

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

5/9/78

In the Matter of)
PACIFIC GAS AND ELECTRIC COMPANY) Docket No. 50-275-OL
Units 1 and 2) Docket No. 50-323-OL
Diablo Canyon Site)

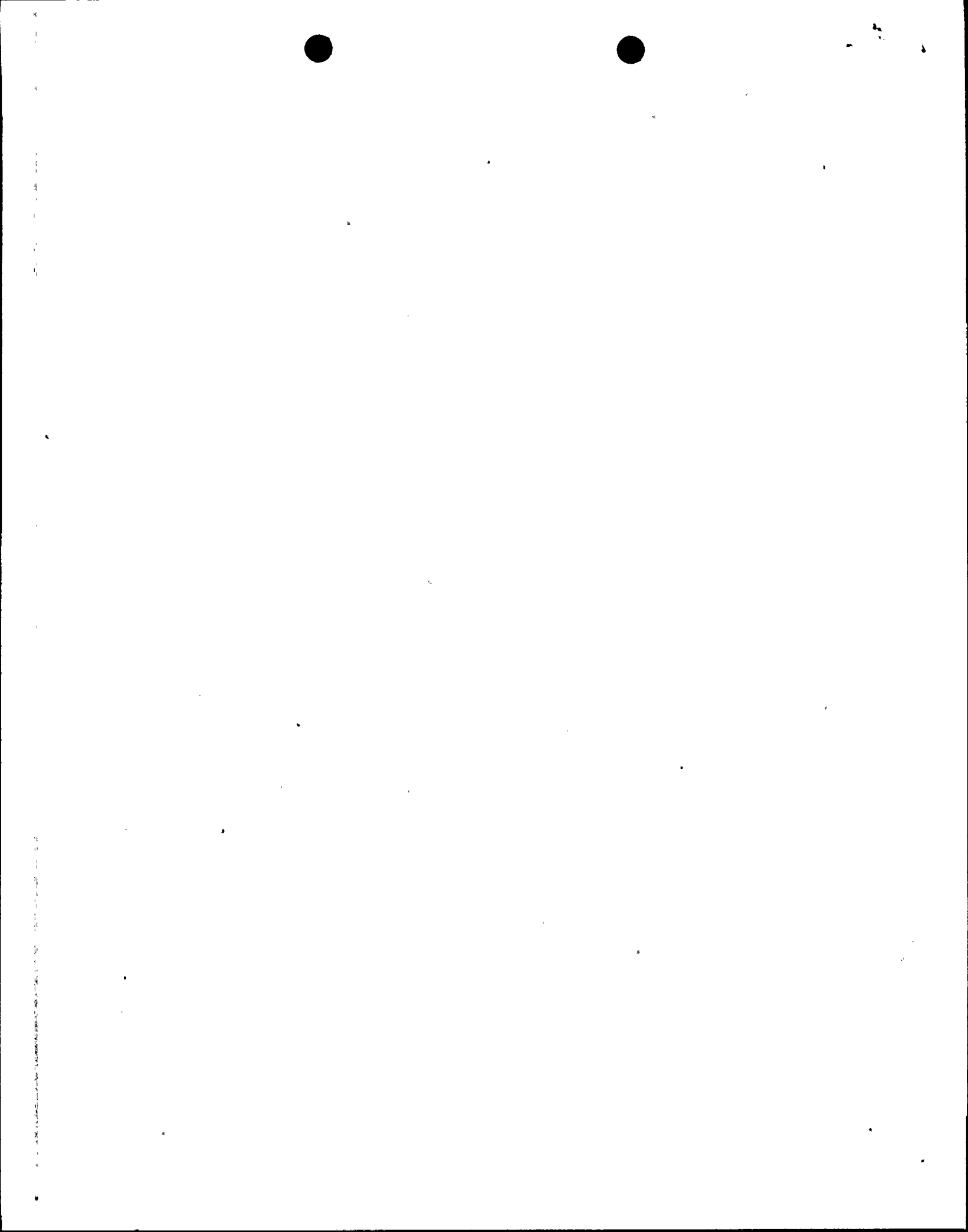
REPLY OF PACIFIC GAS AND ELECTRIC COMPANY
TO MOTION TO COMPEL DISCOVERY DATED
APRIL 26, 1978

PGandE is well aware of its rights and obligations under the NRC regulations governing discovery. However, for the sake of putting a proper perspective on the portions of the ALAB decision quoted by Intervenors in their motion, and to set the tone for PGandE's reply to the Motion To Compel Discovery, the following extract from that case (In the Matter of Commonwealth Edison Company (Zion Units 1 and 2) 7 AEC 457, 1974) appears pertinent:

"The foregoing does not mean, however, that there are no limits upon discovery. For the rules do not require, and the public interest does not warrant, an application which would make all documents and information possessed by a person (whether or not a party) available to a discoverer. '[D]iscovery, like all matters of procedure, has ultimate and necessary boundaries' [citation]." (emphasis in original)
p. 461.

