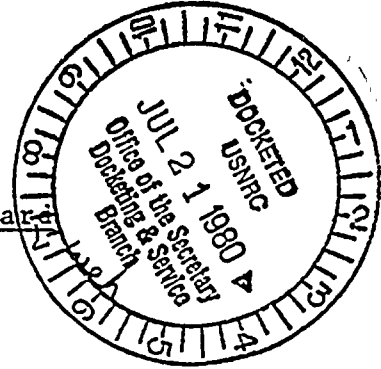


7/17/80

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION



Before The Atomic Safety And Licensing Appeal Board

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

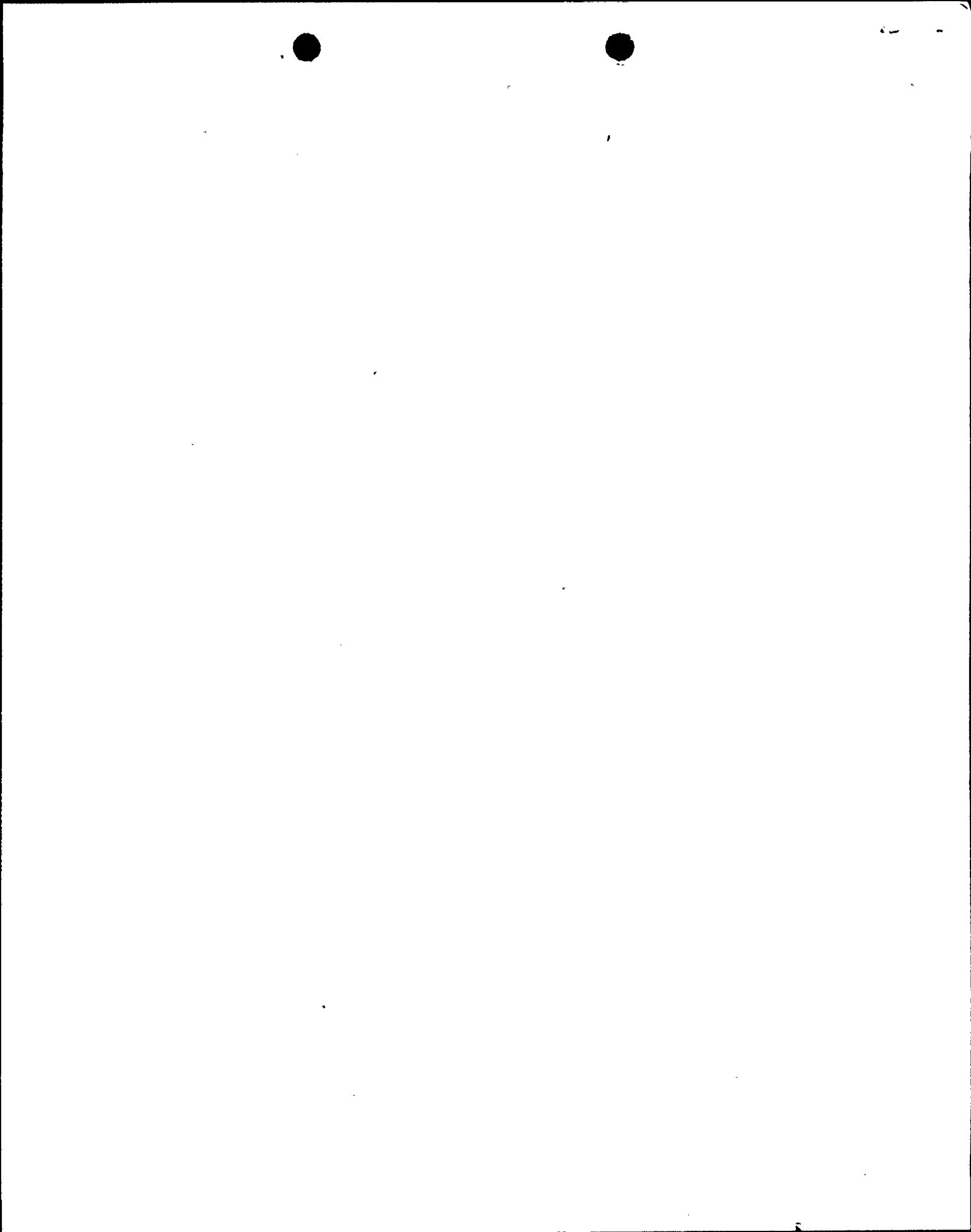
Docket Nos. 50-275 O.L.
✓ 50-323 O.L.

