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 AUTH. NAME AUTHOR AFFILIATION
 WILLIS, H.M. San Luis Obispo Mothers for Peace
 WILLIS, H.M. Seymour & Willis
 RECIPIENT NAME RECIPIENT AFFILIATION
 Atomic Safety and Licensing Board Panel

SUBJECT: Response in support of Governor Brown revision of
 nondisclosure affidavit & request for extension of 800825
 deadline for contentions. intervenors were denied access to
 safeguards contingency plan. Certificate of Svc encl.

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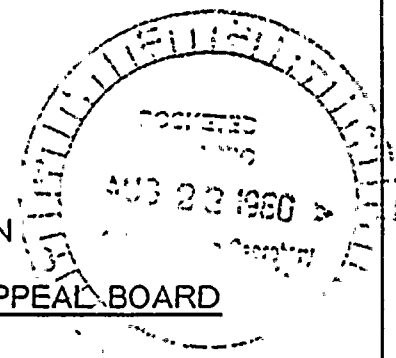
THE
 UNITED STATES OF AMERICA
 DISTRICT COURT OF THE DISTRICT OF COLUMBIA
 IN RE:

THE ESTATE OF
 JOHN W. ...
 DECEASED

...
 ...
 ...



1 UNITED STATES OF AMERICA
2 NUCLEAR REGULATORY COMMISSION
3 BEFORE THE ATOMIC SAFETY AND LICENSING APPEAL BOARD
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5 In the Matter of)
6 PACIFIC GAS AND ELECTRIC COMPANY)
7 (Diablo Canyon Nuclear Power Plant)
8 Unit Nos. 1 and 2)

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

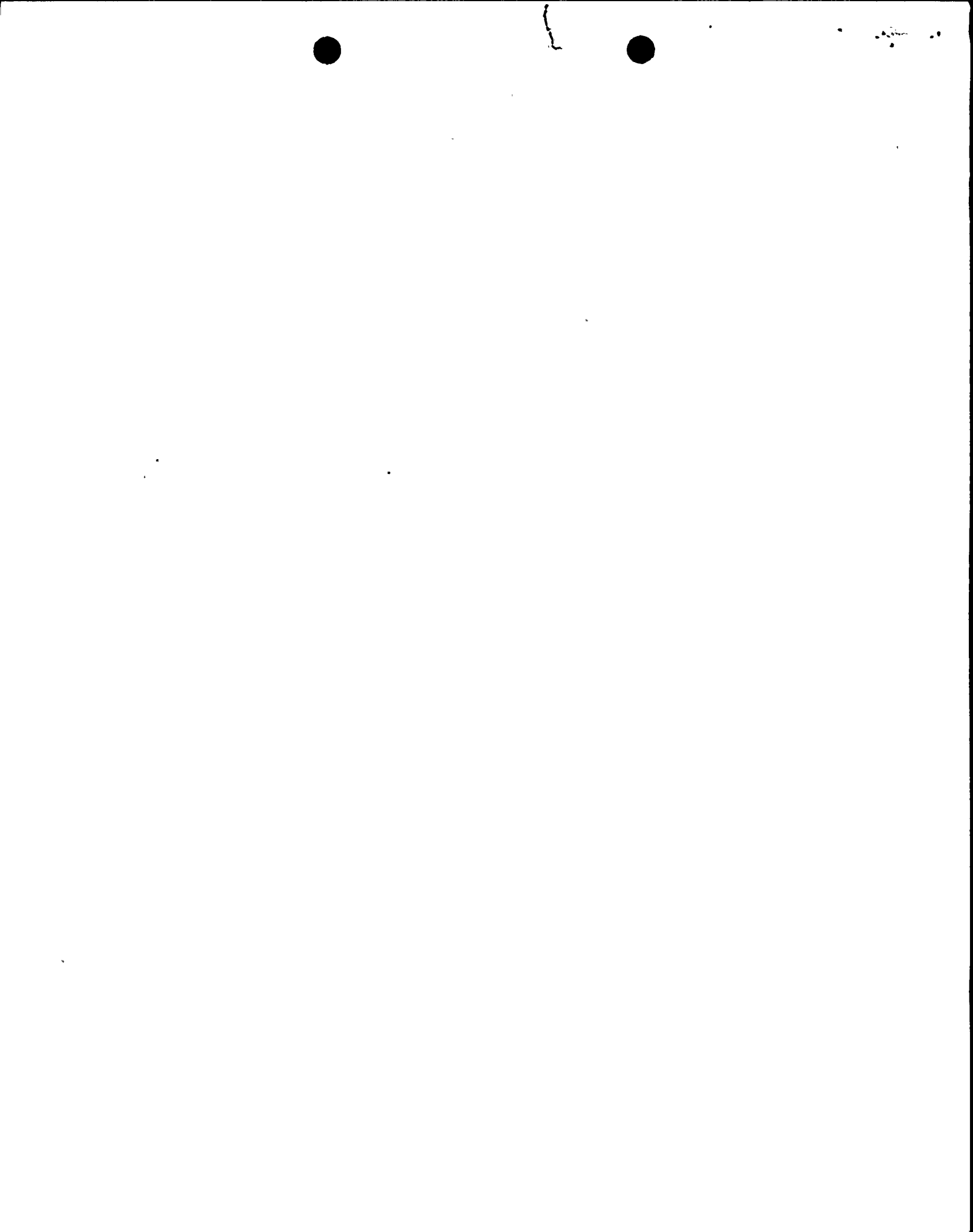
9 RESPONSE OF INTERVENOR, SAN LUIS OBISPO MOTHERS FOR PEACE,
10 IN SUPPORT OF GOVERNOR BROWN'S REVISION OF
11 NON-DISCLOSURE AFFIDAVIT AND FOR REVISION OF PREHEARING SCHEDULE

