NRC PUBLIC DOCUMENT ROOM

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION
BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter Of:	)	
	)	
	)	
Pacific Gas and Electric Company (Stanislaus Nuclear Project, Unit No. 1)	)	NRC Docket No. P-564A

MOTION FOR PROTECTIVE ORDER

The Northern California Power Agency and its members ("NCPA") object to Pacific Gas and Electric Company's "Interrogatories to Intervenor Northern California Power Agency Set No. Four" 1/ mailed May 29, 1979, and pursuant to Section 2.740(c) of the Commission's Rules of Practice move for a protective order that a response by NCPA not be required.

Good cause exists for the granting of this motion because:

1/ The document was labelled as "Set No. Three", but was amended to become the fourth set per PG&E (Armstrong) letter to Chairman Miller, dated June 1, 1979.

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(1) The information sought consists entirely of the mental impressions of counsel 1/ for NCPA and, therefore, constitutes attorneys work product for the production of which no compelling reason has been or could be demonstrated.

(2) The information sought, in addition to relating entirely to mental impressions of attorneys for NCPA, seeks to elicit information which NCPA is required to furnish pursuant to the ruling of the Board (Tr. 2742-50) on May 17, 1979.

1/ The Interrogatories comprise only the following question:

> "INTERROGATORY NO. 1: Please identify, in the following particulars, all documents relevant to this case that have been identified by you or your attorneys as 'smoking pistols'* as of the date of your response to this interrogatory.
>
> a) Give the document's date;
>
> b) State the author of the document, if known, and to whom it was addressed;
>
> c) Give the PGandE document number, if applicable;
>
> d) Give the DWR document number, if applicable; and
>
> e) If the document bears no PGandE number, describe in detail the tents of the document and indicate the manner in which you obtained it.
>
> */ 'Smoking pistols' is to be used in the same sense it was employed by your attorney Mr. Daniel I. Davidson at the Conference of Counsel herein on May 15, 1979. The transcript reference is at pages 2413 and 2414."

(3) In addition the information sought in the interrogatory, which basically seeks to elicit the opinion of NCPA attorneys as to which documents are considered most supportive of their case, would have been called for in PGandE's interrogatories of January 29, 1979 which the Board has ruled need not be answered at this time. (Tr. 2756).

For the reasons stated above, the interrogatory is both improper and premature.

Respectfully submitted,

Daniel I. Davidson (tel)

Daniel I. Davidson

Attorney for the Northern California Power Agency and its Members

June 12, 1979

Law Offices Of:

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CERTIFICATE OF SERVICE BY MAIL

Thomas C. Trauger certifies that he is an active member of the Bar of the District of Columbia; that he is not a party to the within cause; that his business address is 2600 Virginia Avenue, N.W., Washington, D.C. 20037; and that he caused an eveloped to be addressed to each of the following named persons, enclosed and sealed in each envelope a copy of the foregoing document and deposited each envelope with postage thereon, fully prepaid, in the United States mail at Washington, D.C. on June 12, 1979.

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