JOINT INTERVENORS' REQUEST FOR
RECONSIDERATION OF ALAB-598 OR, IN
THE ALTERNATIVE, FOR CERTIFICATION

In ALAB-598 the Atomic Safety and Licensing Appeal Board ("Appeal Board" or "Board") granted the Joint Intervenors' motion to reopen the record for the purpose of considering new data from the October 15, 1979 Imperial Valley Earthquake. The Appeal Board set out in an Appendix to its decision specific questions "generally related to the 1979 Imperial Valley Earthquake" and directed the parties to address the questions "with written direct testimony by appropriately qualified witnesses." The Appeal Board's decision is a significant step in the right direction. However, the Board has not gone far enough to assure that the supplemented record will be fully and properly developed. Steps should be taken to assure that Dr. Mihailo Trifanac and Dr. Enrique Luco are provided an opportunity to comment on questions contained in the Appendix and that the United States Geological Survey ("USGS" or "Survey") be provided an opportunity to comment independently on those questions.

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Drs. Trifunac and Luco's contribution to the record in this proceeding has been extraordinarily important. They alone have provided the counterpoint to the scientific positions taken by the Staff and Applicant witnesses on the seismic engineering issues. In fact, the Appeal Board recognized the potential significance of their contributions to the record when it reversed the Licensing Board and directed that subpoenas be issued to require Drs. Trifunac and Luco's testimony at the licensing proceedings. Obtaining this testimony is entirely consistent with, if not compelled by, the Appeal Board's duty to assure a complete development of the evidentiary record.

The same holds true for the USGS. The Board has relied on USGS publications in framing the ten issues set out in the Appendix. ^{1/} The USGS' expertise on the seismological issues is acknowledged by all parties. The Survey should be invited to submit written testimony. ^{2/}

We expect that funds would have to be provided to compensate Drs. Trifunac and Luco for the time taken to develop their position. ^{3/} There is adequate precedence for a quasi-judicial

1/ See references to USGS publications in issues 1,3,5 and 9.

2/ It is not sufficient for USGS to serve as consultants to the Staff and to assist the Staff in developing a Staff position. The USGS may have a point of view different from the Staff that is not apparent unless the USGS is requested to submit its own comments.

3/ Since both Dr. Trifunac and Dr. Luco served as consultants to the ACRS in this matter they have made clear that they will not accept compensation and become Intervenor witnesses.



body - such as the Appeal Board - to expend funds to obtain expert testimony that will assist in the resolution of the issues before it. However, should it question whether such action would be appropriate under these circumstances, we request the Appeal Board to certify this matter to the Commission.

Respectfully submitted,

David S. Fleischaker

David S. Fleischaker, Esq.
1735 Eye Street, N.W.
Suite 709
Washington, D.C. 20006
(202) 638-6070

Marion P. Johnston, Esq.
John Phillips, Esq.
CENTER FOR LAW IN
THE PUBLIC INTEREST
10203 Santa Monica Boulevard
Fifth Floor
Los Angeles, California 90067
(213) 879-5588

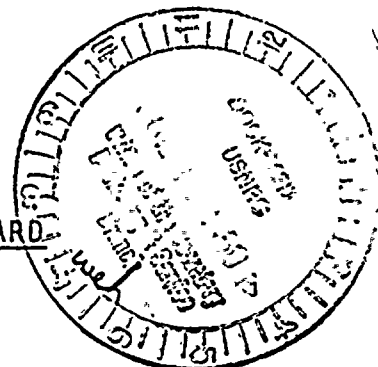
Attorneys For Joint Intervenors
SCENIC SHORELINE PRESERVATION
CONFERENCE, INC.
SAN LUIS OBISPO MOTHERS FOR PEACE
SANDRA A. SILVER
GORDON SILVER
JOHN J. FORSTER
- ELIZABETH APFELBERG

JULY 17, 1980



UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING APPEAL BOARD



In the Matter of:

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

Docket Nos. 50-275 O.L.
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CERTIFICATE OF SERVICE

I hereby certify that on this 17th day of July, 1980, I have served copies of the foregoing JOINT INTERVENORS' REQUEST FOR RECONSIDERATION OF ALAB-598 OR, IN THE ALTERNATIVE, FOR CERTIFICATION, and accompanying documents, mailing them through the U.S. Mails, first-class, postage prepaid, by Express Mail, and hand-delivery to those parties designated by an asterisk.