12 Intervenor, SAN LUIS OBISPO MOTHERS FOR PEACE, has studied the
13 motion of Governor Edmund G. Brown, Jr. for revision of the non-disclosure affidavit
14 and for a revision of the prehearing schedule. The purpose of this memorandum is to
15 express Intervenor's support for the motion in all respects, and further to request a
16 vacation of the August 25, 1980, deadline for submitting Intervenor's contentions
17 particularizing the exacts aspects of the security plan that are being challenged. This
18 deadline was established in the Board's fourth prehearing conference order, dated August
19 8, 1980.

20 I. Intervenor's lead counsel and expert have had an opportunity to examine
21 the security plan, prepare notes, and begin preliminary preparation of its contentions
22 under the strictures established in the amended affidavit. It has become apparent, as
23 it has become apparent to counsel for the Governor, that the restrictions established
24 in the affidavit debilitate Intervenor's development and preparation of its case. The
25 Governor's citation of Code of Professional Responsibility, EC 7-39, is particularly apt.
26 Intervenor questions whether the "proper functioning of the adversary system" is served
27 by the regime established in the amended affidavit, particularly when it must be

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1 apparent that the applicant's preparation of a case in support of its security plan is
2 not subject to the procedural conditions of the affidavit.

3 For these reasons, Intervenor supports the modification of the affidavit
4 procedures set forth by the Governor in Paragraph 2, subparts (a) through (c).

5 2. As the Governor has pointed out, Intervenor and counsel for Governor
6 Brown were denied access to the safeguards contingency plan and Chapter 8 when the
7 unsanitized security plan was first made available to the parties. For these reasons,
8 the Intervenor supports the Governor's request to extend the August 25 filing date on
9 a day-to-day basis for each day these parts of the plan were denied to Intervenor.

10 Alternatively, and preferably, Intervenor moves the Board to vacate
11 the August 25 deadline for its filing of amended contentions. While it is in the Board's
12 province to establish a schedule for the orderly progress of the proceeding, it also
13 appears that the comments and concerns of the parties should be considered in
14 establishing such a schedule. Counsel for Intervenor does not recall a discussion of
15 the August 25 deadline during the last prehearing conference call on August 6, 1980.
16 Rather, the schedule discussed in that conference call contemplated filing amended
17 contentions in early September, with an in camera hearing on the security plan in
18 mid-October. Both of these dates have been advanced in the fourth prehearing
19 conference order. At the very least, Intervenor requests reinstatement of the dates
20 tentatively discussed in the conference call on August 6. While Intervenor appreciates
21 the Board's predilection to "push ahead with the security plan hearing," Intervenor
22 should also be allowed adequate time to inspect the total, unsanitized plan, tour the
23 physical nuclear facility, and, with this research completed, prepare its amended
24 contentions. Counsel respectfully submits that the current schedule does not allow
25 for proper preparation of Intervenor's case, and prejudices its position in this regard.

26 3. Intervenor submits herewith the executed amended affidavit of Roberta

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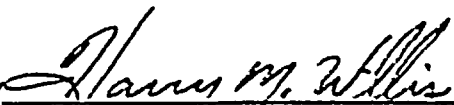


