

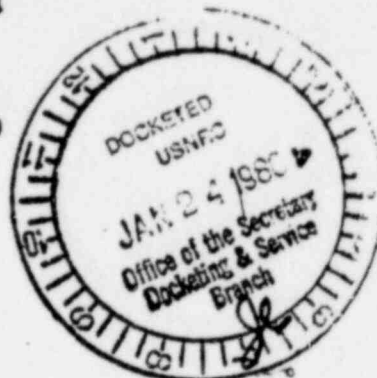


State of California
Department of Justice
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Attorney General

January 17, 1980

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Honorable Marshall E. Miller,
Chairman, and Members
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Re: Pacific Gas and Electric Co.
(Stanislaus Nuclear Project, Unit
No. 1) USNRC Docket No. P-564A

Dear Chairman Miller and Members:

We have just received a copy of the January 10, 1980, letter to the board by Mr. William Armstrong on behalf of Pacific Gas and Electric Company. The Department of Water Resources sets forth here its responses to those matters addressed in Mr. Armstrong's letter that pertain to DWR.

DWR's Further Answers to PG&E's Fifth Interrogatories.
Mr. Armstrong complains that DWR has not yet filed answers to those interrogatories to which its objections and motions for protective order were denied. DWR has not lost sight of its obligation to respond to these interrogatories. Certain of the supplemental answers require detail technical information that is still being compiled by the department, and we had deferred filing any supplemental answers until we could file a complete set.

Mr. Armstrong's letter to the board was the first DWR had heard of PG&E's concern over the delay. Had we but known of Mr. Armstrong's urgent need for the answers - a knowledge which could have been imparted on us by less formal means - we certainly would have sought to accommodate him.

Since PG&E has raised the subject of delinquent filings, we think it worth noting that PG&E holds the current record in this proceeding for the longest unexcused failure to respond to interrogatories. DWR propounded its fourth set of interrogatories to PG&E on April 2, 1979. Following a May 16, 1979, order by the board directing PG&E to answer certain of the interrogatories, PG&E took until July 16, 1979, to file any answers, at which time it claimed a further excuse permitting it to file answers to interrogatories 403(f), 403(g), 404, and 415-

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Proj. # 564A

Honorable Marshall E. Miller,
Chairman, and Members
Page two
January 17, 1980

on November 15, 1979. That date has now come and gone, and no further answers from PG&E have been received.

PG&E's Fourth Interrogatories to DWR. Much of what Mr. Armstrong states with regard to PG&E's contention interrogatories simply restates PG&E's previously expressed views regarding its need for answers to these interrogatories. It continues to be our assumption that, as indicated last May by the board, the timing of responses to these interrogatories would be a subject for the next prehearing conference, as would certain still-outstanding objections. We trust that the board does not require a restatement of DWR's position at this time.

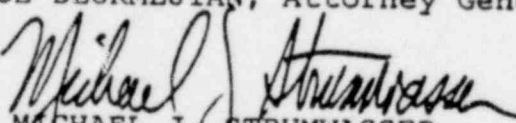
However, certain other matters raised in the letter do require comment. In particular, we invite the board to consider the implications of Mr. Armstrong's new reasoning on why PG&E is entitled to answers to its contention interrogatories before the intervenors are entitled to answers to theirs. Mr. Armstrong has now abandoned the "we filed first" argument, apparently recognizing that few rights properly accrued to one merely because he was a few months more premature than the other party in propounding interrogatories. The new reason given by Mr. Armstrong is that he would like to see what the intervenors' answers look like before he formulates his own answers. It is precisely this desire of PG&E that militates against indulging PG&E its desired preference. There can be no serious claim that PG&E does not know what the issues are; it stipulated to the statement of issues along with all other parties. What PG&E wants is to see the evidence thus far culled by intervenors from the mass of documents. Presumably, PG&E will then decide whether or not to divulge the existence of documents known to be relevant to the statement of issues which might, by their revelation, direct the other parties to evidence they have not yet identified. This desire of PG&E is in diametric opposition to the very purposes of discovery and, for that reason alone, PG&E ought to be compelled to file its answers to the contention interrogatories contemporaneously with the answers of the other parties.

Thank you very much for the board's consideration of these views.

Very truly yours,

GEORGE DEUKMEJIAN, Attorney General

By


MICHAEL J. STRUMWASSER
Deputy Attorney General

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cc: All parties