



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

November 29, 1978



David F. Fleischaker, Esq.
1025 15th Street, N.W.
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Washington, D. C. 20005

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. and 50-323 O.L.

Dear David:

The purpose of this letter is to confirm our telephone conversation of this morning concerning your letter of November 22, 1978. In that letter you raised questions about the status of Jim Devine and Frank McKeown, USGS witnesses appearing on behalf of the Staff.

The USGS report appearing in Appendix C to Supplement 4 of this SER was prepared by and under the supervision of Jim Devine with the primary assistance of Frank McKeown. They will appear at the hearing to answer any relevant questions concerning the USGS report. In my view, you will be free to cross-examine within appropriate procedural bounds on any information contained in that report.

The USGS witnesses will be sponsoring the USGS report which does have a bearing on the substantial geological and seismological issues raised in this proceeding. Therefore, I must disagree with your assessment that failure to submit sworn testimony for these witnesses is contrary to prior Staff representations concerning USGS witnesses. In any event, the Staff must make its own determination as to the extent of testimony filed on behalf of its witnesses.

Sincerely,

James R. Tourtellotte
Assistant Chief Hearing Counsel

cc:

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