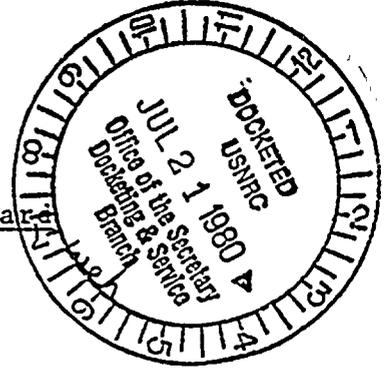


7/17/80

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)

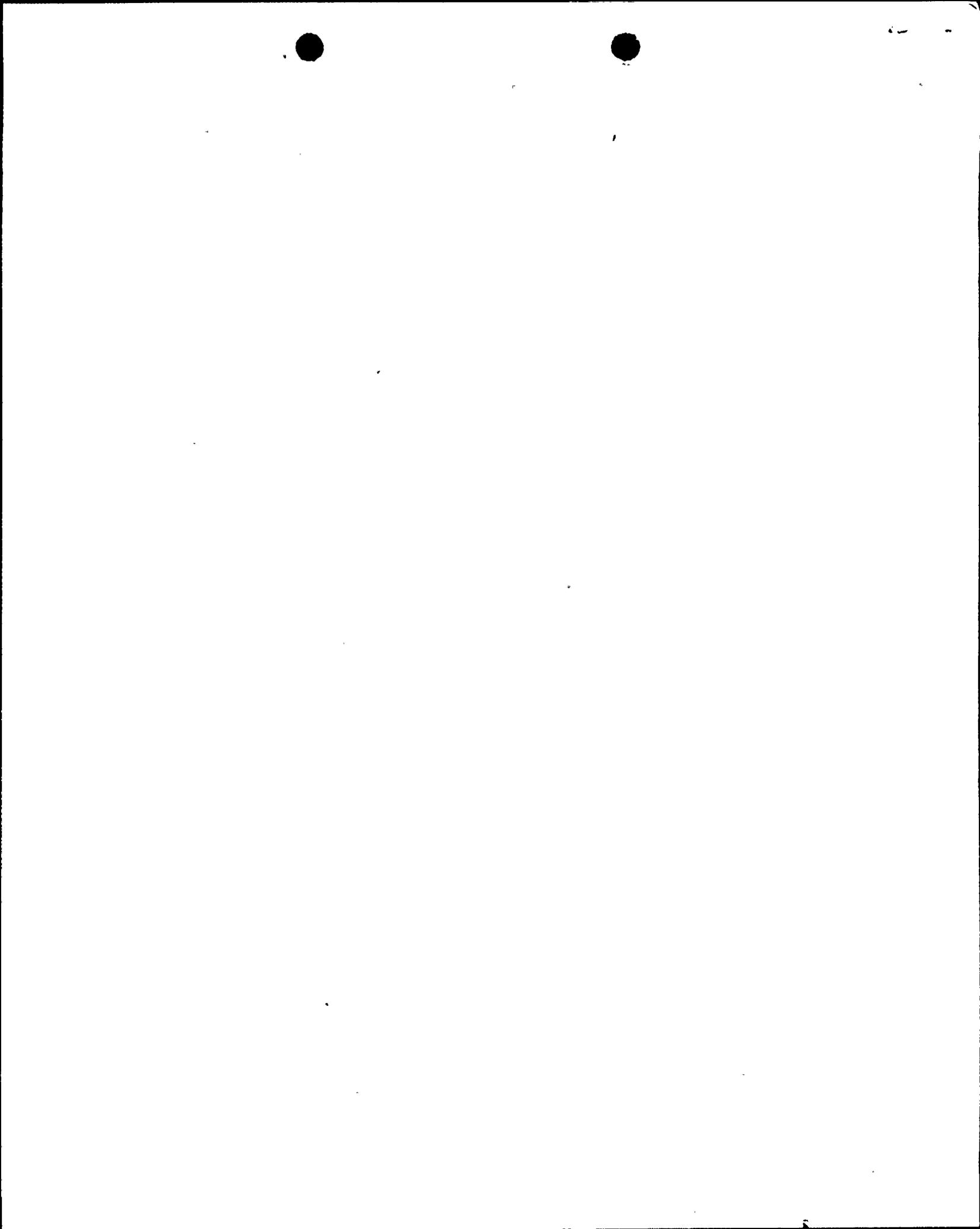
Docket Nos. 50-275 O.L.
✓ 50-323 O.L.