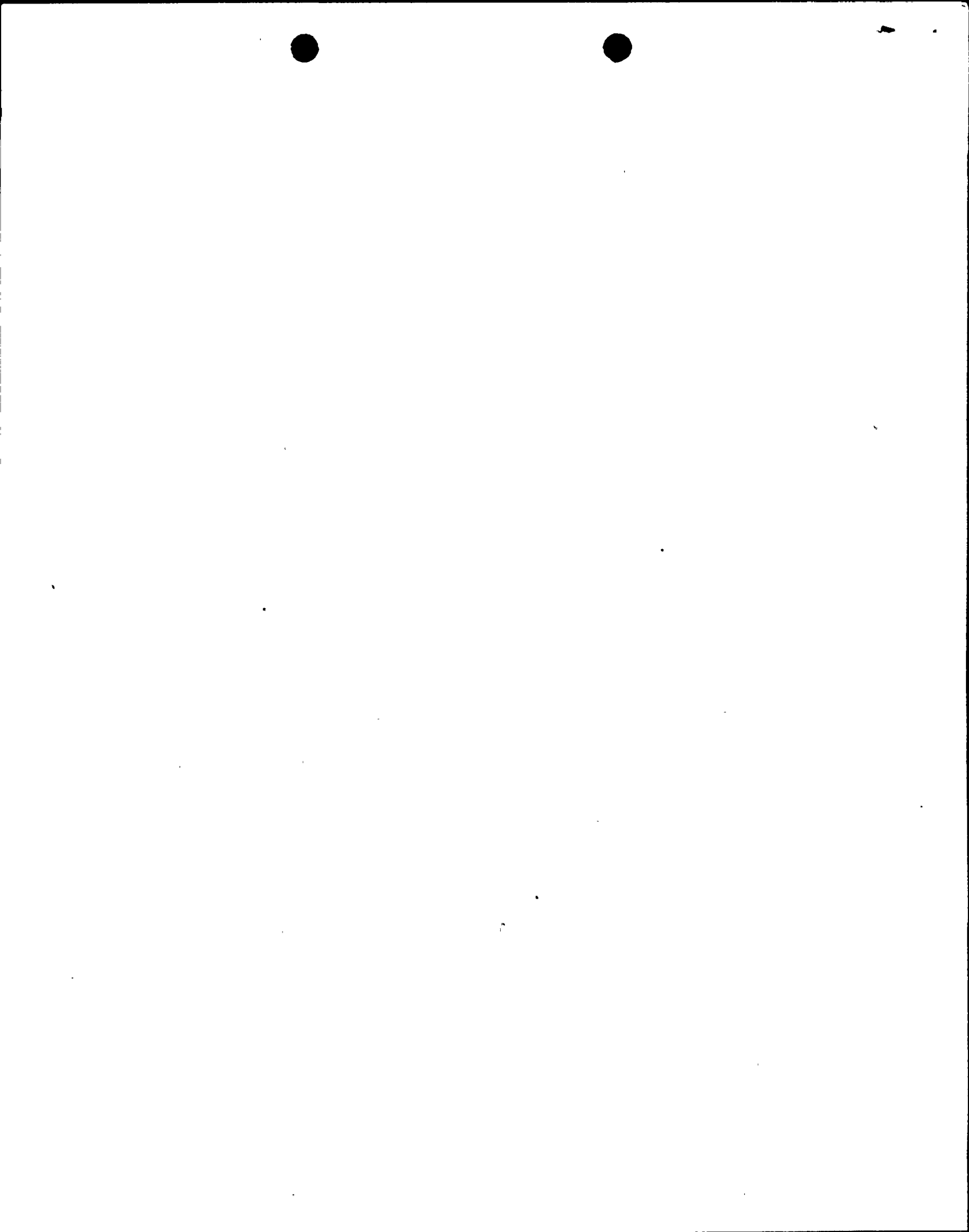
Elizabeth S. Bowers, Esq.
Chairman
Atomic Safety & Licensing
Board
U.S. Nuclear Regulatory
Commission
Mail Drop East West 450
Washington, D.C. 20555

