

1 DAVID R. PIGOTT
SAMUEL B. CASEY
2 JOHN A. MENDEZ
CHICKERING & GREGORY
3 Three Embarcadero Center
Twenty-Third Floor
4 San Francisco, California 94111
Telephone: (415) 393-9000

5 CHARLES R. KOCHER
6 JAMES A. BEOLETTO
SOUTHERN CALIFORNIA EDISON COMPANY
7 P.O. Box 800
2244 Walnut Grove Avenue
8 Rosemead, California 91770
Telephone: (213) 572-1900

9 Attorneys for Applicants,
10 Southern California Edison Company and
San Diego Gas & Electric Company
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) MEMORANDUM OF POINTS AND
(San Onofre Nuclear Generating) AUTHORITIES IN SUPPORT OF
18 Station, Units 2 and 3).) MOTION TO COMPEL ANSWERS
19) TO APPLICANTS' FOURTH SET
OF INTERROGATORIES TO
FOE, ET AL.

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' Fourth Set of Interrogatories to FOE, et al.",
25 dated March 19, 1981.

26 On February 17, 1981, Applicants served their
27 Fourth Set of Interrogatories (hereafter "Interrogatories")
28 to Intervenor FOE, et al. (hereafter "Intervenors").

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

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

8 10 C.F.R. §2.740(f) provides, in pertinent part,
9 that:

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

16 As indicated above, Intervenor had, pursuant to
17 10 C.F.R. §2.740b(b), until March 9, 1981 to serve a copy of
18 their answers to these Interrogatories upon Applicants.
19 Intervenor did not request, prior to March 9, 1981, a
20 stipulation from Applicants extending time in which to
21 answer; nor did they inform Applicants of any justifiable
22 reason for their total failure to respond to these Interrogatories
23 as required by 10 C.F.R. §2.740b(b). Thus, in the absence
24 of any justifiable reason for such failure to respond,
25 Intervenor must be ordered to provide their answers or
26 objections to Applicants' Interrogatories immediately.

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

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CONCLUSION

It is respectfully submitted that Applicants are entitled to full and complete answers, pursuant to 10 C.F.R. §2.740(f), to their Fourth Set of Interrogatories to Intervenors Friends of the Earth ("FOE"), et al. Furthermore, in view of the imminent need to complete all discovery before the final prehearing conference (which Applicants have requested the Board to set for April 7, 1981), the full and complete answers should be provided within seven (7) days of the Board's decision on this motion.

Dated: March 19, 1981.

Respectfully submitted,
DAVID R. PIGOTT
SAMUEL B. CASEY
JOHN A. MENDEZ
CHICKERING & GREGORY /

CHARLES R. KOCHER
JAMES A. BEOLETTO
SOUTHERN CALIFORNIA EDISON COMPANY

BY John A. Mendez
John A. Mendez
One of Counsel for Applicants
SOUTHERN CALIFORNIA EDISON
COMPANY and SAN DIEGO GAS &
ELECTRIC COMPANY

1 DAVID R. PIGOTT
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2244 Walnut Grove Avenue
8 Rosemead, California 91770
Telephone: (213) 572-1900

9 Attorneys for Applicants,
10 Southern California Edison Company and
San Diego Gas & Electric Company

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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) ORDER COMPELLING ANSWERS
(San Onofre Nuclear Generating) TO APPLICANTS' FOURTH SET
18 Station, Units 2 and 3).) OF INTERROGATORIES TO
FOE, ET AL.

19
20 On good cause being shown therefor:
21 IT IS HEREBY ORDERED that, pursuant to 10 C.F.R.
22 §2.740(f), Intervenors, Friends of the Earth ("FOE"), et
23 al., shall provide full and complete answers to Southern
24 California Edison Company, et al., 's Fourth Set of Interrogatories
25 to FOE, et al., served on February 17, 1981.

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IT IS FURTHER ORDERED that Intervenors, FOE, et
al., shall provide such full and complete answers by April
____, 1981.

Dated: _____, 1981.

ATOMIC SAFETY AND LICENSING BOARD

By _____

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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 19, 1981, I served the attached MOTION TO COMPEL ANSWERS TO APPLICANTS' FOURTH SET OF INTERROGATORIES TO FOE, ET AL.; MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF MOTION TO COMPEL ANSWERS TO APPLICANTS' FOURTH SET OF INTERROGATORIES TO FOE, ET AL.; and ORDER COMPELLING ANSWERS TO APPLICANTS' FOURTH SET OF INTERROGATORIES TO FOE, ET AL. 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 S. Smith, Esq.,
Chairman
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Dr. Cadet H. Hand, Jr.
Director, Bodega Marine
Laboratory
University of California
P.O. Box 247
Bodega Bay, California 94923

Dr. Emmett A. Luebke
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

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David W. Gilman
Robert G. Lacy
San Diego Gas & Electric Company
P.O. Box 1831
San Diego, California 92112

Robert Dietch, Vice President
Southern California Edison Company
P.O. Box 800
2244 Walnut Grove Avenue
Rosemead, California 91770

Alan R. Watts, Esq.
Rourke & Woodruff
California First Bank Building
10555 North Main Street
Santa Ana, California 92701

Lawrence J. Chandler, Esq.
Office of the Executive
Legal Director
U.S. Nuclear Regulatory
Commission
Washington, D.C. 20555

Janice E. Kerr, Esq.
J. Calvin Simpson, Esq.
Lawrence Q. Garcia, Esq.
California Public Utilities
Commission
5066 State Building
San Francisco, California 94102

Mr. Loyd von Haden
2089 Foothill Drive
Vista, California 92083

Mrs. Lyn Harris Hicks
G U A R D
3908 Calle Ariana
San Clemente, CA 92801

James F. Davis
State Geologist
Division of Mines and Geology
1416 Ninth Street, Room 1341
Sacramento, California 95814

Richard J. Wharton, Esq.
University of San Diego
School of Law
Alcala Park
San Diego, CA 92110

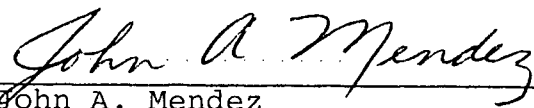
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Phyllis M. Gallagher, Esq.
1695 W. Crescent Avenue, Suite 222
Anaheim, California 92801

Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

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

Richard K. Hoefling, Esq.
U.S. Nuclear Regulatory Commission
Office of the Executive Legal Director
Washington, D.C. 20555



John A. Mendez
One of Counsel for Applicants
SOUTHERN CALIFORNIA EDISON COMPANY
and SAN DIEGO GAS & ELECTRIC COMPANY