on the bases of four or five grounds. MFP takes exception to PG&E's position for the reasons that follow.

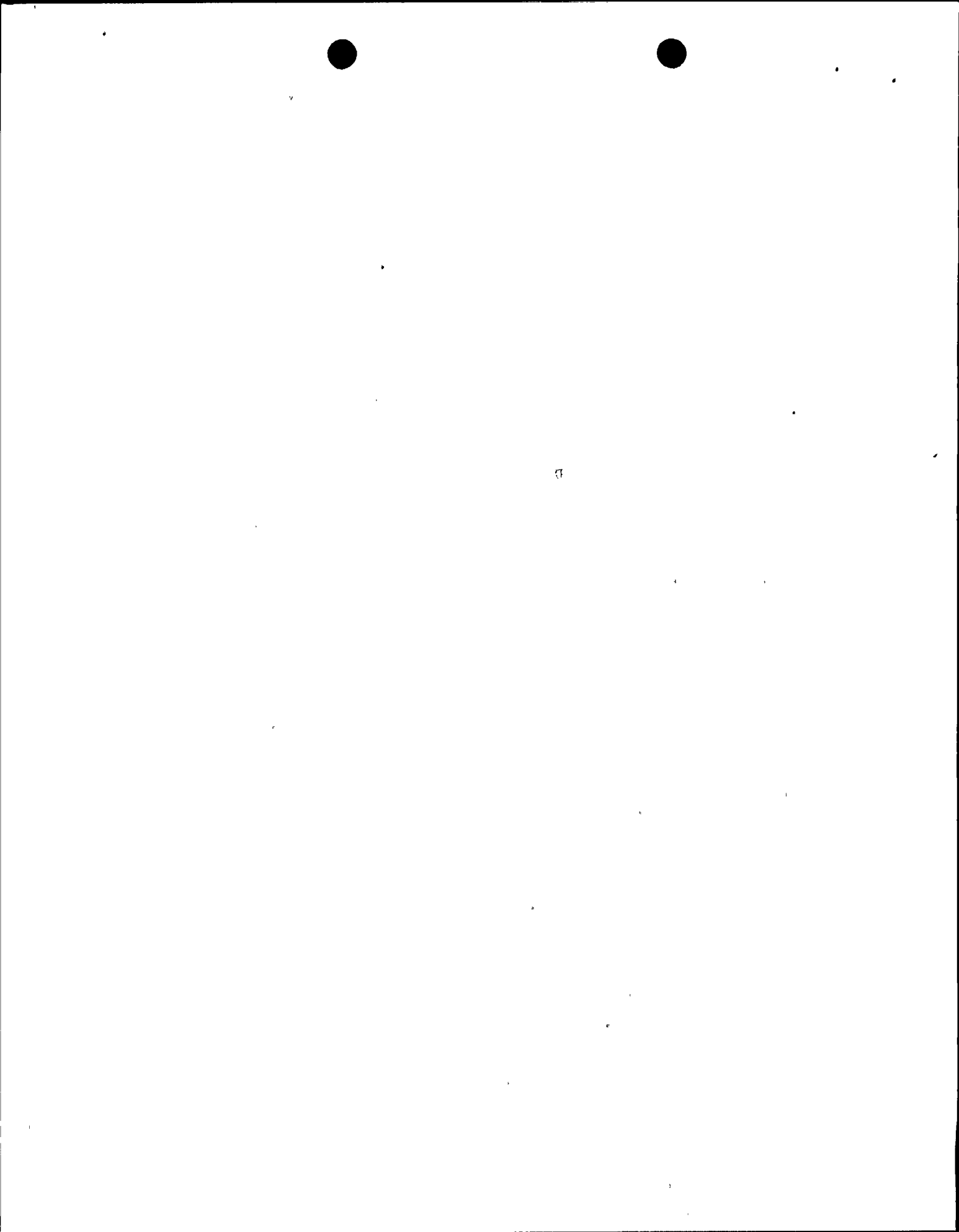
ARGUMENT

4. In their Oct. 29, 1974 response, PG&E stated:

"I regret that it will not be possible to schedule a site visit on Sunday, November 3, 1974. We expect by that time the strike currently in effect will be over. Consequently, there will be a large number of workmen on the site, and personnel otherwise qualified to act as guides will be involved with other duties."

- (a) The site visit day requested was Sunday, a day on which activity at the normally non-striking facility falls to a very low level.







- (b) If, as stated, the strike was expected to be over by Sunday, a condition could have been incorporated into PG&E's response, instead of an unqualified denial.
- (c) Our five-person group would require as escort, no more than one or two PG&E personnel. If this requirement establishes a corporate problem, then one suspects that PG&E is operating in an extremely marginal manner.
- (d) Furthermore, by their reference to the current strike condition, and their coupling of this condition to their denial of our discovery request, we are led to the suggestion that after the strike is terminated, PG&E will find it impossible to accommodate any and all requests for discovery on the site. This is an attack on Commission Rules and Regulations and HPF feels that the appropriate context for considerations of this sort would be under 10 CFR 2.758.

5. The second basis for PG&E's denial appears to be their Oct. 29, 1974 assertion:

"In addition, your request appears to be largely a duplicate of your previous visit, and we do not feel obliged to conduct more than one of these tours."

