

The Atomic Safety and Licensing Board issued a Partial Initial Decision (PID) on September 27, 1979. In its Decision, the Board found that the reanalysis conducted by the Staff and Applicant demonstrated that the Diablo Canyon Nuclear Power Plant could safely withstand a 7.5 magnitude earthquake on the Hosgri Fault.

The Joint Intervenors filed exceptions to the PID on October 15, 1979, and added another exception by a supplemental pleading on October 17, 1979. The Joint Intervenors' Brief in support of its exceptions was filed on December 7, 1979, after requesting and receiving two extensions of time. The State of California's amicus curiae brief was also served on December 7, 1979.^{1/}

The NRC Staff's response to Joint Intervenors' brief and to Governor Brown's brief is now due to be filed on January 21, 1980, assuming the addition of five (5) days for filings by mail.^{2/}

^{1/} On October 15, 1979, Edmund G. Brown, Jr., Governor of the State of California, petitioned to be admitted to the instant proceeding as the representative of the State of California pursuant to 10 C.F.R. §2.715(c). The Atomic Safety and Licensing Board, by Order of November 16, 1979, admitted the State of California to participate in the proceeding pursuant to 10 C.F.R. §2.715(c). In response to the Licensing Board's request in the November 16, 1979 Order, the State of California submitted a statement of issues of concern on December 19, 1979. The third issue identified there by California is pertinent to the pending seismic appeal and is the subject matter of the amicus curiae brief. It raises the issue of whether the Licensing Board adequately considered seismic focusing and high stress drop in the Board's Partial Initial Decision of September 27, 1979.

^{2/} Similarly, Pacific Gas and Electric Company's brief on appeal is due on January 11, 1980.



Discussion

Because of the complexity of the issues presented by the present appeal, the Staff has required the assistance of outside experts in the preparation of their appellate brief. However, the NRC Staff's primary structural engineering consultant, Dr. Nathan Newmark, has recently been hospitalized, and it is anticipated that he will remain in the hospital until mid or late January. Also, the Staff has not yet received the technical assistance requested from the U.S. Geological Survey (U.S.G.S.) which serves as the principal geological-seismic consultant to the NRC Staff. The U.S.G.S. consultant witness, Mr. James Devine, has been unavailable due to an illness and other priority assignments. In addition, some of the key NRC Staff reviewers and technical witnesses are no longer employed by the NRC,^{3/} and the loss of such key personnel has created a substantial time delay while new personnel familiarize themselves with the facts and issues of this complex case.

In order for the Staff to provide the Board with a full and responsive brief on the issues raised in this appeal, the Staff will need the technical assistance of Dr. Newmark and Mr. Devine. Accordingly, to permit time for the recovery of Dr. Newmark and the availability of Mr. Devine, the Staff requests an extension of thirty (30) days in the time for the filing of its brief in this appeal.

^{3/} For example, both Dr. Carl Stepp and Mr. Renner Hofmann, who testified in the geological-seismological areas, no longer work for this agency.



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Conclusion

For the foregoing reasons, the Staff requests an extension of time, up to and including February 20, 1980, to file its response to the Joint Intervenors' Brief in Support of Seismic Exceptions and the Amicus Curiae brief filed on behalf of the Governor of the State of California. Counsel for the Applicants, the Joint Intervenors and the State of California have authorized NRC Staff counsel to represent that they have no objection to this request.

Respectfully submitted,



Edward G. Ketchen
Counsel for NRC Staff

Dated at Bethesda, Maryland
this 10th day of January, 1980.