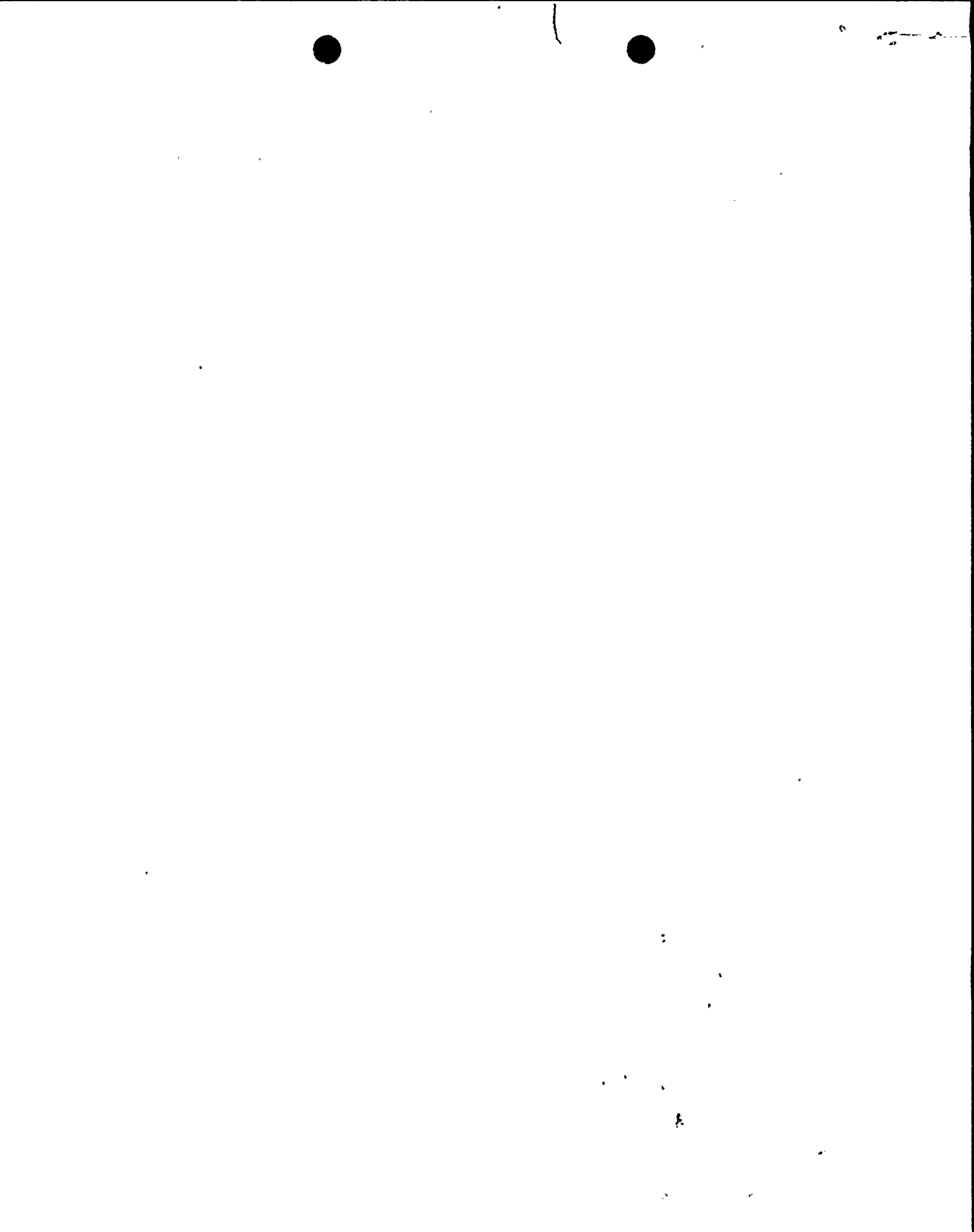
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A. Campbell, who will assist in the typing of pleadings and other materials for Intervenor's case. Her resume is also submitted herewith.

DATED: August 16, 1980

Respectfully submitted,
SEYMOUR & WILLIS

By 
HARRY M. WILLIS
Attorneys for Intervenor
SAN LUIS OBISPO
MOTHERS FOR PEACE



CERTIFICATE OF SERVICE

I hereby certify that on August 16, 1980, I served a copy of the attached RESPONSE OF INTERVENOR, SAN LUIS OBISPO MOTHERS FOR PEACE, IN SUPPORT OF GOVERNOR BROWN'S REVISION OF NON-DISCLOSURE AFFIDAVIT AND FOR REVISION OF PREHEARING SCHEDULE on the individuals listed below:

MR. RICHARD S. SALTZMAN, CHAIRMAN
DR. JOHN H. BUCK
DR. W. REED JOHNSON
Atomic Safety & Licensing Appeal Panel
U.S. Nuclear Regulatory Commission
4350 East West Highway
Bethesda, Maryland 20014

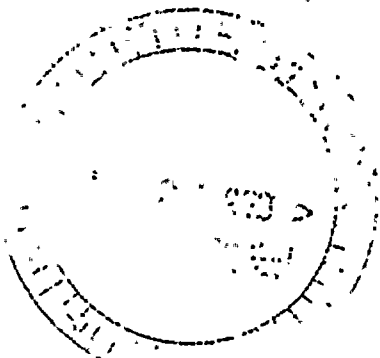
WILLIAM J. OLMSTEAD, ESQ.
L. DOW DAVIS, ESQ.
LUCY SCHWARTZ, ESQ.
EDWARD G. KETCHEN, ESQ.
Office of Executive Legal Director
Beth 042
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

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LAWRENCE COE LANPHER, ESQ.
Hill, Christopher & Phillips
1900 M Street, N.W.
Washington, D.C. 20036

BRUCE NORTON, ESQ.
3216 North Third Street, Suite 300
Phoenix, Arizona 85012

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 16th day of August, 1980, at San Francisco, California.


Roberta A. Campbell

ROBERTA A. CAMPBELL
Secretary to
HARRY M. WILLIS