- (a) On our previous and initial visit we (a party of eight) were at the site, told, that we would be divided into 2 groups of four. We were completely unprepared for this eventuality and, on registering a strong objection to our escorts, the latter telephoned PG&E counsel in San Francisco, whereupon we were told that a cancellation of the site visit was being considered by the San Francisco office. If there existed reasons, security or otherwise, for our group's division, we should have been informed earlier. Because of certain



elaborate and extensive preparations we had made, we agreed to the separation due to our fear that the visit would be denied. This division put us into an extremely awkward position with respect to discovery because we couldn't talk to each other. In addition we had only one annotated itinerary (which PG&E allowed us to Xerox) and one set of plant and equipment-layout prints which could not be satisfactorily duplicated. The division also caused certain profound problems (which we cannot now elaborate) with respect to our rights to discovery.

Although we were cautioned twice by letter to wear substantial shoes we were told nothing of the above division and consider it unwarranted harassment. Our position is that the previous (or initial) visit was conducted under conditions that were, at best, unrestrained and highly manipulative.

- (b) We are not accustomed to inspecting nuclear power plants with their complement of high technology systems and components, particularly when the ground rules are imposed on us at the twelfth hour. We feel that several site visits, with perhaps each one zeroing in on a smaller scope, should be considered reasonable and desirable with respect to the Commission's provisions governing discovery.

In addition there are items that we requested to see in our Oct. 21, 1974 letter which were not at all duplicates of items visited on our initial visit. (e.g.: certain Unit 2 items) and which we want to inspect because they are at a different stage of construction with



respect to their counterparts in Unit 1. PG&E acknowledges in its letter of Oct. 29, 1974 that some of the items are not duplicates and thus again attacks Commission Rules.

6. The third basis for discovery denial was described as follows:

"Item C2 is a hazardous location and a visit there would not be permitted for reasons of safety".

Item C2 is a gallery in the turbine-generator building at an elevation of 163 ft with respect to mean sea level. We viewed it from the 140 ft level on our first visit and would like to view the turbogenerating facilities from the higher 163-ft level. We do not consider the gallery perilous but if PG&E considers it hazardous perhaps it needs some structural changes; we reaffirm our interest.

7. The fourth basis advanced was for denial of item D3:

"Item D3 could be accomplished if you wished to hire a boat."

PG&E has, in South Cove, several operative boats including a motor cruiser of roughly 25 to 30-ft length. We feel that in order to allow us to inspect the intake and discharge structures from the sea, that one of these crafts could readily be used to escort intervenors to the cited structures, just as they have been used to routinely escort others.

8. The fifth basis for denial was:

"Items B3, B7, and B 8 have not yet been installed."

Obviously this is a justified basis with respect to items B3 and, possibly, B8, but PG&E should be requested to notify us when B3 and B8 are installed. We cannot however accept their position with respect to item B7, Spent Resin Storage Area and Facilities. It is



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our understanding that the Area is already existent and structurally defined.

9. We would like to emphasize to the Board that in our letter request for discovery dated October 21, 1974 we requested that

"....as we proceed through the site visit, the escort be instructed to identify, by name and also by function, anything we might want identified."

It may be unusual for a Licensing Board to sustain a request, made by an intervenor, for the applicant to identify by function, a component. But at this point, when the AEC is in the process of realigning its public image, and attempting to get the utilities to improve their image and credibility, it is quite reasonable to expect the escort to be instructed to identify items by function.

It is true that the escort might be asked to identify, by name, and even function, some item which is not specifically cited in MFP's contentions which were admitted, for purpose of discovery, by the Board. But because of the extremely high degree of coupling on functional, systematic, and operational levels, between admitted and non-admitted items, MFP feels that in the case of Diablo Units 1 and 2, a request, on our part, for a general facilities visit would be sustained by the Board. We hereby request the Board to issue an order to compel PG&E to take us on a general facilities visit of Units 1 and 2 and associated facilities including the Northern Evacuation Route and the so-called Lay-Down Yard and warehousing facilities in the Five-Cities area of Pismo Beach, with the understanding that the escort will identify all items and systems, if requested, by name and function.



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SUMMARY

10. We submit that FG&E is evading the intent and words of 10 CFR Part 2 by its denial of our request. We feel that they are deliberately harassing us by forcing us to write this brief.

We are reminded of a letter from L. Manning Muntzing to John F. Bonner, President, FG&E, dated March 12, 1974, in which Mr. Muntzing points out:

"I believe that the industry has no reason not to be open and candid with the public concerning the operation of nuclear plants."

We are dismayed that FG&E denies our second site visit request and feel that we have established good and reasonable cause for the issuance of both orders referred to herein.

11. Because of the foregoing reasons we urge the Board to sustain our requests for discovery as set forth in section 9. of this brief and in our letter to FG&E dated October 21, 1974. In connection with the latter, a new site visit date will have to be established and we suggest that it is not unreasonable for FG&E to be required to honor our request when given ten days prior notice.

Respectfully submitted,

Sandra A. Silver  
Sandra A. Silver

Dated: November 4, 1974

Enclosures

1. MFP ltr of 10-21-74
2. FG&E response of 10-29-74

Xc with enclosures:  
Elizabeth S. Bowers  
Glenn O. Bright  
William E. Martin

Richard L. Black  
Philip A. Crane, Jr.  
Secretary, AEC



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