

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD



10-27-80

In the Matter of
PACIFIC GAS AND ELECTRIC COMPANY
Units 1 and 2
Diablo Canyon Site

Docket No. 50-275
Docket No. 50-323
(Low power license)

MOTION FOR RECONSIDERATION

In its Order dated October 2, 1980 the Board set October 27, 1980 for the filing of contentions relating to PGandE's motion for a license to load fuel and conduct low power tests. On October 15, 1980 Joint Intervenors filed a "Request for Enlargement of Time" to November 24, 1980 in which to file contentions. Under 10 CFR 2.730(c) PGandE had until October 27, 1980 in which to mail its response to this request. PGandE is informed that Governor Brown has filed a similar request for an extension until December 3, 1980 but PGandE has never received a copy of this document. In any event, PGandE submits that the extension of time granted by the Board in its Order dated October 24, 1980 is excessive. PGandE hereby requests the Board to reconsider its Order and, realizing that it would presently be difficult to hold to the original schedule, grant the parties until November 10, 1980 within which to file contentions. In support of this motion, PGandE alleges as follows:

1. PGandE's motions for fuel loading and low power testing have been on file for over three months, which is ample time within which to frame contentions.

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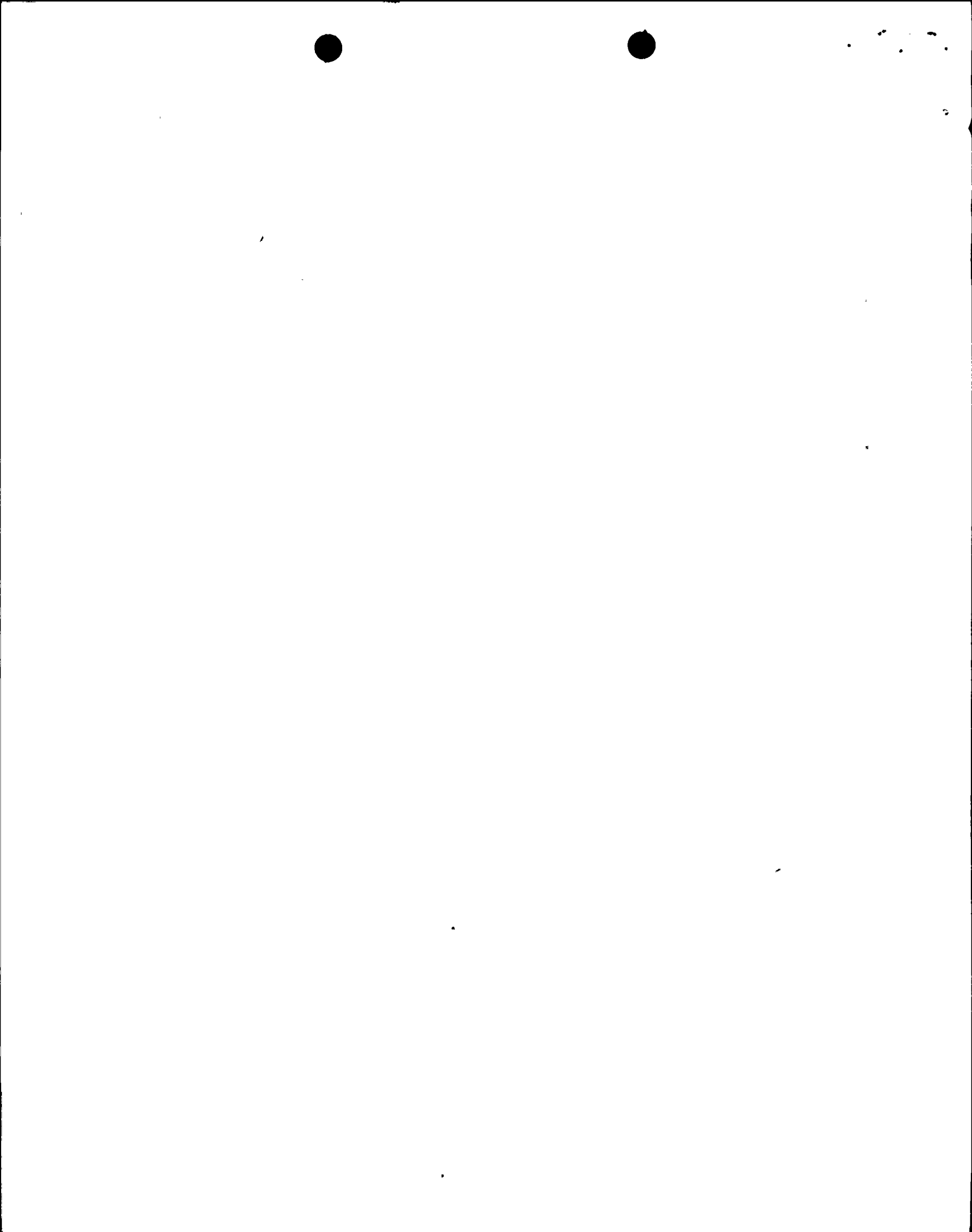
2. The Joint Intervenors and the Governor both were given additional time within which to respond to PGandE's motion. The time spent in preparing the fairly elaborate pleadings seeking to have the motion dismissed could better have been spent framing contentions.