Mr. Glenn O. Bright
Atomic Safety & Licensing
Board
U.S. Nuclear Regulatory
Commission
Mail Drop East West 450
Washington, D.C. 20555

Docket & Service Section
Office of the Secretary
U.S. Nuclear Regulatory
Commission
Washington, D.C. 20555

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

Mrs. Elizabeth Apfelberg
c/o Nancy Culver
192 Luneta Drive
San Luis Obispo, CA 93401



Joseph M. Hendrie,
Commissioner
U.S. Nuclear Regulatory
Commission
1717 H Street, N.W.
Washington, D.C. 20555

Victor Gilinsky,
Commissioner
U.S. Nuclear Regulatory
Commission
1717 H Street, N.W.
Washington, D.C. 20555

Peter A. Bradford,
Commissioner
U.S. Nuclear Regulatory
Commission
1717 H Street, N.W.
Washington, D.C. 20555

John F. Ahearne,
Chairman
U.S. Nuclear Regulatory
Commission
1717 H Street, N.W.
Washington, D.C. 20555

Richard S. Salzman,
Chairman
Atomic Safety & Licensing
Appeal Board
U.S. Nuclear Regulatory
Commission
4350 East West Highway
Bethesda, Maryland 20014

Dr. John H. Buck
Atomic Safety & Licensing
Appeal Board
U.S. Nuclear Regulatory
Commission
4350 East West Highway
Bethesda, Maryland 20014

Mr. Frederick Eissler
Scenic Shoreline Preservation
Conference, Inc.
4623 More Mesa Drive
Santa Barbara, CA 93105

James R. Tourtellotte, Esq.
L. Dow Davis, Esq.
Edward G. Ketchen, Esq.
William J. Olmstead, Esq.
Office of the Executive Legal
Director - BETH 042
U.S. Nuclear Regulatory
Commission
Washington, D.C. 20555

Sandra A. Silver
1760 Alisal Street
San Luis Obispo, CA 93401

Gordon Silver
1760 Alisal Street
San Luis Obispo, CA 93401

John Phillips, Esq.
Center For Law In
The Public Interest
10203 Santa Monica Boulevard
Fifth Floor
Los Angeles, CA 90067

Bruce Norton, Esq.
3216 N. Third Street
Suite 202
Phoenix, Arizona 85012

Mr. Yale I. Jones, Esq.
100 Van Ness Avenue
19th Floor
San Francisco, CA 94102

Andrew Baldwin, Esq.
Friends of the Earth
124 Spear Street
San Francisco, CA 94105

Paul C. Valentine Esq.
321 Lytton Avenue
Palo Alto, CA 94302

Janice E. Kerr, Esq.
Lawrence Q. Garcia, Esq.
J. Calvin Simpson, Esq.
California Public Utilities
Commission
5246 State Building
350 McAllister Street
San Francisco, CA 94102



Malcolm H. Furbush, Esq.
Vice President and
General Counsel
Philip A. Crane, Esq.
Pacific Gas & Electric Company
31st Floor
77 Beale Street, Room 3127
San Francisco, CA 94106

Arthur C. Gehr, Esq.
Snell & Wilmer
3100 Valley Center
Phoenix, Arizona 85073

Mrs. Raye Fleming
1920 Mattie Road
Shell Beach, CA 93499

MHB Technical Associates
1723 Hamilton Avenue
Suite K
San Jose, CA 95125

Carl Neiburger
Telegram Tribune
P.O. Box 112
San Luis Obispo, CA 93402

J. Anthony Kline, Esq.
Legal Affairs Secretary to
the Governor
Byron S. Georgiou, Esq.
Deputy Legal Affairs Secretary
State Capitol Building
Sacramento, California 95184

Herbert H. Brown, Esq.
Hill, Christopher & Phillips
1900 M Street, N.W.
Washington, D.C. 20036

Dr. W. Reed Johnson
Atomic Safety & Licensing
Appeal Board
U.S. Nuclear Regulatory
Commission
4350 East West Highway
Bethesda, Maryland 20014

