

NORMAN Y. MINETA
MEMBER OF CONGRESS
13TH DISTRICT, CALIFORNIA

COMMITTEES:
PUBLIC WORKS AND
TRANSPORTATION
BUDGET

DOCKET NUMBER 50-275,323-01
PROD. & UTIL. FAC.

WASHINGTON OFFICE:
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WASHINGTON, D.C. 20515
TELEPHONE: (202) 225-2631

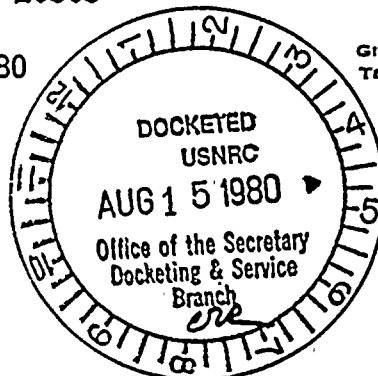
Congress of the United States
House of Representatives
Washington, D.C. 20515

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SAN JOSE, CALIFORNIA 95128
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GILROY, CALIFORNIA 95020
TELEPHONE: (408) 847-2664

August 8, 1980

Mr. Joseph M. Hendrie
Chairman, Nuclear Regulatory Commission
Washington, D.C. 20555



Dear Mr. Hendrie:

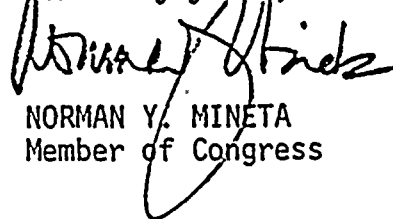
The well known productivity and vitality of the Santa Clara Valley's electronics and semiconductor industry is intimately linked to a consistent and uninterrupted supply of electrical power. The slightest fluctuation in the flow of electricity can have a crippling impact on the companies that constitute such an important part of California's, and the nation's, economy.

Although power levels appear to be adequate through this year, there is increasing apprehension among members of the Bay Area industrial community that there exists the strong possibility of power interruption in the near future. I share their concern. Fortunately, Mr. Chairman, a major, new source of electrical power is available and lacks only NRC approval before it can begin operation. I refer to the Diablo Canyon nuclear power plants.

I urge you to do all that you can to expedite the final licensing of Diablo Canyon. I believe that further delay is unwarranted and will serve no substantive purpose. This facility has undergone repeated safety reviews, passing all of the stringent demands made upon it.

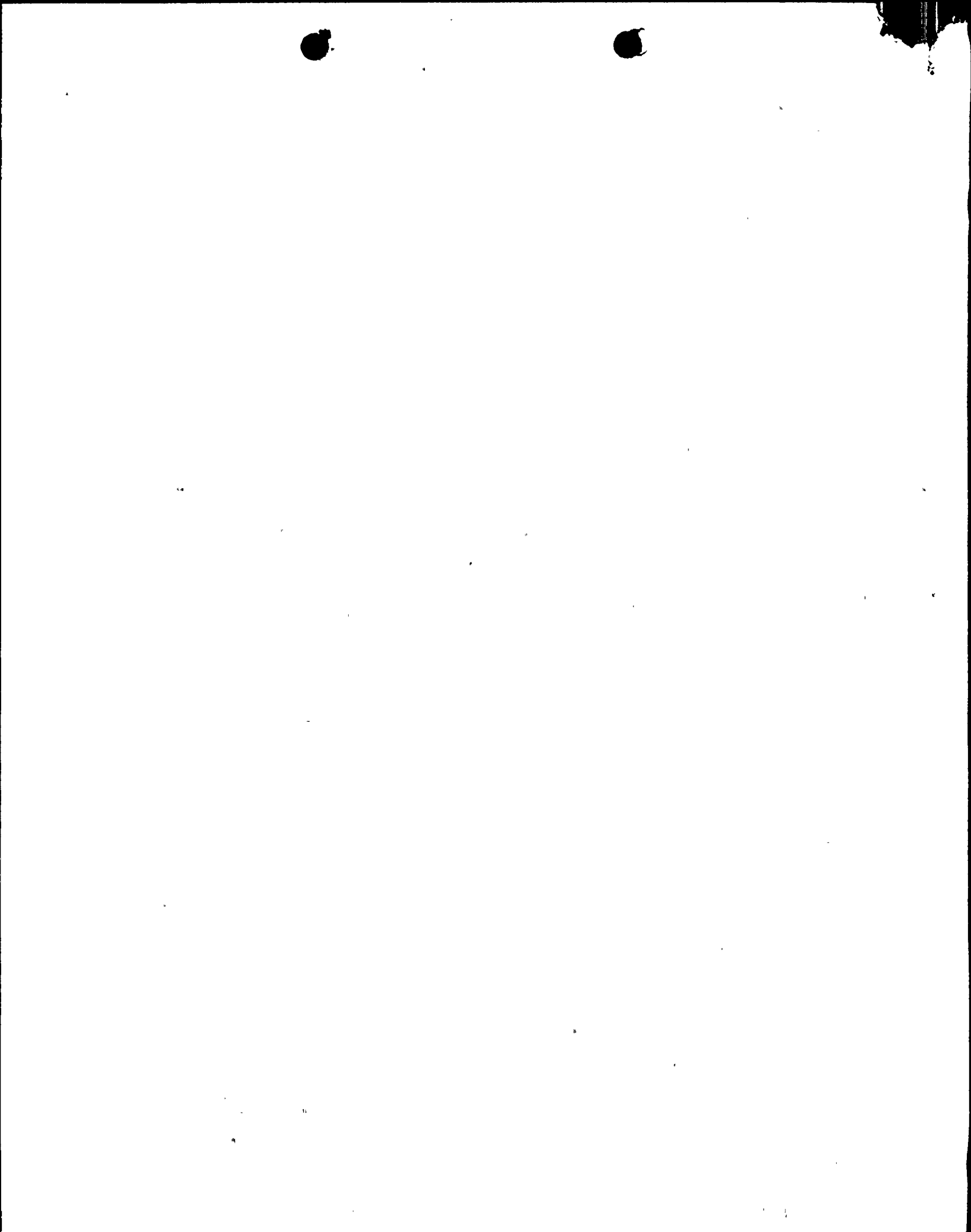
Allow me to thank you beforehand for giving your prompt attention to this matter. If you have any questions, or if I may be of assistance in any way, please do not hesitate to contact me.

