

## CALIFORNIA ENERGY COMMISSION

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February 7, 1980

Mrs. Elizabeth S. Bowers, Esquire  
 Chairperson  
 Atomic Safety and Licensing Board Panel  
 Nuclear Regulatory Commission  
 Washington, D.C. 20555

Re: Sacramento Municipal Utility District (Rancho  
 Seco Nuclear Generating Station) Docket No.  
 50-312(SP)

Dear Mrs. Bowers:

At yesterday's prehearing conference on this matter, I stated that the Staff had raised questions of a possible conflict of interest regarding the testimony of Dr. Harold Lewis. As you know, Dr. Lewis is a member of the Advisory Committee on Reactor Safeguards and hence a "special" employee of the Commission. Because of the questions, and the possibility that Dr. Lewis might be forced to forego compensation for his services, the Energy Commission can not properly ask him to work until the matter is resolved. I therefore informed the Board and all parties that we might be forced to delay the filing of Dr. Lewis' testimony beyond next Monday.

Dr. Lewis has requested that the Commission's General Counsel provide him with a written opinion, which we hope to receive shortly. However, it now appears unlikely that we can file Dr. Lewis' testimony Monday. Assuming the Commission's General Counsel can respond quickly, we expect to file sometime in the middle of next week. The Licensee expressed concern yesterday that any such delayed filing should not diminish the 17 days for reviewing Dr. Lewis' testimony.

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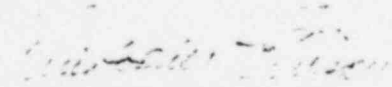
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Dr. Lewis is scheduled to follow the Licensee's witnesses on category I issues, and therefore we do not expect that a few days delay will bring the filing within 17 days of his appearance.

Yours truly,

  
CHRISTOPHER ELLISON  
Attorney for the California Energy  
Commission

cc: Mr. Frederick J. Shon  
Member, Atomic Safety &  
Licensing Board Panel

Dr. Richard F. Cole  
Member, Atomic Safety &  
Licensing Board Panel

All Parties