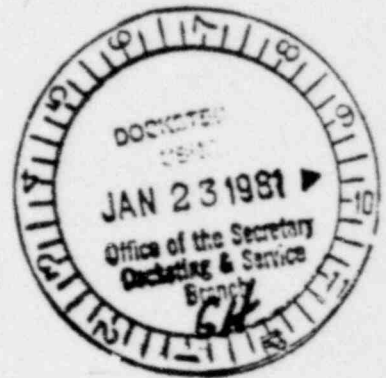


1/15/81
RELATED CORRESPONDENCE

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD



In the Matter of

GENERAL ELECTRIC COMPANY

(Vallecitos Nuclear Center-
General Electric Test Reactor
Operating License No. TR-1)

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Docket No. 50-70
(Show Cause)

INTERVENORS JOINT PROPOSED SCHEDULE LEADING TO HEARING
AND
REQUEST FOR REVIEW OF INTERVENORS' RIGHT TO DISCOVER

1. Intervenors are filing this joint response in light of the fact that it did not receive a copy of the Transcript until the evening of January 13, 1981. At this point, it was impracticable to duplicate the one copy in order that Counsel for Intervenor Friends of the Earth would have an opportunity to conduct an independent review of the Transcript. This filing should not be viewed as a concession that all Intervenors are unified in this proceeding and each Intervenor submits the filing with the understanding that it does not prejudice the independence of their representations.

2. Intervenors wish to point out at the outset that their efforts to prepare their cases are fraught with much greater difficulties than are those faced by the Licensee or NRC Staff. This is largely so because of our greater difficulty in coordinating experts and potential witnesses who are not able to be held on retainer. Obviously, this affects our view as to the time reasonably necessary for the various stages leading up to the Hearing. However, we have attempted in presenting our views to hold to the spirit of the discussion held at the Second Pre-Hearing Conference.

In addition, the proposed schedule which follows is, in our view, contingent upon the prompt reinstatement of Intervenors' rights to discover. In that

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connection, we hereby request the Board to review its decision to suspend Intervenor's rights to discover and that it reinstate those rights forthwith.

3. Intervenor's joint proposed schedule is:

January 21, 1981: Pre-Hearing Conference call re scheduling and the commencement of the period for updating answers to discovery questions;

February 27, 1981: Deadline for update to answers to old discovery and the commencement of new, unlimited discovery;

March 20, 1981: Termination of new, unlimited discovery;

April 10, 1981: Deadline for all answers to discovery;

May 8, 1981: Deadline for the filing of written testimony;

June 2, 1981: Commencement of Hearing.

With respect to the February 27, 1981 deadline for updates to interrogatories, Intervenor's note that this is slightly more than five weeks and within the framework of the Board's original contemplation. (Transcript, 123) Intervenor's will need more than the four weeks which was discussed as a minimum period in order that it might provide a reasonable assessment of its case and suitable answers to these questions.

With respect to the March 20, 1981 deadline for termination of unlimited discovery, Intervenor's note that this was within the Board's contemplation (Transcript 123-4) and is consistent with the Regulations. Again, Intervenor's will have more difficulty in quickly turning out questions and have been so far barred from further discovery.

As to the April 10, 1981 deadline for answers to discovery, Intervenor's point out that the Regulations provide that the Chair may allow some leeway in the time to answer discovery requests. (10 C.F.R. 2.740) The view of Intervenor's is that three weeks is a reasonable period.

As to the May 8, 1981 deadline for the submission of testimony, it is the position of Intervenor's that four weeks should be given following the termination of all discovery for the preparation of written testimony. As testimony will not be able to be fully contemplated until discovery is complete, there may well be important

statements which will need this time in order to be able to be prepared.

As to the June 2, 1981 date for the Hearing, we note that this follows May 8, 1981 by twenty-five days.

We reserve the right to suggest modifications to these days, pending the issuance and service of the final SER. Should it be delayed, our position would be that the schedule should be moved forward "day for day".