Sincerely yours,


NORMAN Y. MINETA
Member of Congress

NYM/jc

DS03
5/10



NORMAN Y. MINETA
MEMBER OF CONGRESS
13TH DISTRICT, CALIFORNIA

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DOCKET NUMBER 50-275,323-0L
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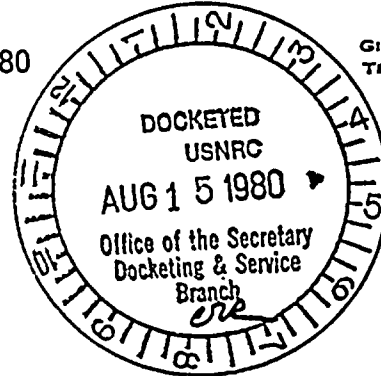
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August 8, 1980



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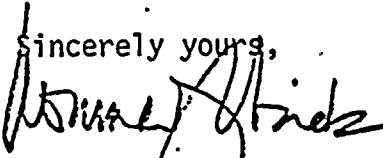
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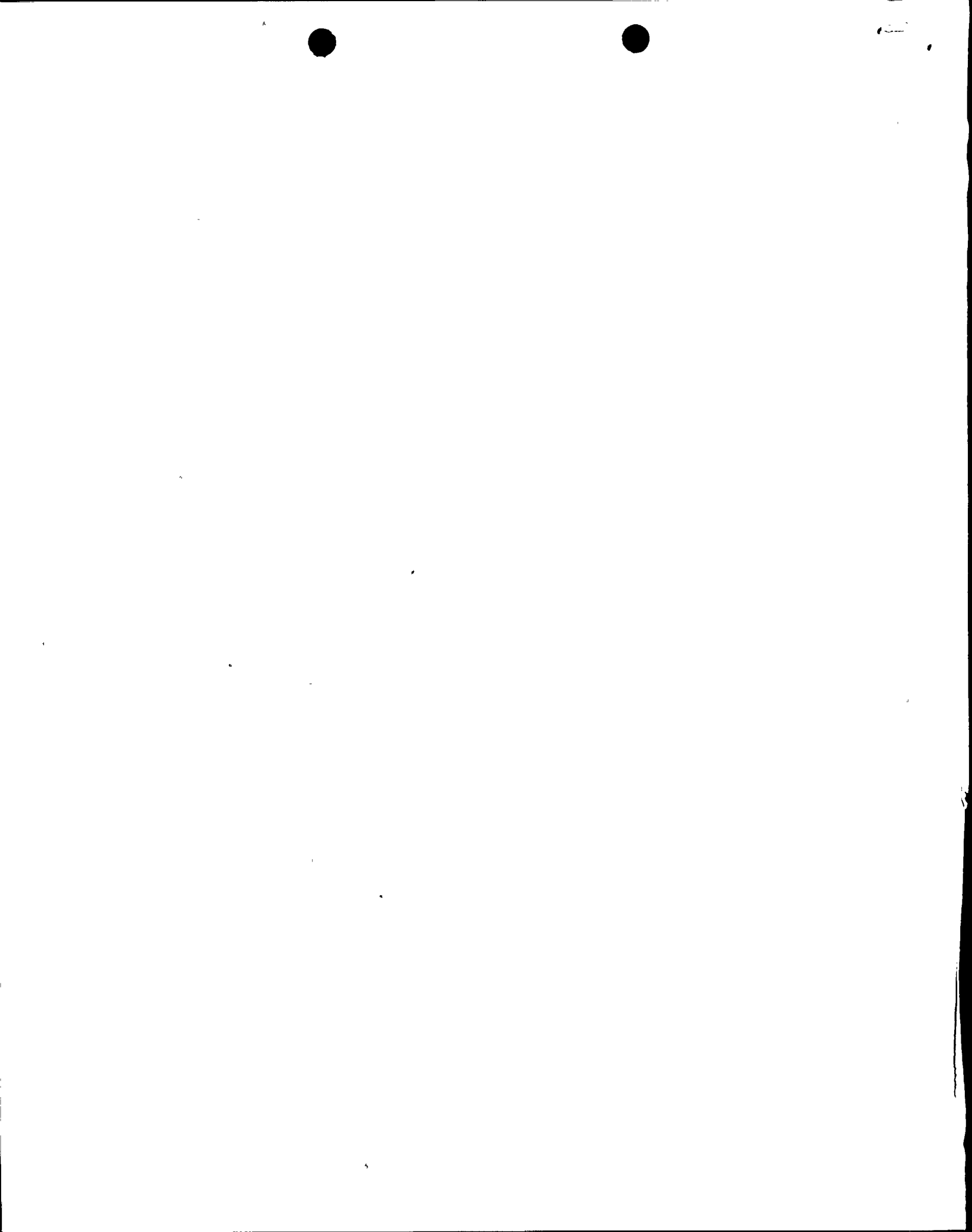
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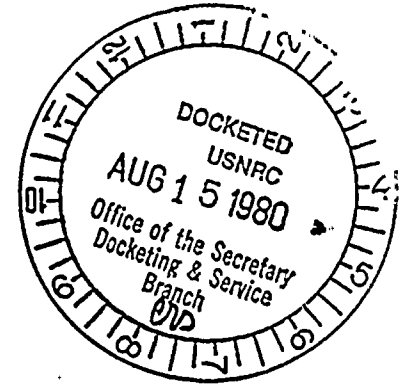
NYM/jc





