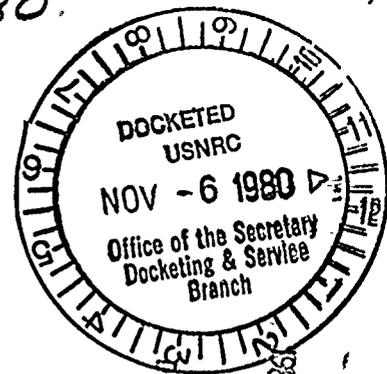


Nov 5, 1980.

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD



NOV 6 1980
US NRC
DISTRIBUTION SERVICES
BRANCH

DISTRIBUTION SERVICES UNIT

In the Matter of:
PACIFIC GAS & ELECTRIC
COMPANY
(Diablo Canyon Nuclear
Power Plant, Units 1 & 2

Docket 50-275-OL
50-323-OL

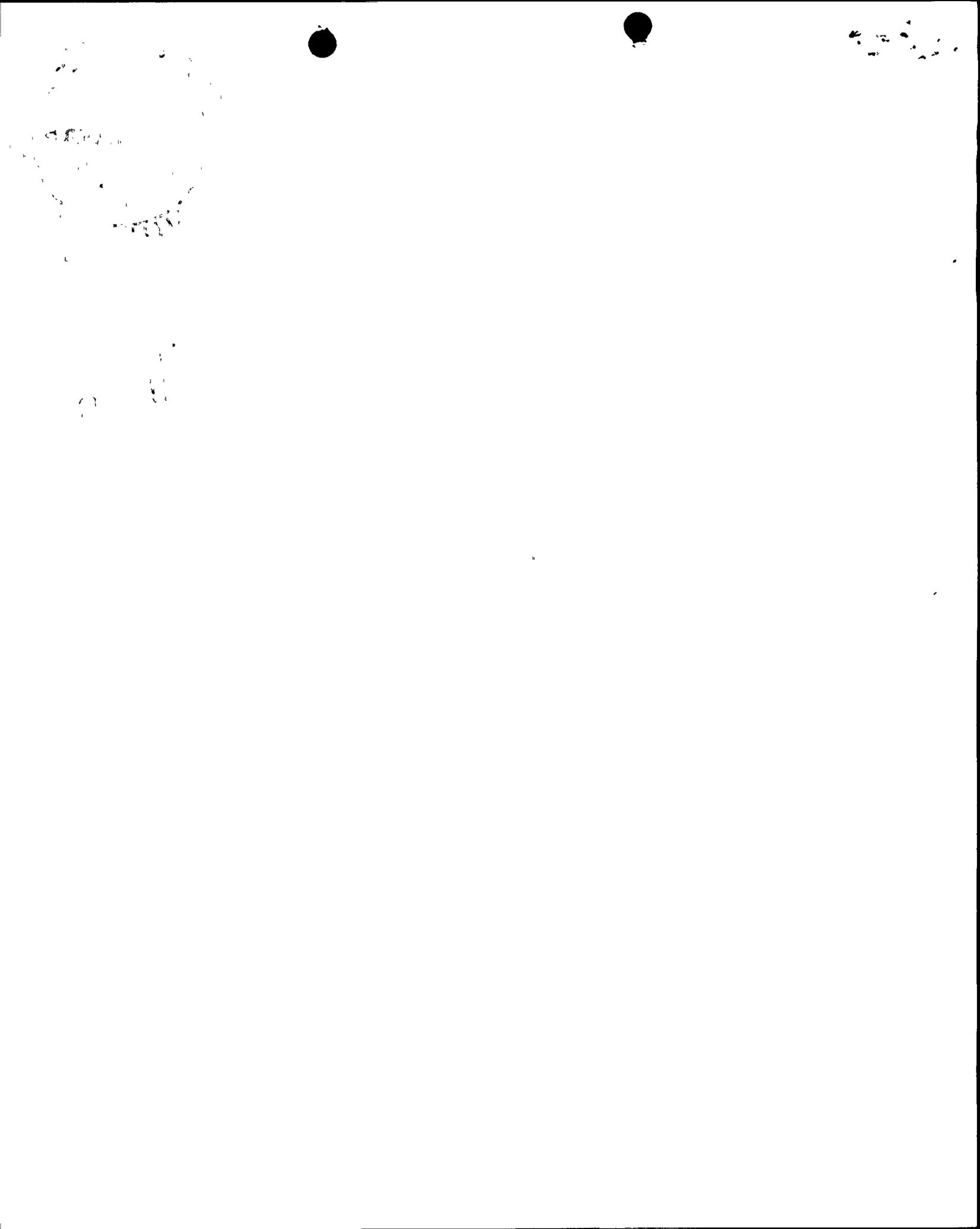
JOINT INTERVENORS' RESPONSE TO PG&E'S
MOTION FOR RECONSIDERATION

On October 24, 1980, the Atomic Safety and Licensing Board ("Licensing Board") established December 3, 1980 as the date for filing contentions related to Pacific Gas and Electric Co.'s ("Applicant") request for a license to fuel load and conduct low power tests. Both the attorneys and experts for the Joint Intervenors have relied on the order to establish a schedule to prepare these contentions by juggling other work commitments and rearranging travel schedules. (Preparing the contentions relating to the Applicant's motion for a license to load fuel and conduct low power tests requires considerable coordination because the Joint Intervenors' attorney is in Washington, D.C. while its consultant is in San Jose California). On October 27, 1980, the Applicant requested the Licensing Board to rescind its order establishing a new schedule

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and to shorten the filing time to November 10, 1980.

Fairness as well as the orderly conduct of business requires that parties be able to rely on the Licensing Board's order granting an enlargement of time particularly where, as here, no good reason has been offered for rescinding the order and promulgating a new shortened schedule. The applicant argues that it would be substantially prejudiced by a schedule requiring filing of contentions on December 3, 1980, instead of November 10, 1980, a difference of three weeks. Both the Staff and the Joint Intervenors properly recognize that no operating license will be issued for Diablo Canyon until the Commissioners have reviewed and approved the plants seismic design criteria and security plan. Assuming a mid February Appeal Board decision on those two matters, the issues will not be briefed to the Commission until April. And it will take one-two months for the Commission to schedule oral arguments and to issue a decision. Accordingly, the Applicant's argument that a December 3, 1980 filing date will delay final decision on issuance of a low power test license has no merit.

In conclusion, an enlargement has been granted and a schedule set. That schedule should be adhered to out



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of fairness to the parties who have made their plans in reliance on the Licensing Board's order and because no compelling case has been made for modifying the schedule at this late date.

Respectfully submitted,

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11

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of:)
)

PACIFIC GAS & ELECTRIC)
COMPANY)
(Diablo Canyon Nuclear)
Power Plant, Units 1 & 2)
_____)

Docket Nos. 50-275 O.L.
50-323 O.L.

CERTIFICATE OF SERVICE

I hereby certify that on this 5th day of November, 1980,
I have served copies of the foregoing JOINT INTERVENOR'S RE-
SPONSE TO PG&E'S MOTION FOR RECONSIDERATION, mailing them
through the U.S. Mails, first-class, postage prepaid, and
hand-delivery to Chairperson Bowers.

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