Interrogatory 1(a)

In responding to Interrogatory 1(a) PGandE referenced §§ 3.2 and 3.10 of the FSAR. Intervenor complains, in essence, that the references are too general. However, the reference to § 3.2 includes §§ 3.2.1 and 3.2.2 (12 pages); Table 3.2-1 (one page), Table 3.2-4,

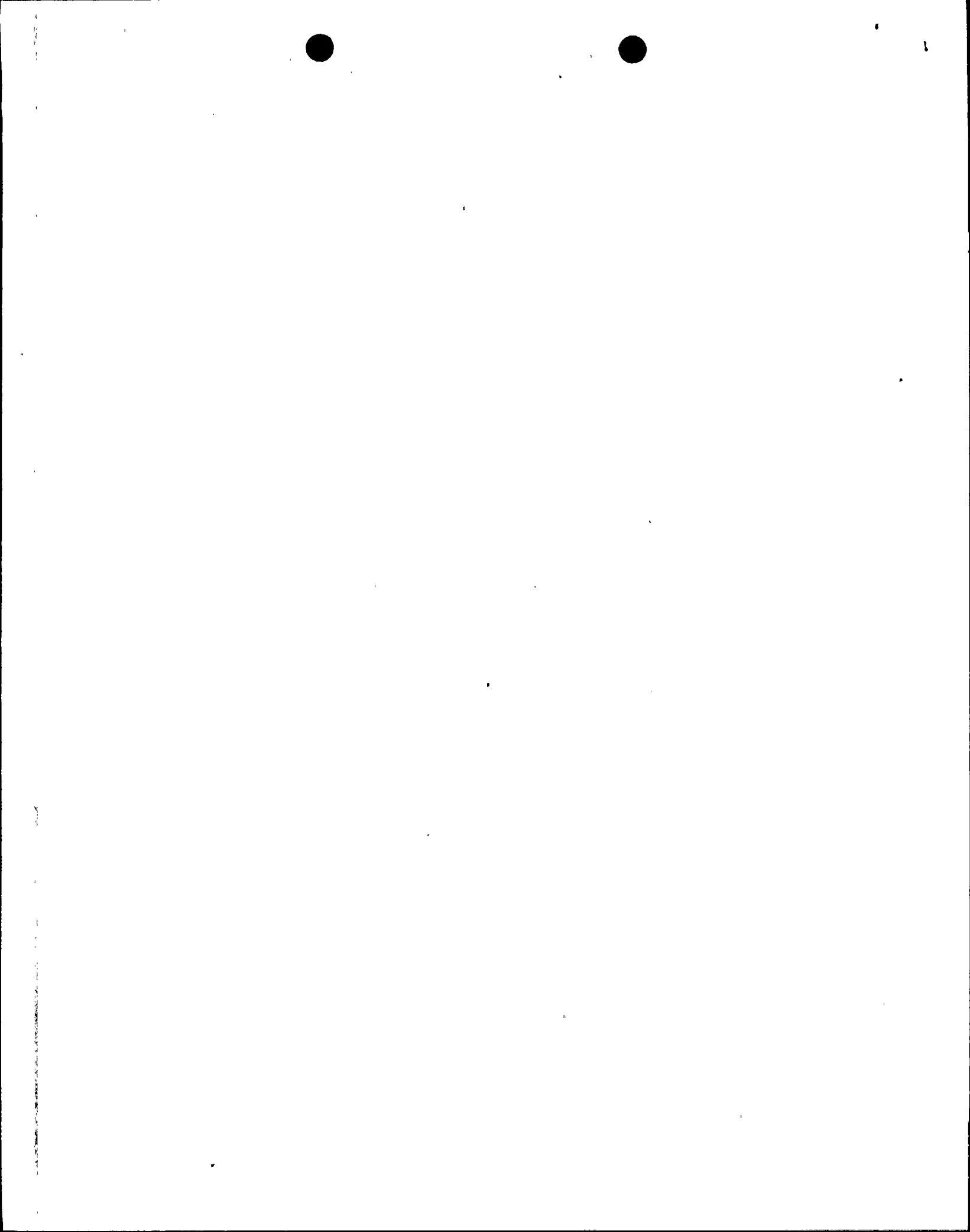


which consists of a 38 page list of structures, systems and components and the seismic design class of each, and Figures 3.2-01 to 3.2-27, which consist of well over 100 piping drawings upon which are indicated the seismic classifications of the different segments by means of a letter code, as explained on page 3.2-3 of the FSAR. Similarly, the reference to § 3.10 of the FSAR, "Seismic Design of Category I Instrumentation and Electrical Equipment," includes §§ 3.10.1 - 3.10.3 (27 pages), Table 3.10-1 and Appendix 3.10 A (16 pages), 3.10 B (38 pages), and 3.10 C (105 pages). After reviewing all the detail in the material covered by the references given in response to Interrogatory 1(a) PGandE submits that the objection raised by Intervenor should be rejected out of hand as totally lacking in substance.