UNITED STATES
NUCLEAR REGULATORY COMMISSION
ATOMIC SAFETY AND LICENSING APPEAL PANEL
WASHINGTON, D.C. 20555

August 15, 1980



ALL PARTIES:

Re: PACIFIC GAS AND ELECTRIC COMPANY
(Diablo Canyon Nuclear Power Plant, Units
1. & 2) Docket Nos. 50-275 OL & 50-323 OL
(Security Plan)

Yesterday the Appeal Board received from counsel for the staff the attached letter of August 14th. In essence, the letter describes arrangements made to accommodate the Governor's request to see certain materials in connection with the forthcoming security plan hearing. The letter advises that, after consultation with the applicant, the staff had decided to make the documents available to the Governor under the terms of the protective order and the affidavit of non-disclosure unless instructed otherwise by the Board.

This is to advise all parties that the Board has no objection to these arrangements and that staff counsel was so informed by telephone at 9:00 A.M. today. The parties should take these arrangements into account in the responses called for by the Board's order of August 14, 1980.

Very truly yours,

C. Jean Bishop
C. Jean Bishop
Secretary to the
Appeal Board

Enclosure

cc: Docketing & Services Branch
Office of the General Counsel





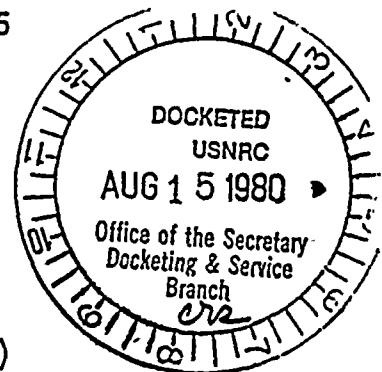
UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D. C. 20555

August 14, 1980

✓ Richard S. Salzman, Esq.
Chairman
Atomic Safety and Licensing
Appeal Board
Washington, D.C. 20555

Dr. W. Reed Johnson
Atomic Safety and Licensing
Appeal Board
Washington, D.C. 20555

Mr. Thomas S. Moore
Atomic Safety and Licensing
Appeal Board
Washington, D.C. 20555



In the Matter of
PACIFIC GAS AND ELECTRIC COMPANY
(Diablo Canyon Nuclear Power Plant, Units Nos. 1 and 2)
Docket Nos: 50-275 O.L. & 50-323 O.L.

Gentlemen:

Pursuant to the Appeal Board's August 4, 1980 Third Prehearing Conference Order, the NRC Staff has made an unsanitized version of the Diablo Canyon security plan available to Messrs. Herbert H. Brown and Lawrence Coe Lanpher, Co-counsel for Governor Brown of California. Affidavits of non-disclosure had been executed by them on July 21, 1980 and served on the Board and parties on July 22, 1980. In accordance with the Appeal Board's Fourth Prehearing Conference Order dated August 8, 1980, the following is a description of the details of the arrangement for inspection of the security plan.