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING APPEAL BOARD

In the Matter of)
PACIFIC GAS AND ELECTRIC COMPANY) Docket Nos. 50-275 O.L.
(Diablo Canyon Nuclear Power) 50-323 O.L.
Plant, Units No. 1 and 2))
_____)

ERRATA SHEET TO
APPLICANT PACIFIC GAS AND ELECTRIC COMPANY'S
BRIEF IN RESPONSE TO INTERVENORS' BRIEFS IN SUPPORT
OF EXCEPTIONS TO PART III OF INITIAL DECISION

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Pacific Gas and Electric Company

January 15, 1980



Applicant, PACIFIC GAS AND ELECTRIC COMPANY, hereby submits the following errata to its Brief in Response, filed January 11, 1980:

<u>Page</u>	<u>Change</u>
6	Four lines from bottom of quote: "fndings" should be "findings".
7	Third line of text: "instrinsically" should be "intrinsically".
9	Tenth line of text: "fact-in-finding" should read "fact-finding".
11	Ninth line from bottom of text: "curiae" should be "curiae".
13	Eighth line from bottom of text: "has have no" should read "has no".
22	Third line from bottom of text: "more" should be "less".
28	Sixth line of text: "to with the" should read "to the".
33	First line of text: "renalysis" should be "reanalysis".
33	Twelfth line of text: citation to W.T. is "15" should be "10-16".
37	First line of text: "computations" should read "the derivation of calculations".
40	Seventh line from bottom of text: "suctures" should be "structures".

Respectfully submitted,

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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING APPEAL BOARD

In the Matter of)
PACIFIC GAS AND ELECTRIC COMPANY) Docket Nos. 50-275 O.L.
(Diablo Canyon Nuclear Power,) 50-323 O.L.
Plant, Units No. 1 and 2))

CERTIFICATE OF SERVICE

I hereby certify that copies of "ERRATA TO APPLICANT PACIFIC GAS AND ELECTRIC COMPANY'S BRIEF IN RESPONSE TO INTERVENOR'S BRIEFS IN SUPPORT OF EXCEPTIONS TO PART III OF INITIAL DECISION", dated January 15, 1980, have been served on the following by deposit in the United States mail, this 16th day of January, 1980:

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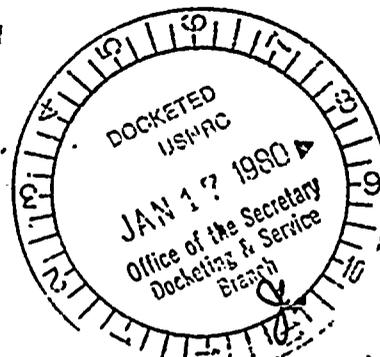


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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

ATOMIC SAFETY AND LICENSING APPEAL BOARD

Richard S. Salzman, Chairman
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Thomas S. Moore



In the Matter of
PACIFIC GAS & ELECTRIC COMPANY
(Diablo Canyon Nuclear Power
Plant, Units 1 & 2)

Docket Nos. 50-275 OL
50-323 OL

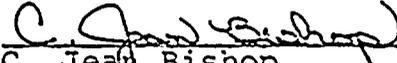
NOTICE OF CHANGE OF PLACE OF ARGUMENT

January 16, 1980

The location of the oral argument in this cause scheduled for 9:30 a.m., Wednesday, January 23, 1980, has been changed from the U.S. Tax Court to the United States District Court, Courtroom No. 12, 19th Floor, Federal Building and Courthouse, 450 Golden Gate Avenue, San Francisco, California.

It is so ORDERED.

FOR THE APPEAL BOARD


C. Jean Bishop
Secretary to the
Appeal Board





UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING APPEAL BOARD

In the Matter of)

PACIFIC GAS AND ELECTRIC COMPANY)

(Diablo Canyon Nuclear Power Plant)
Unit Nos. 1 and 2)

Docket Nos. 50-275 O.L.
50-323 O.L.

CERTIFICATE OF SERVICE

I hereby certify that copies of "NRC STAFF RESPONSE TO INTERVENORS' REQUEST THAT ORAL ARGUMENT ON SEISMIC ISSUES BE HELD IN SAN LUIS OBISPO", dated January 17, 1980, in the above-captioned proceeding, have been served on the following, by deposit in the United States mail, first class, or, as indicated by an asterisk through deposit in the Nuclear Regulatory Commission's internal mail system, this 17th day of January, 1980:

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