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,

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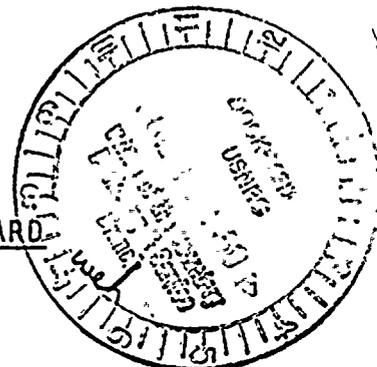
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JULY 17, 1980



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.

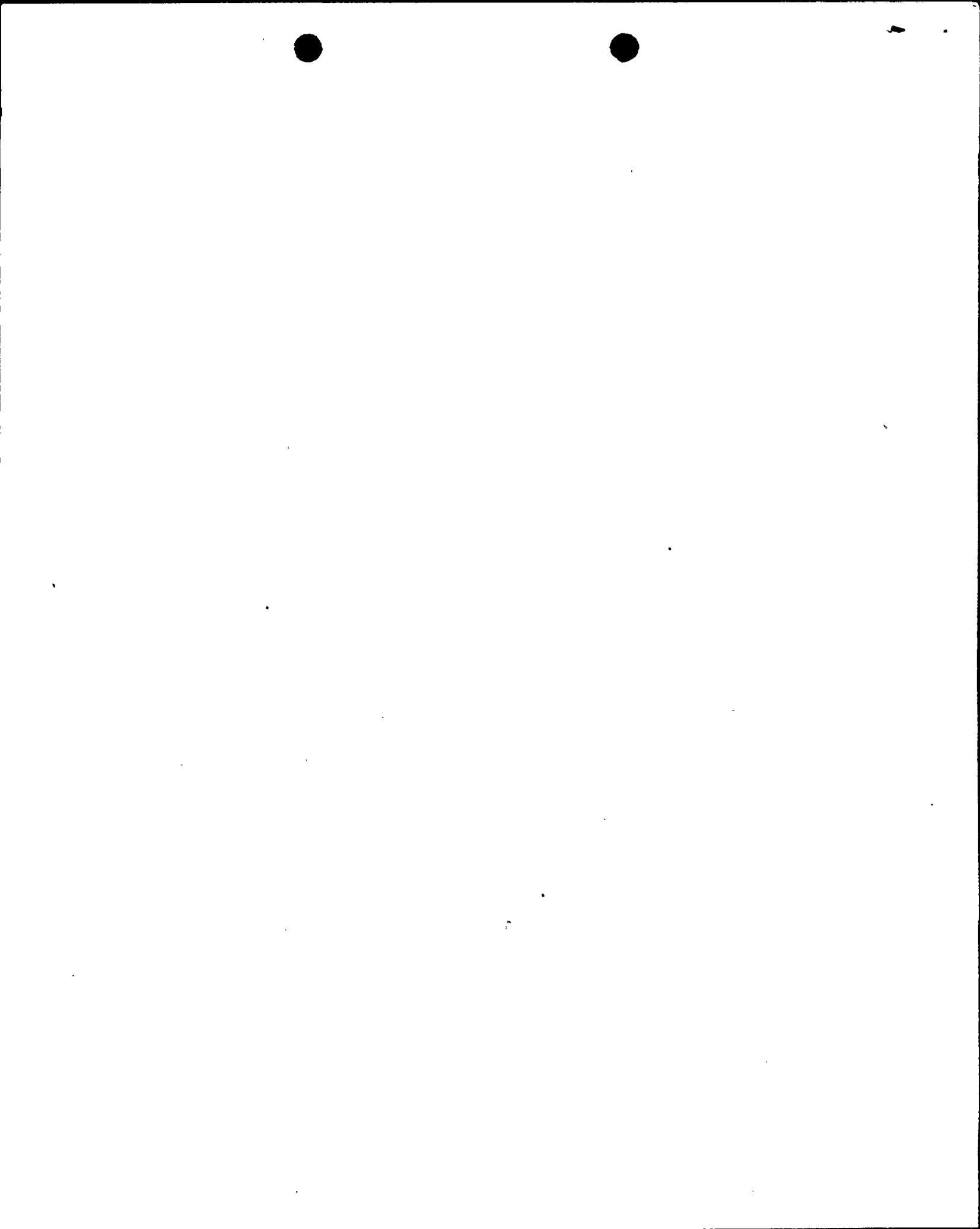
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