Since the afternoon of August 11, 1980, Counsel for Governor Brown have been examining the unsanitized Diablo Canyon security plan at various times in the Bethesda, Maryland office of Staff expert witness and Chief for Standardization and Special Projects, Mr. James Miller. Arrangements have been made for a properly cleared person to be present in the adjacent office spaces at all times during the examination. In addition, Counsel examine the document without briefcases present in the room and all notes taken by Counsel are stored in sealed envelopes which are kept in Mr. Miller's safe with the security plan itself when not being used. Of course, handling of the security information in question is done also in accordance with the provisions of the Appeal Board's Amended Protective Order on Security Plan Information and the Amended Affidavit of Non-Disclosure which is affixed to the Appeal Board's July 15, 1980 Memorandum and Order (ALAB-600).

During the course of the discovery process, Counsel for the Governor indicated that they wished to examine the Diablo Canyon Safeguards Contingency Plan (formerly Chapter 8 of the security plan), the testimony of the parties and



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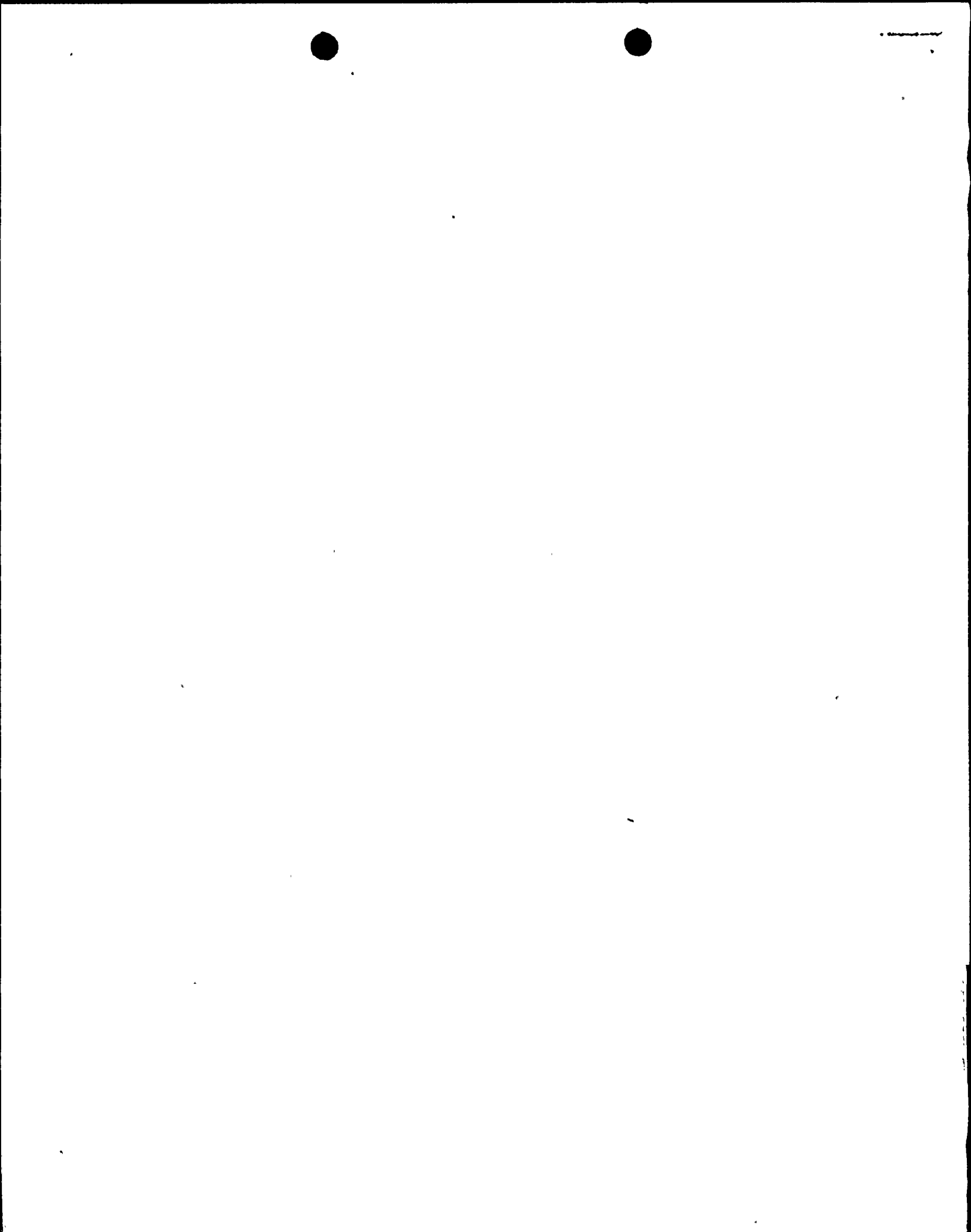
the transcript of the security hearings before the Licensing Board, and the Staff's Security Plan Evaluation Report (SPER). Because request for these items had not previously been considered by the Board and the parties in this proceeding, the NRC Staff consulted with the lead Counsel for the Applicant regarding this request. Based upon that discussion Counsel for the NRC Staff and Counsel for the Applicant agreed not to impose any objection to the production of the requested documents. Accordingly, unless the Appeal Board desires otherwise, the Staff will make these documents available to Counsel for the Governor in the Staff offices in Bethesda on August 15, 1980 in accordance with the procedures outlined above.