4. There was discussion at the Pre-Hearing Conference of allowing only five (5) days for filing objections to discovery requests. While this limit is within the Board's discretion, we believe that ten (10) days is more reasonable. Even with the willingness of the parties to work to expedite service, five days may be unreasonably short, especially as applied to Intervenor.

We are opposed to the requirement that Motions to Compel be filed with five (5) days of either a failure to answer or the filing of an objection. The Regulations require, and we believe with good reasons, that this be set at ten (10) days. (10 C.F.R. 2.740(f))

5. We have not specifically indicated a date for the final Pre-Hearing Conference. The range we suggest would be at any time at least ten (10) days following the deadline for the filing of answers to all discovery, i.e., April 20, 1981, or within a week of the submission of written testimony, i.e., May, 15, 1981. Obviously these dates would be modified if there were any pending objections or Motions to Compel. Our tendency is in favor of a point following the submission of testimony. We believe that a later date would allow for the presentation of a more complete set of problems to be resolved.

6. Our position as to the suggestion that cross-examination or a plan for cross-examination be submitted in advance of the Hearing is that it is too onerous and should not be contemplated.

7. It is the position of Intervenor that the cut-off of the presentation of an affirmative case, i.e., the identification of witnesses, subject matter and documents, should be no earlier than the deadline for the completion of all discovery. Such a

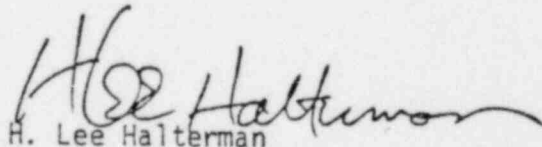
demarcation would allow all Parties to be made aware of the broad strokes of the case in chief of each of the other Parties and would provide them with an opportunity to anticipate such in their presentation of their written testimony and in preparation for cross-examination. An earlier delimitation would work hardship on some of the Parties.

8. We believe that the above suggestions are responsive to the Board's request.

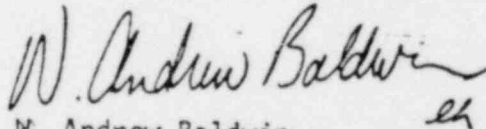
We would like to note, however, that because of the complexity of this case and its evolution that this schedule may need to be modified. We want to reserve the right to request modifications if they become necessary.

We would also like the Record to show that notwithstanding the complexities of the case, the fact that it has an impact on the lives of millions of people and that comparable cases might continue for much longer periods of time that the Intervenor have attempted to propose a plan which is equitable to all Parties. It is our view that in large measure the proposals above are a minimum length of time for the activities necessary before the commencement of this Hearing and they represent concessions against our interest.

Respectfully submitted,



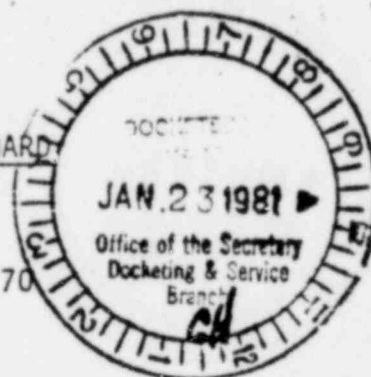
H. Lee Halterman
Counsel for Intervenor Dellums, Burton & Burton



W. Andrew Baldwin
Counsel for Intervenor Friends of the Earth
and Ms. Barbara Shockley

Dated at Oakland, California
this 15th day of January, 1981

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION
BEFORE THE ATOMIC SAFETY AND LICENSING BOARD



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GENERAL ELECTRIC COMPANY

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DOCKET No. 50-70
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CERTIFICATE OF SERVICE

I hereby certify that copies of INTERVENOR'S JOINT PROPOSED SCHEDULE LEADING TO HEARING AND REQUEST FOR REVIEW OF INTERVENORS' RIGHT TO DISCOVER in the above captioned proceeding have been served on the following by deposit in the United States mail, first class postage prepaid, this 15th day of January, 1981

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Respectfully submitted,

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