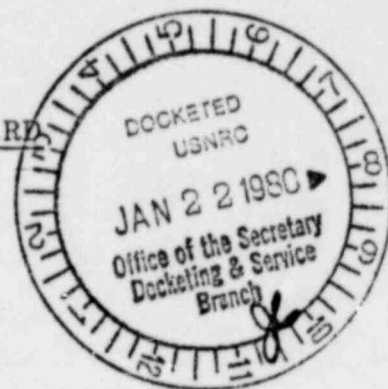


UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

THE ATOMIC SAFETY AND LICENSING BOARD

Elizabeth S. Bowers, Chairman
Dr. Richard F. Cole
Frederick J. Shon



In the Matter of)

SACRAMENTO MUNICIPAL UTILITY DISTRICT)

(Rancho Seco Nuclear Generating Station))

Docket No. 50-312

ORDER RELATIVE TO THE NRC STAFF'S MOTION TO
COMPEL INTERVENORS GARY HURSH AND RICHARD CASTRO

(January 21, 1980)

On December 17, 1979, the NRC Staff filed a motion to compel Intervenor Gary Hursh and Richard Castro to respond to certain interrogatories from their November 9, 1979 "First Set of . . . Interrogatories to Gary Hursh and Richard Castro." The Intervenor did not respond to the motion. Response was due January 2, 1980.

In their response to Staff's November 9 interrogatories, Intervenor Hursh and Castro filed a blanket objection with respect to all but one of the Staff's 21 interrogatories, ". . . as requesting information which is not the responsibility or obligation of these petitioners to provide," and further stating, "Petitioners have stated the areas of concern, the Board has defined the scope of the hearing, it is now incumbent upon the Licensee and NRC Staff to demonstrate

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convincingly that each and every contention is without merit and that Rancho Secto (sic) can operate safely". ^{1/}

The NRC Staff argues that Intervenor has erroneously equated burden of proof in the evidentiary hearing and obligation to respond to discovery. The Board agrees. All of the Staff interrogatories in question here appear to be directly related to the seeking of a better understanding of Intervenor's contentions and of the bases for these contentions and as such are legitimate inquiries which should be answered to the best of Intervenor's abilities. Intervenor's objections on the basis of burden of proof do not apply when it comes to discovery and Intervenor Castro and Hursh are directed to review their responses and modify or/and supplement any answers which were affected by their burden of proof argument.

The Staff also points out several instances where Intervenor failed to respond to parts of interrogatories. Staff is entitled to a response and Intervenor is directed to respond.

The one remaining matter concerns parts C and D of Interrogatory 1 which Intervenor objected to as not being interrogatories. The Board disagrees. Interrogatories 1C and 1D request information directly related to the Intervenor's contentions and are legitimate areas of inquiry. Accordingly, Intervenor Hursh and Castro are directed to respond to Interrogatories

^{1/} "Answers of Gary Hursh and Richard Castro to First Set of NRC Staff Interrogatories" undated but served by mail on January 7, 1980.

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1C and 1D also.

Because of the schedule for hearings, Intervenors Cas'ro and Hursh are directed to respond within 10 days of the date of this Order.

The motion is granted.

IT IS SO ORDERED.

FOR THE ATOMIC SAFETY AND
LICENSING BOARD

Elizabeth S. Bowers

Elizabeth S. Bowers, Chairman

Dated at Bethesda, Maryland
this 21st day of January 1980.

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