Sincerely,



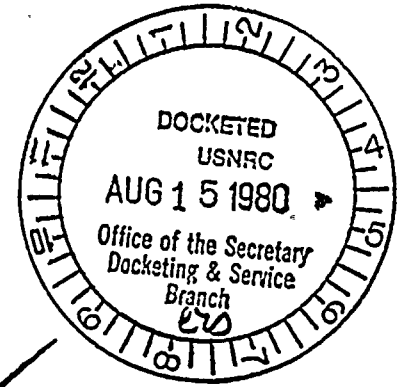
L. Dow Davis for absent
Lead Counsel, William J. Olmstead

cc: Bruce Norton, Esq.
Herbert H. Brown, Esq.
Harry M. Willis, Esq.
Secretary, Docketing & Services





UNITED STATES
NUCLEAR REGULATORY COMMISSION
ATOMIC SAFETY AND LICENSING APPEAL PANEL
WASHINGTON, D.C. 20555



August 15, 1980

MEMORANDUM FOR: Mrs. Marjorie S. Nordlinger
Office of the General Counsel

FROM: Richard S. Salzman, Chairman
ASLAB for the Diablo Canyon Proceeding

SUBJECT: PACIFIC GAS & ELECTRIC COMPANY
(Diablo Canyon Nuclear Power Plant, Units
1 & 2) Docket Nos. 50-275 & 50-323 (seismic
proceeding)

The attached letter of August 14, 1980 is from counsel for the Joint Intervenors, Mr. David S. Fleischaker. The letter discusses problems in setting dates for the hearing in this matter and suggests that Dr. Luco may not be available at the time tentatively set for these hearings to begin. I understand that the General Counsel has designated you to represent Dr. Luco and the other Board witness, Dr. Trifunac, in these proceedings. Accordingly, I wish to bring the letter to your immediate attention as we are now attempting to fix hearing dates for this matter. Please also send copies of your formal notice of appearance to the parties so that they will have your correct address and telephone number.

