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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

OFFICE OF SECRETARY
DOCKETING & SERVICE
BRANCH

In the Matter of)
)
PACIFIC GAS AND ELECTRIC COMPANY)
)
(Diablo Canyon Nuclear Power)
Plant, Units 1 and 2))
)
_____)

Docket Nos. 50-275 O.L.
50-323 O.L.



JOINT INTERVENOR'S RESPONSE
TO PGandE's MOTION TO
COMPEL DISCOVERY

- On October 16, 1981, Pacific Gas and Electric Company ("PGandE") moved the Atomic Safety and Licensing Board ("licensing board") for an order "to compel discovery as against. . .Joint Intervenors." In essence, PGandE's motion challenged the adequacy of interrogatory responses filed by Joint Intervenors on August 26, 1981, approximately two months ago.

PGandE's motion must be denied for several reasons. First, it is untimely. Under 10 C.F.R. §2.740(f) -- which was cited by PGandE in its motion -- a motion to compel discovery must be filed "within ten (10) days after the date of the response. . ." (emphasis added). Joint Intervenors filed their timely response on August 26;

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because PGandE did not seek an order to compel further responses until October 16, its motion to compel is over seven weeks late. Its unjustified failure to comply with the Commission's regulations mandates denial of the motion.

Second, Joint Intervenors supplied concise but thorough responses to the best of their ability to each and every interrogatory cited by PGandE in its motion to compel. None was objected to, and in each instance Joint Intervenors attempted to provide the information requested. Where documents relied upon have been cited at prior hearings or submitted to all parties previously herein, specific references to the hearings and/or submissions in question were provided. Indeed, Joint Intervenors attached to their responses a detailed list of emergency plan deficiencies in compliance with the Commission's regulations, and each alleged deficiency was supported by a specific citation to the Diablo Canyon record.

Finally, PGandE seeks disclosure of the names of persons to be called by Joint Intervenors as witnesses during the full power hearing. Joint Intervenors will supply those names to all parties as soon as the potential witnesses have been determined. Because no such

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determination has yet been made, supplementation of prior responses has not been necessary.

For the reasons stated, PGandE's motion to compel discovery must be denied.

DATED: October 29, 1981

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on this 29th day of October, 1981, I have served copies of the foregoing JOINT INTERVENORS' RESPONSE TO PGandE's MOTION TO COMPEL DISCOVERY, mailing them through the U. S. mails, first clas, postage prepaid.

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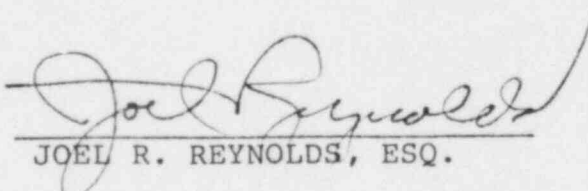
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