Moreover, the unique supporting affidavit prepared by Richard B. Hubbard, unique in that it was prepared before the responses to which it is addressed, is of no assistance in this regard because it fails to indicate in what respect the mass of detail contained in §§ 3.2 and 3.10 is not sufficient for his purposes.

Interrogatories 1(b) and 1(c)

Again, the reference supplied by PGandE appears adequate for Intervenors' purposes. For example, the referenced tables contain a column entitled "Location - Elev./Bldg." or "Elev./Bldg.". By taking the elevation for a particular component and referring to the equipment location drawings in the FSAR (Figures 1.2-2 through 1.2-32) it is possible to establish the precise location of the particular component of interest. Similarly, the Hosgri Seismic Evaluation contains the detail required to demonstrate that the structures, systems and components



having safety functions are able to perform those functions after a 7.5 M Hosgri earthquake.

Further detail responsive to Interrogatory 1(b) and covering certain piping penetrations and instrument panels is contained in the two drawings attached hereto and entitled as follows:

"Containment Piping Penetrations List of Mechanical
& Electrical Penetrations"

and

"Local Instrument Panel Index"

Interrogatories 2 and 3

Here again PGandE submits that the information set forth in the references adequately responds to the Interrogatories. As one example § 7.3 of the Hosgri Seismic Evaluation contains an explicit list captioned "Minimum Equipment Needed Following An Earthquake" and is broken down into various headings and subheadings. PGandE is at a loss to explain why this answer is nonresponsive. Mr. Hubbard's affidavit affords no assistance as it is completely nonresponsive to the question in what respect PGandE's responses to the Interrogatories are evasive or incomplete. Accordingly, Intervenors' complaint as to the answers to Interrogatories 2 and 3 likewise should be rejected.

Interrogatory 5

A definitive report on the equipment being tested should be available shortly from the organization conducting the tests, Wyle Laboratories. With regard to Interrogatory 5(b) PGandE submits that a statement that each item of equipment is


". . . thoroughly inspected, adjusted, and tested for proper operation prior to being placed in service."

is sufficient. Any equipment not meeting the rigid acceptance criteria is being repaired, replaced or modified to assure proper performance of its assigned function. If Intervenors wish to designate one or two particular items of equipment PGandE could furnish further details. However, PGandE submits that such detail as to all items of equipment is unnecessary and prolix.


Interrogatory 8

The letter containing the response to this Interrogatory was served on all parties. Of course, Mr. Hubbard, who was sent a copy of the letter, had not received it at the time he prepared his affidavit, which was four days before the letter was sent. Since all parties have been served with the letter there appears to be no useful purpose in furnishing additional copies with the response to interrogatories.

We declare under penalty of perjury that the foregoing Reply To Motion To Compel Discovery is true and correct to the best of our information, knowledge, and belief.



J. B. Hoch
Project Engineer
Units 1 and 2
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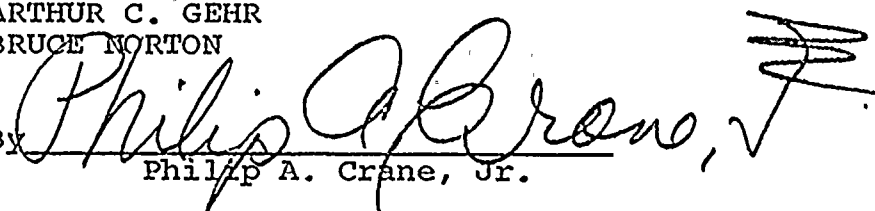


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Chief
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Respectfully submitted,

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Dated: May 9, 1978

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the Matter of)

PACIFIC GAS AND ELECTRIC COMPANY)

Units 1 and 2)

Diablo Canyon Site)

Docket Nos. 50-275-OL
50-323-OL

CERTIFICATE OF SERVICE

The foregoing document(s) of Pacific Gas and Electric Company ~~has~~ (have) been served today on the following by deposit in the United States mail, properly stamped and addressed:

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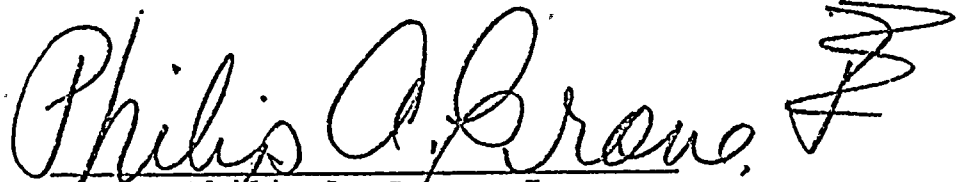
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Date: May 9, 1978



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