Enclosure

cc: All parties
----- Mr. Chase Stephens
Docketing & Services Branch



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DAVID S. FLEISCHAKER

ATTORNEY AT LAW

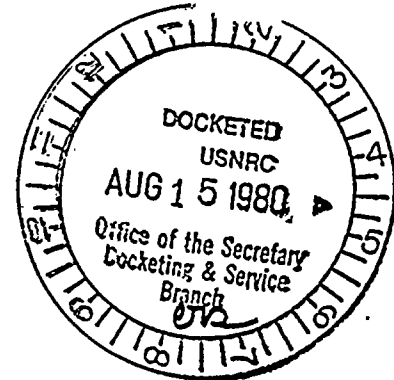
August 14, 1980

1735 EYE STREET N.W.
WASHINGTON, D. C. 20006
SUITE 709

Richard S. Salzman,
Chairman
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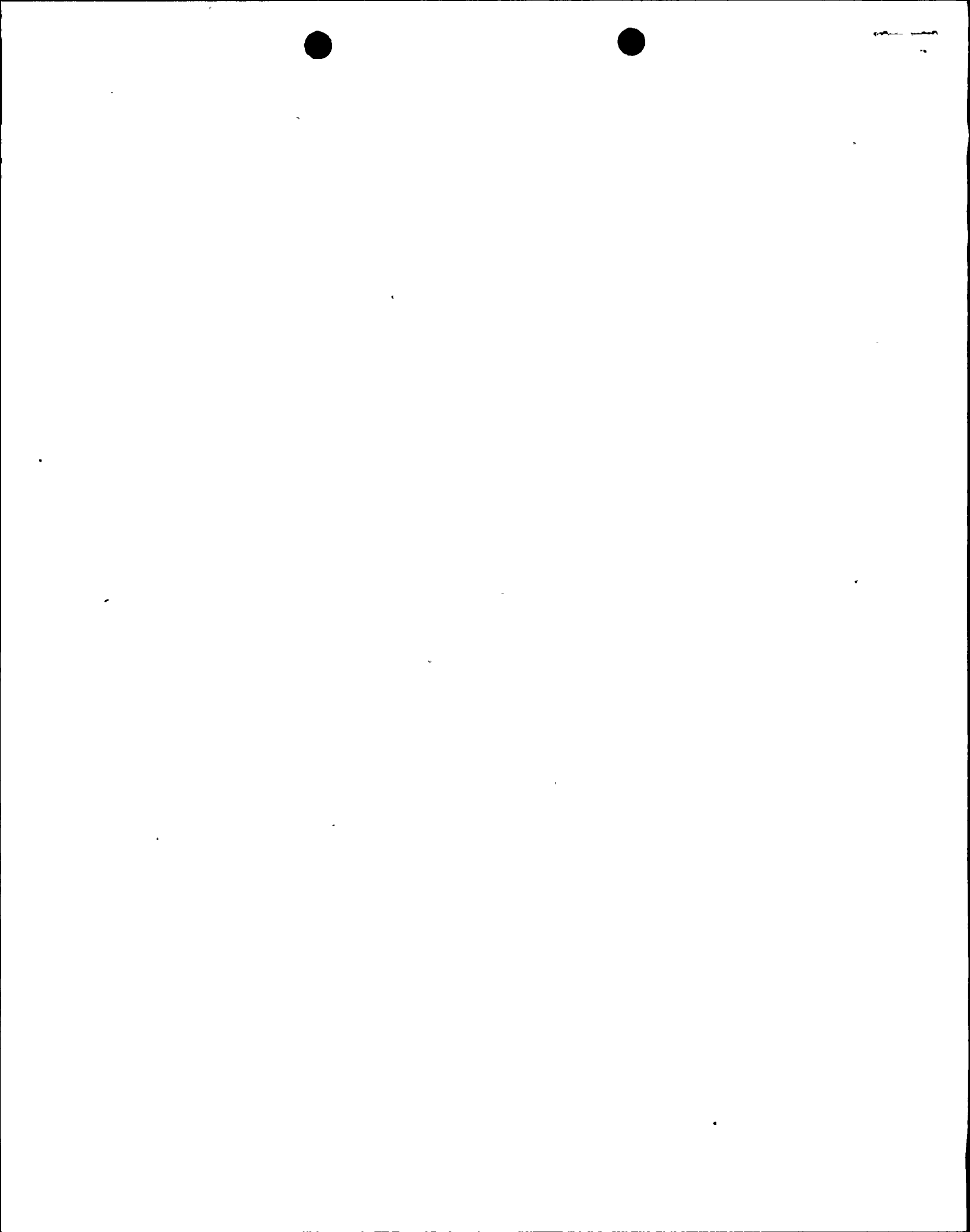


Re: Pacific Gas & Electric Co.
(Diablo Canyon Nuclear
Power Plant, Units 1 & 2
50-323 - Seismic Reopening.)

Gentlemen:

This morning I discussed with Staff counsel, Edward Ketchen, the scheduling of the evidentiary hearings for the seismic re-openings. For two reasons, I suggest that the September 23rd starting date be re-scheduled to October, 21, 1980.

First, in view of the large quantity of testimony pre-filed to date and considering that amount will increase when Drs. Luco and Trifunac pre-file their testimony, the hearing can reasonably be expected to last eight (8) days (give or take a day). The second will be best served if the evidentiary hearings can be completed in a single sitting. I am advised that the Appeal board will not be available the week of September 29, 1980. If hearings commence on September 23rd we will likely be required to adjourn and return at a later date to California to complete the record. If, on the other hand, hearings are set for late October it may well be possible for all counsel and the Board to block-out two consecutive weeks to complete the hearing.



Richard S. Salzman
Dr. W. Reed Johnson
Dr. John H. Buck
August 14, 1980
Page Two

Additionally, arrangements will be simplified and travel expenses reduced if the hearing is scheduled for completion in a single sitting.

For example, such matters as scheduling a hearing room, arranging for the storage of needed documents, and scheduling a court reporter are likely to be easier if there is a single continuous hearing.

Second, I am advised that Dr. Luco's wife is expecting to give birth the third week of September. It is unreasonable to require Dr. Luco to undergo the rigor of cross-examination in this highly controversial proceeding. Shortly after his wife gives birth, re-scheduling the hearing to commence in late October will provide Dr. Luco "Breathing Space" and so assure that he is not at a disadvantage when he takes the stand.

Finally, the schedule suggested here is not likely to delay a final commission decision in this matter.

Very truly yours,



David S. Fleischaker
Counsel for the Joint Inter-
venors.

DSF:cm

cc: Staff Counsel for the Parties
Office of the General Counsel, NRC.



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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the Matter of)

PACIFIC GAS AND ELECTRIC COMPANY)

(Diablo Canyon, Units 1 and 2))

) Docket No. (s) 50-2750L
) 50-3230L
)
)
)
)
)

CERTIFICATE OF SERVICE

I hereby certify that I have this day served the foregoing document(s) upon each person designated on the official service list compiled by the Office of the Secretary of the Commission in this proceeding in accordance with the requirements of Section 2.712 of 10 CFR Part 2 - Rules of Practice, of the Nuclear Regulatory Commission's Rules and Regulations.

Dated at Washington, D.C. this

18th day of Aug 1980.

