

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION



THE ATOMIC SAFETY AND LICENSING BOARD

Marshall E. Miller, Esquire, Chairman
Sheldon J. Wolfe, Esquire, Member
Seymour Wenner, Esquire, Member

In the Matter of)

PACIFIC GAS AND ELECTRIC COMPANY)

(Stanislaus Nuclear Project,)
Unit 1))

Docket No. P-564A

ORDER DENYING MOTION OF DWR FOR PROTECTIVE ORDER AS TO
PG&E'S FIFTH SET OF INTERROGATORIES
(November 9, 1979)

The Intervenor State of California Department of Water Resources (DWR) filed a motion for a protective order on October 9, 1979, with reference to the fifth set of interrogatories previously filed on July 19, 1979 by Pacific Gas and Electric Company (PG&E). The latter's response in opposition to the motion was filed on October 24, 1979.

DWR objected to Interrogatories 4(f), 8(c), 15(c), 23, 50(c), 50(d), 52(c), 52(d), 56(c), and 56(d) on the ground that they are premature. These interrogatories essentially are not "contention" interrogatories, as that term was used by the Board with reference to an earlier (fourth) set of questions (Tr. 2501, 2504). Rather, they inquire largely as to factual matters such as the identification of particular documents concerning studies, minutes of meetings, efforts to utilize various funding sources, refusals to sell wholesale power or electrical services, identification of persons having knowledge of specified facts, and the like. These interrogatories should be answered to the best of

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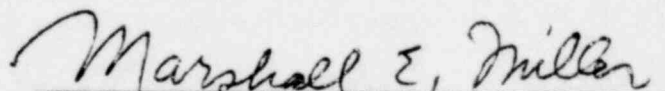
DWR's ability at this time. If there is at present no information, this should be stated. We have previously indicated that all discovery is continuing in nature and that answers should be supplemented as additional information becomes available.

As indicated by our Order of November 2, 1979 with regard to a similar motion filed by NCPA, the prematurity argument is no longer persuasive. Discovery has been proceeding for an extended period of time, and it has involved hundreds of thousands of documents. It is now time for the parties to start answering interrogatories which probe the bases for various contentions and issues, even if discovery has not yet been completed.

The motion of DWR for a protective order is denied, and responses should be made to the fifth set of interrogatories propounded by PG&E.

It is so ordered.

FOR THE ATOMIC SAFETY AND
LICENSING BOARD


Marshall E. Miller, Chairman

Dated at Bethesda, Maryland
this 9th day of November 1979.

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