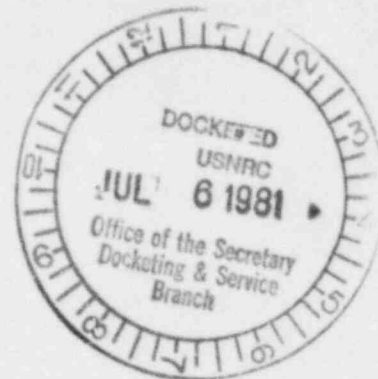


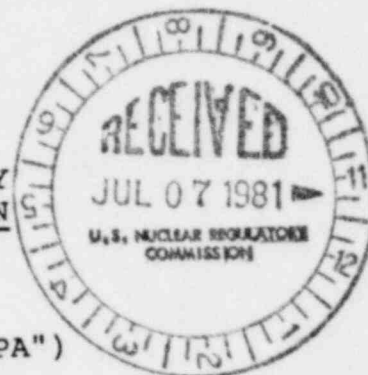
UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD



In the Matter of)
Pacific Gas & Electric Company,) NRC Docket P-564-A
(Stanislaus Nuclear Project,)
Unit No. 1)

JOINT RESPONSE BY NORTHERN CALIFORNIA POWER
AGENCY AND ANAHEIM AND RIVERSIDE TO THE
REQUESTS BY PACIFIC GAS AND ELECTRIC COMPANY
FOR CERTIFICATION OF QUESTION TO COMMISSION



To: Chairman Marshall E. Miller

The Northern California Power Agency ("NCPA")
and the Cities of Anaheim and Riverside, California
("Southern Cities") (all referred to collectively here as
"Cities"), intervenors in this proceeding, hereby respond to
and oppose the Request For Certification Of Question To The
Commission filed by Pacific Gas and Electric Company
("PG&E"), dated June 25, 1981.

The appropriate standard for granting certification
is that the issues raised are "major or novel question of
policy, law or procedure", (2 C.F.R. 2785(d)). The matters
raised by the Joint Motion for Stay of Proceedings certainly
do not qualify as major or novel questions of policy, law or
procedure. As the Board stated in its Memorandum and Order
Denying the Joint Motion, issued June 9, 1981, "most of the
reasons advanced for suspending discovery have existed since

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this proceeding began (Order, p. 6). The Hearing Board fully dealt with the issues raised by the Joint Motion, and there is no real ground for certification of the decision to the Commission.

PG&E contends that certification is warranted based on what it has characterized as two "Major Issues" raised by the Board's decision. The first "major issue" is the propriety of continuing discovery in this proceeding while other pending litigation continues which may have some impact upon the building of the proposed project. The Hearing Board found that based upon PG&E representation, PG&E has not changed its plans to build the Stanislaus Project and that its current plans require a construction permit to be issued sometime in 1989 (Order p. 3). The Hearing Board also determined that, given the scope and rate of discovery production in this proceeding, the document production probably will not be completed until 1985 and thus completion of this antitrust proceeding might well take until 1989, about the time that PGE estimates the construction permit will be required, (Order p. 6). PG&E does not contest this conclusion.

As to PG&E's second issue, the extent of Staff's participation in ongoing proceedings, Cities first wish to note that upon a review of the record in this proceeding, including the joint motion filed by Staff and PG&E to suspend discovery, and oral argument held before the Hearing Board on this issue, there is no indication that Staff has ever "... declared an intention to withdraw if a suspension is denied". (PG&E motion p. 2). Staff has indicated that it may very well have to reduce the extent of its participation in its proceeding due to manpower and budgetary problems, but that is a far cry from complete withdrawal as is suggested by PG&E. Even more important however, is the recognition by the Hearing Board in its order of June 9, 1981 that even with reduced Staff participation, the intervenors are fully and adequately represented, and have indicated a desire to continue this case. As the Board correctly found, intervenors in this case are willing and able to pursue this matter. Given the complexity of the issues in this case, and the vast effort required to litigate it, the Board correctly determined that suspension would be both "unwarranted and unfair". (Order, p. 6).


For the foregoing reasons, Northern California Power Agency and the Cities of Anaheim and Riverside respectfully request that PG&E's request for certification be denied.

Respectfully submitted,



Robert C. McDiarmid

Attorney for the Northern California Power Agency



Peter K. Matt

Attorney for the Cities of Anaheim and Riverside, California

July 6, 1981

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CERTIFICATE OF SERVICE

I hereby certify that copies of the JOINT RESPONSE BY NORTHERN CALIFORNIA POWER AGENCY AND ANAHEIM AND RIVERSIDE TO THE REQUESTS BY PACIFIC GAS AND ELECTRIC COMPANY FOR CERTIFICATION OF QUESTION TO COMMISSION in the above-captioned proceeding have been served on the following by deposit in the United States mail, first class, 6th day of July, 1981.

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