Peggy T. Downing
Office of the Secretary of the Commission

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the Matter of)

PACIFIC GAS AND ELECTRIC COMPANY)

(Diablo Canyon, Units 1 and 2)

Docket No.:(s) 50-275
50-323

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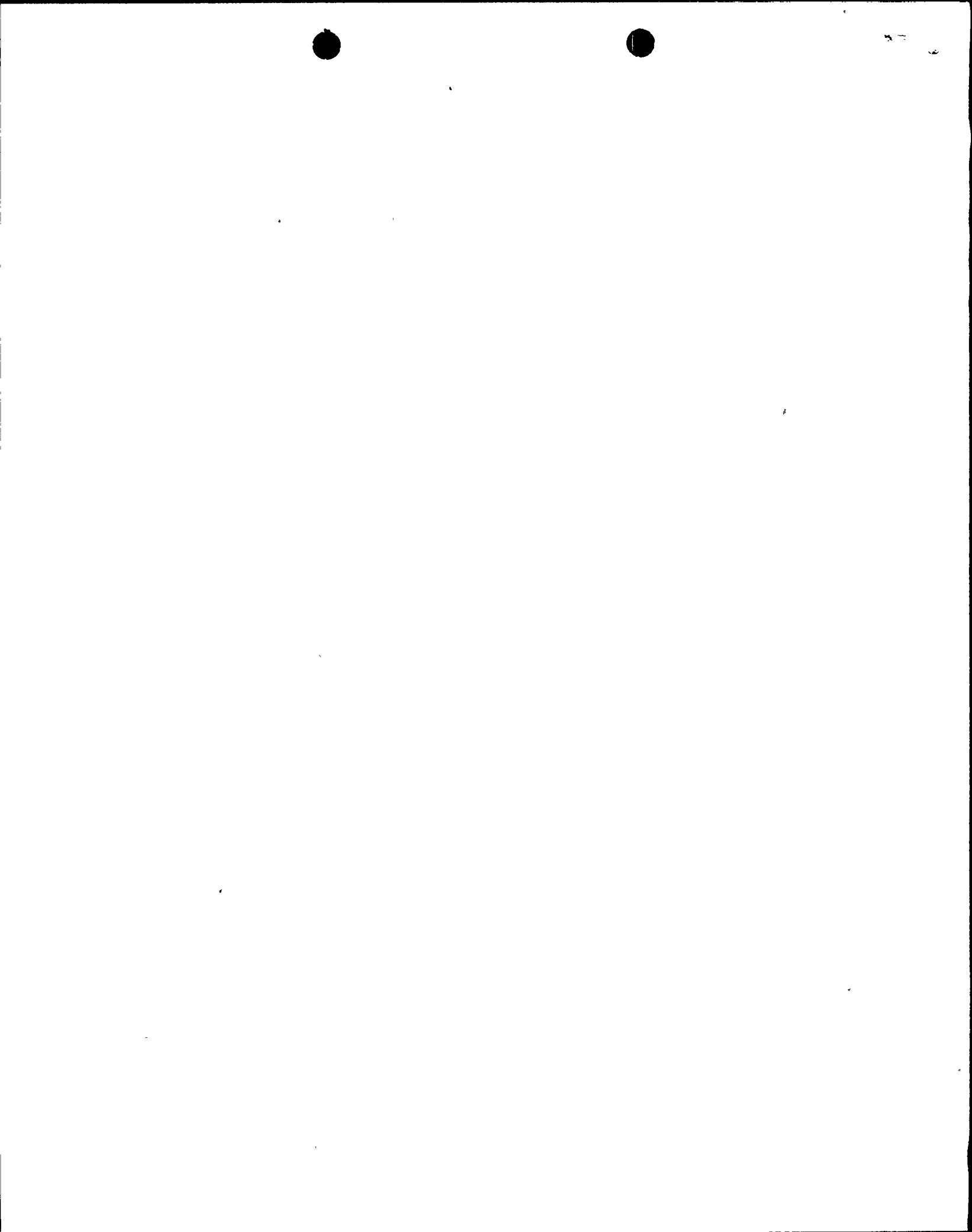
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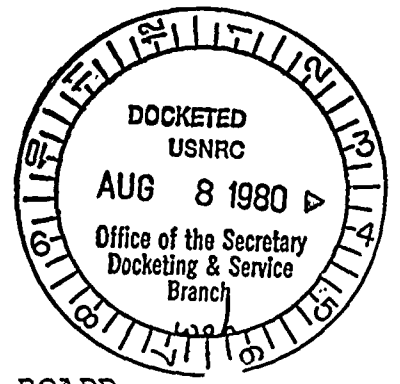
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Walnut Creek, California 94596

8-9-80



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,
Units 1 and 2)

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

CERTIFICATE OF SERVICE

I hereby certify that copies of the Prepared Testimony on behalf of Governor Edmund G. Brown, Jr. of James N. Brune, Seven M. Day, and George A. Young, each dated August 8, 1980, in the above-captioned proceeding, have been served on the following, by deposit in the United States mail, first class, this 8th day of August, 1980.

