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UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

|                                  |   |                            |
|----------------------------------|---|----------------------------|
| In the Matter of:                | ) |                            |
|                                  | ) | Docket Nos. 50-275-OLA - 2 |
| Pacific Gas and Electric Company | ) | 50-323-OLA                 |
|                                  | ) | (Construction Period       |
| (Diablo Canyon Nuclear Power     | ) | Recovery)                  |
| Plant, Units 1 and 2)            | ) |                            |
|                                  | ) |                            |

PACIFIC GAS & ELECTRIC COMPANY'S  
RESPONSE TO SAN LUIS OBISPO MOTHERS FOR PEACE  
EXTENSION REQUEST RE BOARD QUESTIONS

Earlier today, counsel for Pacific Gas & Electric Company ("PG&E") received the "San Luis Obispo Mothers for Peace Motion for Extension of Deadline to Respond to Memorandum and Order (Addendum to FES)." The Mothers for Peace ("MFP") are requesting an additional 10 days to respond to the Licensing Board's Memorandum and Order -- dated from receipt by MFP of a copy of the Addendum.

The extension as requested is unreasonable. The Addendum has been a public document since May 1976. As a party to the original licensing proceeding on environmental issues, MFP was served with a copy of the Addendum at that time. See Pacific Gas and Electric Co. (Diablo Canyon Nuclear Power Plant, Units 1 and 2), LBP-78-19, 7 NRC 989, 998 (1978) (see list of Staff Exhibits showing the "FES Addendum" as Staff Exhibit 2). In that proceeding, MFP

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specifically and extensively litigated the adequacy of the NRC Staff's environmental review, including the Addendum, before the Commission and, ultimately, the Federal courts. See, e.g., San Luis Obispo Mothers for Peace v. NRC, 751 F.2d 1287 (D.C. Cir. 1984). It is certainly unreasonable given this history to now disclaim prior access to the document.

The Addendum is also referenced in the NRC Staff's February 3, 1993, Environmental Assessment. And, it was referenced in PG&E's July 1992 CP-recapture license amendment request. Obviously, even if MFP did not previously have this document and was interested in it, and if it had any relevance to MFP's environmental contention (it does not), there was ample prior opportunity to obtain a copy.

Moreover, for purposes of responding to the two very limited questions posed by the Licensing Board, 10 days is excessive. As explained in PG&E's response to the two questions, as well as in the NRC Staff's response, the Addendum has been considered in the environmental review of the proposed amendment and its existence raises no issue pertinent to this proceeding. Therefore, the Licensing Board's questions have been answered and any MFP response mooted. Neither the Addendum nor the Licensing Board's questions should provide an occasion for amplification of MFP's previously filed late contention regarding the need for an environmental impact statement, or for an MFP reply to PG&E's opposition (also filed today) to that late-filed contention.

PG&E opposes the Motion as drafted. However, consistent with the above, PG&E would not object to a fixed two-day extension from the present due date (i.e., until April 7, 1993). (PG&E understands that a hard copy of the Addendum has been available to MFP in the local Public Document Room since yesterday.) MFP's response should be strictly limited to the two Licensing Board questions.

Respectfully submitted,

  
David A. Repka

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Dated in Washington, DC  
this 2nd day of April, 1993

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD -5 AUG 13

In the Matter of: )  
Pacific Gas and Electric Company ) Docket Nos. 50-275-OLA  
(Diablo Canyon Power ) 50-323-OLA  
Plant, Units 1 and 2) (Construction Period  
Recapture)

CERTIFICATE OF SERVICE

I hereby certify that copies of "PACIFIC GAS & ELECTRIC COMPANY'S RESPONSE TO SAN LUIS OBISPO MOTHERS FOR PEACE EXTENSION REQUEST RE BOARD QUESTIONS" 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 for Federal Express delivery, or, as indicated by the (†) symbol, by facsimile, this 2nd day of April, 1993.

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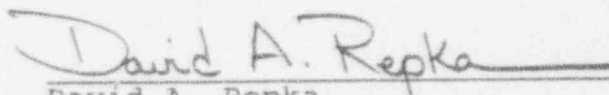
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