

13658

WINSTON & STRAWN

FREDERICK H. WINSTON (1853-1896)
SILAS H. STRAWN (1891-1946)

1400 L STREET, N.W.
WASHINGTON, D.C. 20005 3502

(202) 371-5700

FACSIMILE (202) 371-5950

WRITER DIRECT DIAL NUMBER

(202) 371-5726

'93 FEB 25 P3:24

CHICAGO OFFICE
44 WEST WACKER DRIVE
CHICAGO, ILLINOIS 60601
(312) 558-5600

NEW YORK OFFICE
175 WATER STREET
NEW YORK, NY 10038-4981
(212) 269-2500

February 24, 1993

BY FACSIMILE

Charles Bechhoefer, Chairman
Administrative Judge
Atomic Safety and Licensing
Board
U.S. Nuclear Regulatory
Commission
Washington, DC 20555

Frederick J. Shon
Administrative Judge
Atomic Safety and Licensing
Board
U.S. Nuclear Regulatory
Commission
Washington, DC 20555

Jerry R. Kline
Administrative Judge
Atomic Safety and Licensing
Board
U.S. Nuclear Regulatory
Commission
Washington, DC 20555

Re: Pacific Gas and Electric Co. (Diablo Canyon Nuclear
Power Plant, Units 1 and 2), Docket Nos. 50-275-
OLA, 50-323-OLA, (Construction Period Recapture)

Dear Administrative Judges:

Today I received a telephone call from Ms. Jill Zamek on behalf of the San Luis Obispo Mothers for Peace. Ms. Zamek was calling to request more time (7 days) to respond to "Pacific Gas and Electric Company's Preliminary Response to Discovery Request Filed Pursuant to 10 C.F.R. 2.741(a)(2) and Motion for Protective Order," dated February 12, 1993 ("Motion"). In accordance with 10 C.F.R. §§ 2.710 and 2.730, an answer to the Motion from the Mothers for Peace would be due today.

In response to Ms. Zamek's request, I informed her that PG&E cannot unilaterally grant more time to respond to a motion. Rather, a request to the Licensing Board would be appropriate. Nonetheless, I stated that PG&E would not oppose a request for seven more days in which to respond to the Motion. I also stated that Ms. Zamek should inform counsel for the NRC Staff of the request for more time.

9303040095 930224
PDR ADOCK 05000275
G PDR

3503

WINSTON & STRAWN

February 24, 1993

Page 2

This letter is to confirm to the Licensing Board that PG&E does not oppose a request for more time to respond to the pending Motion.

PG&E also wishes to inform the Licensing Board that it has asked the Mothers for Peace to set a date for the requested site visit. A date of March 22, 1993 has been mentioned, although not yet confirmed. In this context, notwithstanding our position on the request for more time, PG&E respectfully requests a prompt Licensing Board ruling on the Motion (assuming the Mothers for Peace request more time and the request is granted). A clear Licensing Board indication of the scope of the discovery permitted during the site visit, in advance of the visit, would obviously facilitate cooperation. Moreover, PG&E wishes to avoid any lingering dispute on this matter that might jeopardize completion of the requested discovery by the April 12, 1993 date previously set by the Licensing Board. See Memorandum and Order (Discovery and Hearing Schedules), February 9, 1993, at 4, ¶ 2.

Very truly yours,



David A. Repka

Counsel for Pacific Gas &
Electric Company

cc: Service List