Richard S. Salzman, Esq., Chairman
Atomic Safety and Licensing Appeal Board
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Dr. John H. Buck
Atomic Safety and Licensing Appeal Board
U.S. Nuclear Regulatory Commission
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Dr. W. Reed Johnson
Atomic Safety and Licensing Appeal Board
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Mr. Thomas S. Moore, Member
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Ms. Barbara A. Tompkins, Secretary
Atomic Safety and Licensing Appeal Board
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DS03
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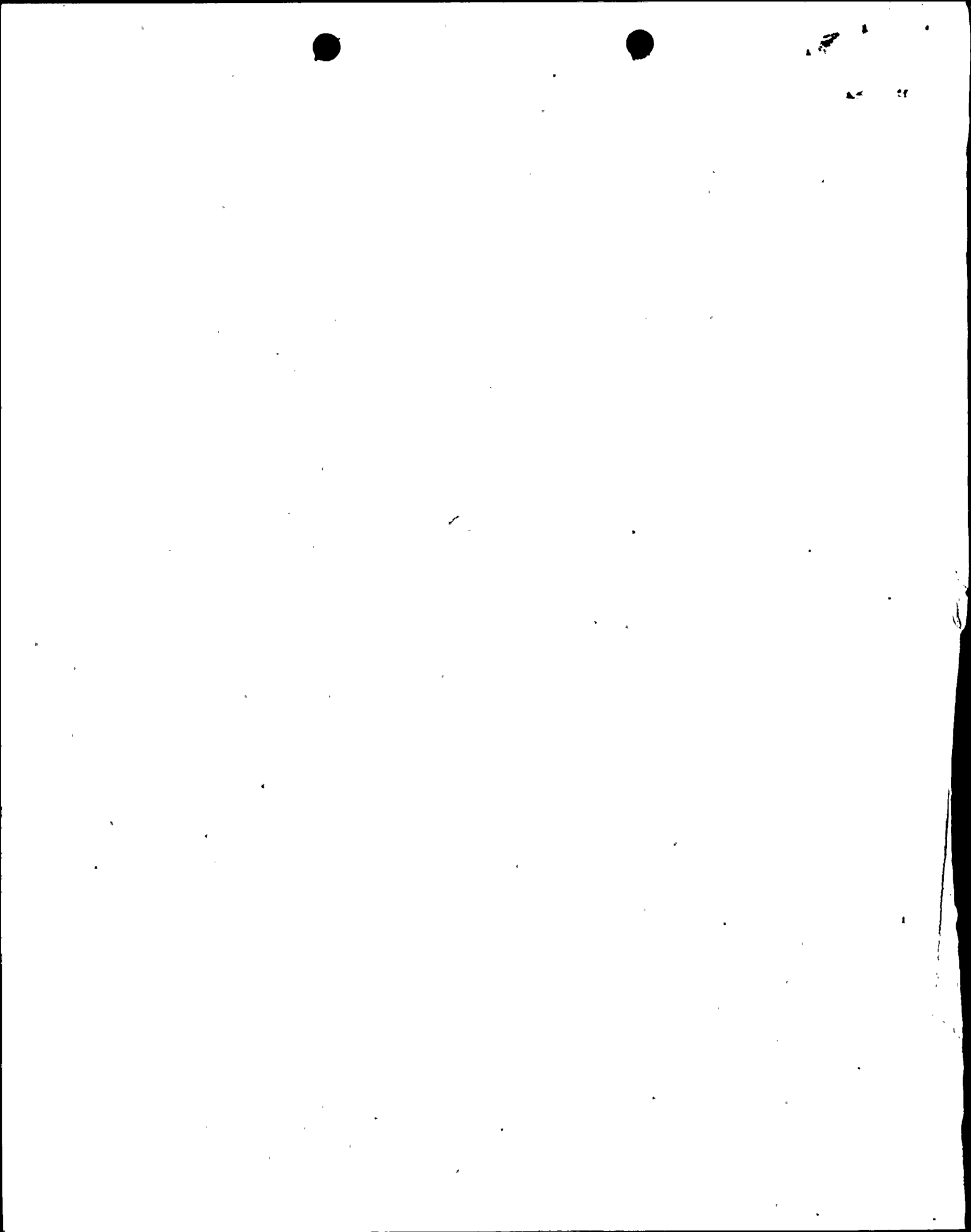
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Atomic Safety and Licensing Board Panel
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Washington, D.C. 20555

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



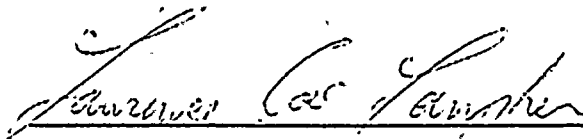
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Washington, D.C. 20036

August 8, 1980

