

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION 12/11/79

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of )  
SACRAMENTO MUNICIPAL UTILITY )  
DISTRICT ) Docket No. 50-312 (SP)  
(Rancho Seco Nuclear Generating )  
Station) )

NRC STAFF RESPONSE TO CALIFORNIA ENERGY  
COMMISSION'S FIRST REQUEST FOR THE PRODUCTION  
OF DOCUMENTS DIRECTED TO THE NUCLEAR REGULATORY COMMISSION

By its First Request for the Production of Documents, the California Energy Commission (CEC) sought production at CEC offices in Sacramento, California of "All Documents Identified by the NRC in its Response to the 'California Energy's Commission's First Set of Interrogatories to the Nuclear Regulatory Commission' dated November 15, 1979".<sup>1/</sup>

The NRC Staff would note that, under the rules of discovery as applied to the NRC Staff, specifically 10 CFR § 2.744(b), it is a proper objection to a document or record request that:

- ... (1) it [the document or record] is not relevant or
- (2) it is exempted from disclosure under § 2.790 and the disclosure is not necessary to a proper decision in the proceeding or the document or the information therein is reasonably obtainable from another source,...

<sup>1/</sup> California Energy Commission's First Request for Production of Documents to the Nuclear Regulatory Commission, p. 2.

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The Staff would also note the NRC's Rules of Practice provide that the request for the production of documents specify a "...reasonable time, place and manner of making the inspection and performing the related acts". See 10 CFR § 2.741(c).

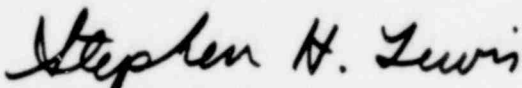
Without conceding the relevancy of any of the documents requested by CEC to any of the issues in this proceeding or their necessity to a proper decision in this proceeding, and without waiving its right to raise all proper objections to future document requests, the Staff responds to this first CEC document request as follows.

Given the large volume of documents identified by the NRC Staff in its Response to CEC's First Set of Interrogatories to the NRC, the Staff does not view it as reasonable to physically provide copies of all these documents to CEC at its California offices. The Staff has provided to CEC as enclosures to the Interrogatory Responses copies of those documents which were easily reproducible and seemed to the Staff particularly germane to the Staff Responses. Certain other documents are already available to CEC through the NRC Staff's Board Notifications, e.g., NUREG-0578 and NUREG-0585. With regard to other documents which have been specifically identified in the NRC Staff Responses, copies have not been provided to CEC but will be made available for inspection and copying by CEC at NRC offices where the documents are held either in Bethesda, Maryland or in Walnut Creek, California. On this point, the NRC Staff would note that CEC is represented by both California and Washington counsel.

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With regard to additional documents which have not been specifically identified by the NRC Staff in its Interrogatory Responses but which are known to exist in great volume and number, such as the personal files of a number of individuals who have worked on the issues raised in this proceeding, these documents will also be made available for inspection and copying at NRC Offices where they are held to the extent that CEC can specify with greater particularity which subject areas and personal files it wishes to examine. The Staff raises no objection to the production of any such documents at this time but seeks the cooperation of CEC in responding to its request.

Respectfully submitted,

For   
Richard K. Hoefling  
Counsel for NRC Staff

Dated at Bethesda, Maryland  
this 11th day of December, 1979.

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\*Atomic Safety and Licensing  
Board Panel  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

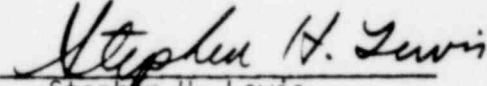
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