

3/16/81

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11  
12 UNITED STATES OF AMERICA  
13 NUCLEAR REGULATORY COMMISSION

14 BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

15 In the Matter of )  
 )  
16 SOUTHERN CALIFORNIA EDISON COMPANY, ) Docket Nos. 50-361 OL  
et al., ) 50-362 OL  
 )  
17 (San Onofre Nuclear Generating ) MEMORANDUM OF POINTS AND  
 ) AUTHORITIES IN SUPPORT OF  
18 Station, Units 2 and 3). ) MOTION TO COMPEL ANSWERS  
 ) TO APPLICANTS' SECOND SET  
 ) OF INTERROGATORIES TO GUARD

19  
20 INTRODUCTION

21 This memorandum is submitted pursuant to 10 C.F.R.  
22 §2.730(b), in support of Southern California Edison, et  
23 al.'s (hereafter "Applicants") "Motion to Compel Answers to  
24 Applicants' Second Set of Interrogatories to GUARD", dated  
25 March 16, 1981.

26 On February 17, 1981, Applicants served their  
27 Second Set of Interrogatories (hereafter "Interrogatories")

28 //

1 to Intervenors GUARD (hereafter "Intervenors"). Intervenors  
2 had until March 9, 1981 in which to file their responses  
3 and objections to these Interrogatories, pursuant to 10 C.F.R.  
4 §2.740b(b). As of this date, Applicants have not received  
5 any answers from Intervenors.

6                   APPLICANTS' MOTION TO COMPEL  
7                   ANSWERS TO INTERROGATORIES  
8                   MUST BE GRANTED

9                   10 C.F.R. §2.740(f) provides, in pertinent part,  
10 that:

11                   (1) If a deponent or party upon whom  
12 a request for ... answers to interrogatories  
13 is served fails to respond ... to the request,  
14 or any part thereof, ... the party submitting  
15 the request may move the presiding officer ...  
16 for an order compelling a response.

17                   As indicated above, Intervenors had, pursuant to  
18 10 C.F.R. §2.740b(b), until March 9, 1981 to serve a copy  
19 of their answers to these Interrogatories upon Applicants.  
20 Intervenors did request, prior to March 9, 1981, a stipulation  
21 from Applicants extending time in which to answer; however,  
22 Applicants informed Intervenors at that time that they  
23 could no longer stipulate to any further extensions because  
24 of the significant additonal costs of delay at this late stage  
25 in the construction and licensing of SONGS 2 and 3. Intervenors  
26 informed Applicants that their responses would still not be  
27 served on time with or without a stipulation from Applicants.

28                   Intervenors have failed totally to serve their  
answers to Applicants' Interrogatories. In the absence of  
justifiable reason for such failure to respond as required  
by 10 C.F.R. §2.740b, Intervenors must be ordered to respond  
immediately to Applicants' Interrogatories. Such an order

1 will prevent unwarranted delay which, at this stage in the  
2 proceedings, may result in significant additional costs to  
3 the construction and licensing of SONGS 2 and 3.

4 CONCLUSION

5 It is respectfully submitted that Applicants  
6 are entitled to full and complete answers, pursuant to 10  
7 C.F.R. §2.740(f), to their "Second Set of Interrogatories to  
8 Intervenors Group United Against Radiation Danger (GUARD)".  
9 Furthermore, in view of the imminent need to complete all  
10 discovery before the final prehearing conference (which  
11 Applicants have requested the Board to set for April 7, 1981),  
12 the full and complete answers should be provided within seven  
13 (7) days of the Board's decision on this motion.

14 Dated: March 16, 1981.

15 Respectfully submitted,

16 DAVID R. PIGOTT  
17 SAMUEL B. CASEY  
18 JOHN A. MENDEZ  
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22 SOUTHERN CALIFORNIA EDISON COMPANY

23 By David R. Pigott  
24 David R. Pigott  
25 One of Counsel for Applicants  
26 SOUTHERN CALIFORNIA EDISON  
27 COMPANY and SAN DIEGO GAS &  
28 ELECTRIC COMPANY

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PROOF OF SERVICE BY MAIL

I declare that:

I am employed in the City and County of San Francisco, California.

I am over the age of eighteen years and not a party to the within entitled action; my business address is Three Embarcadero Center, Twenty-Third Floor, San Francisco, California 94111.

On March 16, 1981, I served the attached ORDER COMPELLING ANSWERS TO APPLICANTS' SECOND SET OF INTERROGATORIES TO GUARD, MOTION TO COMPEL ANSWERS TO APPLICANTS' SECOND SET OF INTERROGATORIES TO GUARD and MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF MOTION TO COMPEL ANSWERS TO APPLICANTS' SECOND SET OF INTERROGATORIES TO GUARD" on the following in said cause, by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, in the United States mail at San Francisco addressed as follows:

Ivan W. Smith, Esq., Chairman  
Atomic Energy Safety and  
Licensing Board  
U.S. Nuclear Regulatory  
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U.S. Nuclear Regulatory  
Commission  
Washington, D.C. 20555



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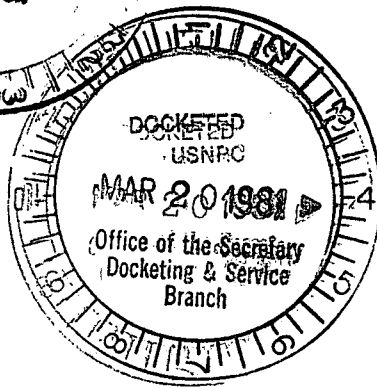
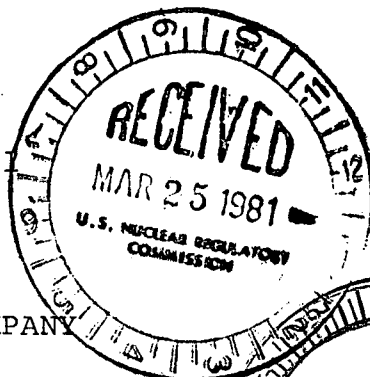
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and SAN DIEGO GAS & ELECTRIC COMPANY

RELATED CORRESPONDENCE

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19	Station, Units 2 and 3).	)	TO APPLICANTS' SECOND SET
		)	<u>OF INTERROGATORIES TO GUARD</u>

20 On good cause being shown therefor:

21 IT IS HEREBY ORDERED that, pursuant to 10 C.F.R.  
22 §2.740(f), Intervenors, Groups United Against Radiation  
23 Danger (GUARD), shall provide full and complete answers to  
24 Southern California Edison Company, et al., 's "Second Set of  
25 Interrogatories to Intervenors, Groups United Against Radiation  
26 Danger (GUARD)", served on February 17, 1981.

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IT IS FURTHER ORDERED that Intervenors, GUARD,  
shall provide such full and complete answers by April \_\_\_\_\_,  
1981.

Dated: \_\_\_\_\_, 1981.

ATOMIC SAFETY AND LICENSING BOARD

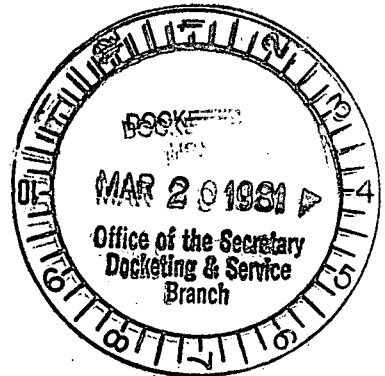
By \_\_\_\_\_



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Dated: \_\_\_\_\_, 1981.

ATOMIC SAFETY AND LICENSING BOARD

By \_\_\_\_\_