

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING APPEAL BOARD

In the Matter of)
)
 PUGET SOUND POWER & LIGHT) DOCKET NOS. STN 50-522
 COMPANY, et al.,) 50-523
)
)
 (Skagit Nuclear Power Project,)
 Units 1 and 2) October 3, 1979
)
)

MOTION TO COMPEL DISCOVERY

On September 14, 1979, S.C.A.N.P. served on the applicant a discovery request intended to explore the deficiencies and omissions in the three volume Bechtel report. On September 21, 1979, the applicant submitted its formal objections to these interrogatories and requests for production. In accordance with 10 C.F.R. §2.740(f) this motion sets forth the reasons why discovery should be compelled.

The Applicant first claims that the discovery was untimely, citing a date of June 1, 1979 as the deadline for initial discovery requests. A review of the transcripts reveals that this cutoff date pertained only to those items "that will be heard at the July 17 hearing date." Tr. 11,946. The error of the Applicant's contention is illustrated by the fact that the subject of this discovery request, the Bechtel Volumes, were not even received by S.C.A.N.P. prior to the proposed deadline of June 1, 1979.

Second, the Applicant contends that these interrogatories go beyond the proper scope of discovery. It is true that some, yet by no means all, of the interrogatories request the Applicant to redraft maps to a scale which permits comparison of data or, in other cases, to supply a key to existing maps so that data may be evaluated in a meaningful manner. It is our belief that when dealing with scientific data of this nature, adequate responses to discovery requests may, by necessity, require graphic explanation. However, if the Applicant chooses to response to these questions with textual answers, we will accept such a substitution.

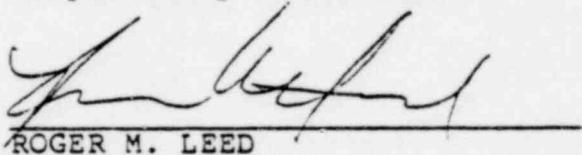
Third, the Applicant complains that responding to our request will detract from its preparation for the upcoming hearing session. S.C.A.N.P. agrees completely that the present schedule of hearings and deadlines for proposed findings of fact is much too condensed. Nonetheless, we cannot accept the contention that the regularity of the licensing process should suffer and be set aside at the behest of Applicants, who have insisted upon this burdensome schedule. The Applicants should, to the contrary, accept the responsibility to comply with the Commission's rules of practice, and afford discovery, notwithstanding the abbreviated scheduling arranged at the Applicants' behest.

Finally, the Applicant contends that the unanswered questions can be pursued more effectively by means of cross examination. This suggestion shows an obvious disregard for the purpose of discovery, which is to allow a party access to data beyond its reach which will be of assistance in preparing its case, including cross examination. The information requested is relevant to the claim or defense of a party and thus falls clearly within the scope of discovery as defined in 10 CFR §2.740(b)(1).

Accordingly, the Applicants' objections should be overruled, and the Board should order Applicants to respond to SCANP's outstanding discovery requests.

DATED this 3 day of October, 1979.

Respectfully submitted,



ROGER M. LEED

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