

04/20/81

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)

Docket No. 50-70
(Show Cause)



STAFF'S MOTION FOR ORDER COMPELLING
INTERVENORS TO RESPOND TO NRC STAFF
INTERROGATORIES AND REQUEST FOR DOCUMENTS

On March 16, 1981, the NRC Staff timely filed "NRC Staff Request for Admissions and Interrogatories, and Request For Documents of Intervenor", directed to Intervenor Friends of the Earth and Congressman Dellums in the captioned proceeding. This discovery was served by express mail on the above date. In response to the motion of Intervenor dated April 2, 1981 for an extension of time in which to respond to the Staff's and Licensee's discovery, the Licensing Board issued an Order dated April 14, 1981 which extended the deadline for a response to the discovery until April 10, 1981.^{1/}

^{1/} The undersigned Staff counsel represented to counsel for Intervenor that the Staff had no objection to Intervenor's request for an extension of time based on the representation from counsel for Intervenor that substantially complete responses would be submitted by April 10, 1981 and that the extension of time would not affect the schedule for submitting testimony or for the hearing. In addition, counsel for Intervenor informed Staff counsel that Intervenor had no objection to the discovery posed by the Staff.

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On April 15, 1981, the Staff received Intervenors jointly filed response to the Staff's discovery request, which provided only a response to the request for admissions. Intervenors did not submit responses to the Staff's interrogatories nor did they respond to the Staff's requests for documents. Moreover, Intervenors did not object to any of the interrogatories or requests for documents posed by the Staff by the date set by the Board in its Memorandum and Order dated February 3, 1981, for filing objections to discovery, or March 25, 1981.

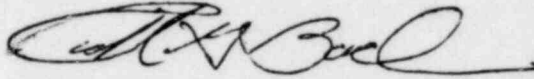
The original schedule for discovery set forth in the Licensing Board's Memorandum and Order dated February 3, 1981 called for filing of discovery responses by April 3, 1981, and for filing of motions to compel based on those responses by April 13, 1981, a ten-day period. Because of the time extension of one week requested by the Intervenors and granted by the Board, the Staff did not receive Intervenors' response until April 15, 1981, two days after motions to compel were due to be filed.

The time from April 15, 1981 to the present has been spent by the Staff in reviewing intervenors' response and attempting to contact Intervenors to determine if the rest of the response due had been filed but not received by the Staff. Upon ascertaining that the responses had indeed not been sent, the Staff filed this motion with the Board. The Staff believes that the circumstances described constitutes good cause for delay in filing this motion one week after the filing date in the Board's Memorandum and Order of February 3, 1981.

Accordingly, the Staff respectfully requests, pursuant to 10 CFR § 2.740(f), that the Licensing Board issue an order compelling Intervenors

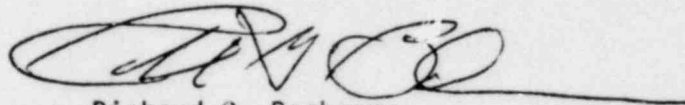
Friends of the Earth and Congressman Dellums to provide promptly, in writing and under oath, full, direct, and responsive answers to the Staff's interrogatories and requests for documents, dated March 16, 1981.

Respectfully submitted,



Daniel T. Swanson
Counsel for NRC Staff

for



Richard G. Bachmann
Counsel for NRC Staff

Dated at Bethesda, Maryland
this 20th day of April, 1981

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CERTIFICATE OF SERVICE

I hereby certify that copies of "STAFF'S MOTION FOR ORDER COMPELLING INTERVENORS TO RESPOND TO NRC STAFF INTERROGATORIES AND REQUEST FOR DOCUMENTS" in the above-captioned proceeding have been served on the following by deposit in the United States mail, first class or, as indicated by an asterisk, by deposit in the Nuclear Regulatory Commission's internal mail system, this 20th day of April, 1981:

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Atomic Safety and Licensing Board
Panel*
U.S. Nuclear Regulatory Commission
Washington, DC 20555

Atomic Safety and Licensing Appeal
Panel (5)*
U.S. Nuclear Regulatory Commission
Washington, DC 20555

Docketing and Service Section (7)*
Office of the Secretary
U.S. Nuclear Regulatory Commission
Washington, DC 20555

A handwritten signature in black ink, appearing to read 'R. G. Bachmann', with a long horizontal line extending to the right.

Richard G. Bachmann
Counsel for NRC Staff