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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

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ATOMIC SAFETY AND LICENSING BOARD

OFFICE OF SECRETARY
DOCKETING & SERVICE
BRANCH

Before Administrative Judges
Marshall E. Miller, Chairman
Dr. Peter A. Morris
Dr. David R. Schink

SERVED JAN 11 1985

In the Matter of

PUBLIC SERVICE ELECTRIC AND GAS
COMPANY

(Hope Creek Generating Station)

Docket No. 50-354-0L

January 11, 1985

ORDER

On January 7, 1985, the Public Advocate of New Jersey (Intervenor) filed a motion to compel responsive answers to Interrogatory III.7 of its second set of interrogatories.¹ Applicants responded on January 10, arguing that there are "no subject matter or temporal limits" to the request which exceeds the bounds of Contention 2. We deny the

¹ Interrogatory III.7 reads as follows:

"7. Identify each instance in which P.S.E.&G. has been fined or cited for any deficiency by the NRC. For each such instance, identify (a) the reason for the NRC's action; (b) P.S.E.&G.'s response to the notice of violation; (c) P.S.E.&G.'s response to the proposed fine; and (d) any and all corrective measures undertaken by P.S.E.&G. in response to the NRC's action."

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Intervenor's motion, but direct the Applicants to provide full and responsive answers to Interrogatory 35 of the Intervenor's third set of interrogatories.

Admitted Contention 2 states:

Prior to operation, P.S.E.&G. must demonstrate that it has fully resolved the management implications of the Salem events of February 22 and 25, 1983, which resulted in the NRC civil penalty, and that it has taken all steps necessary to achieve and maintain the technical qualifications required for the safe operation of Hope Creek as a result of these incidents.

Contention 2 was limited to the Salem events of February 22 and 25, 1983, and to the implications flowing therefrom. This would include the lessons learned from such events insofar as they relate to management competence to operate the Hope Creek facility.

The Intervenor's Interrogatory III.7 goes well beyond the limits imposed by the Board on the scope of Contention 2, even for discovery purposes which are broader than the admissibility of evidence.² However, the information requested by Interrogatory 35 of the Intervenor's third set of interrogatories would be within the scope of admitted issues, and the Applicants are directed to provide full answers thereto, as they have purportedly offered to do.³ We also note that the

² Special Prehearing Conference Order entered December 2, 1983, at 11; Tr. 178.

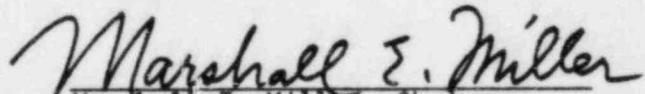
³ Interrogatory 35 provides as follows:

(Footnote Continued)

Intervenors instant interrogatories were filed on December 13, 1984, almost a year from the date (December 21, 1983) all parties were ordered to pursue discovery promptly and diligently, and shortly before all discovery is to be completed on January 31, 1985. The Intervenor's motion is denied for the foregoing reasons.

It is so ORDERED.

FOR THE ATOMIC SAFETY AND
LICENSING BOARD


Marshall E. Miller, Chairman
ADMINISTRATIVE JUDGE

Dated at Bethesda, Maryland
this 11th day of January, 1985.

(Footnote Continued)

"List and describe all NRC violations at the Salem or Hope Creek Generating Stations in 1983 and 1984. For each, include the date of the violation, the level of severity, and any penalty imposed."