3. Joint Intervenors and Governor Brown have chosen to bring an action in the United States District Court for the District of Columbia seeking to disqualify Commissioner Hendrie from further participation in this proceeding (San Luis Obispo Mothers for Peace, et al. v. Joseph M. Hendrie, et al., Civil Action No. 80-2356). While not cited in Joint Intervenors' motion (as stated we have not seen the Governor's) the time dissipated on this proceeding could have been spent in framing contentions.

4. Both the Governor and the Joint Intervenors have attorneys of record available who could be utilized in the framing of contentions. Neither Mr. Christopher Hanback nor Mr. Joel Reynolds participated in the seismic hearings held October 20 - 25 in San Luis Obispo although Mr. Reynolds was physically present.

5. PGandE could be substantially prejudiced by the five weeks plus extension of time granted by the Board. PGandE is anxious to complete the processing of its motions to load fuel and conduct low power tests so that it will be in a position to implement them at the proper time. The delay following from the extension granted could adversely impact PGandE's ability to utilize its licenses.

Accordingly, PGandE requests the Board to reconsider its Order granting an extension of time to December 3, 1980 and, instead, grant a much more reasonable extension to November 10, 1980 for the



framing of contentions.

Respectfully submitted,

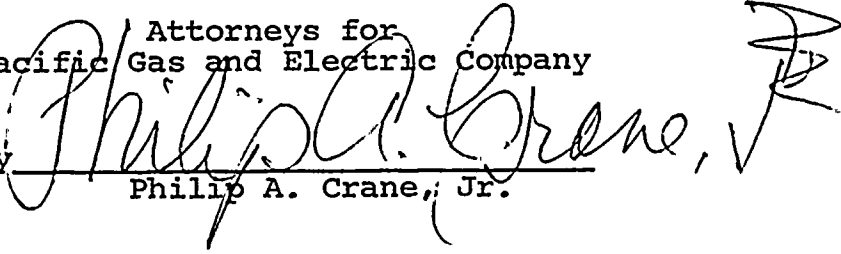
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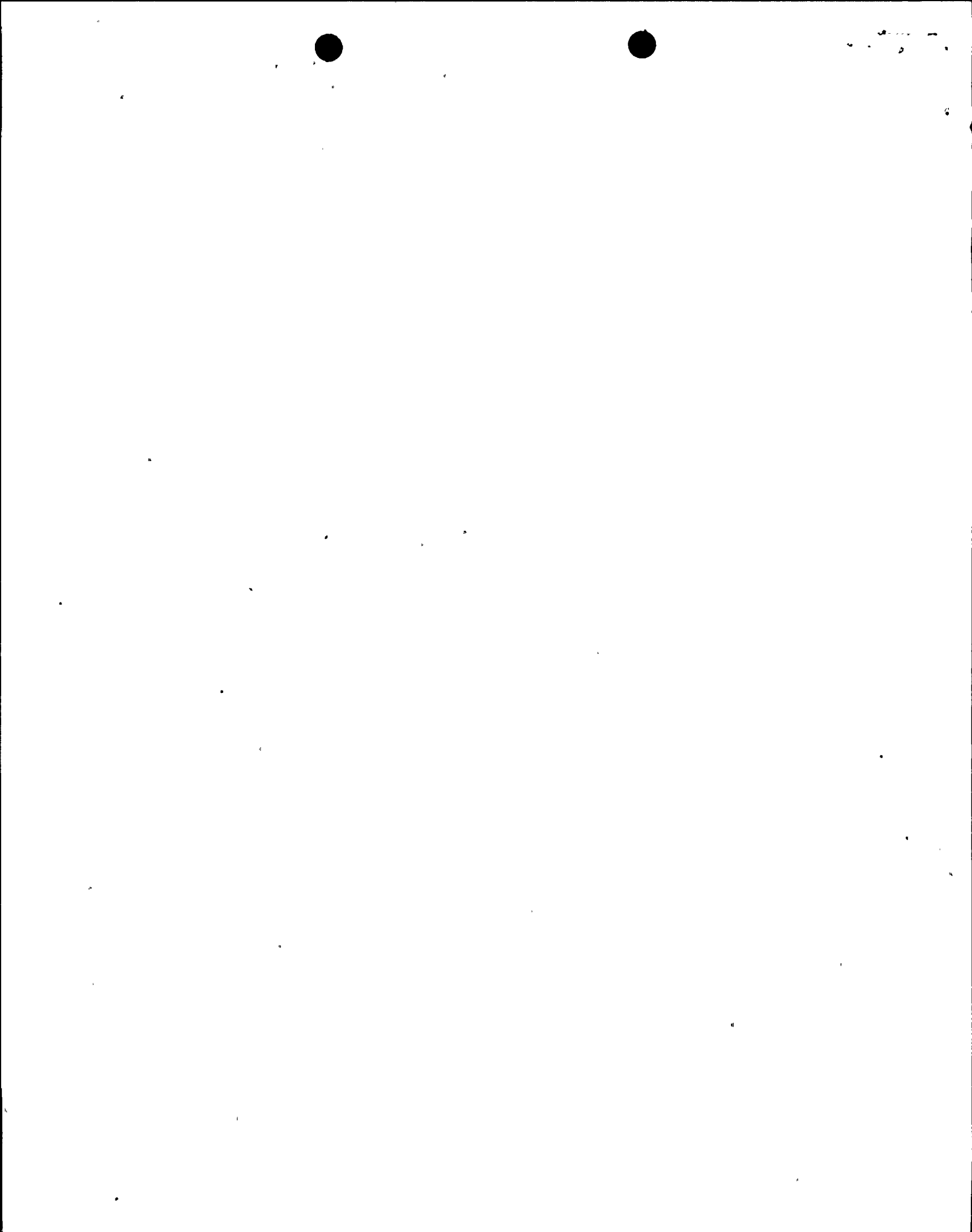
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BY


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DATED: October 27, 1980



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CERTIFICATE OF SERVICE

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

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10-1-10

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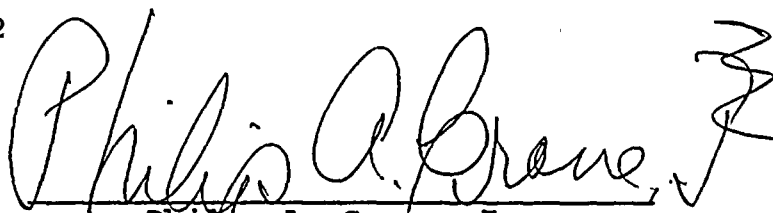
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