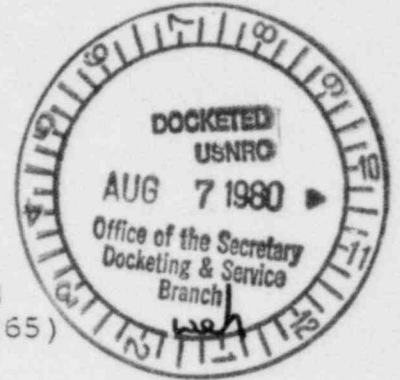


Dated: August 4, 1980

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD



In the Matter of)
)
GENERAL ELECTRIC COMPANY) Docket No. 70-1308
) (Renewal of SNM-1265)
(GE Morris Operation Spent)
Fuel Storage Facility))

RESPONSE OF GENERAL ELECTRIC COMPANY TO
STATE OF ILLINOIS' REQUEST FOR
PRODUCTION OF DOCUMENTS FROM GENERAL ELECTRIC

Applicant General Electric Company ("General Electric") responds as follows to the "State of Illinois' Request for Production of Documents from General Electric" served on or about July 14, 1980 by intervenor, PEOPLE OF THE STATE OF ILLINOIS, by WILLIAM J. SCOTT, Attorney General of the State of Illinois ("Intervenor").

OBJECTIONS TO PURPORTED DEFINITIONS

"2. The term 'Intervenor' shall mean the People of the State of Illinois as herein represented by the Attorney General of the State of Illinois, his officials, agents, employees and all other persons acting or purporting to act on his behalf."

Response: General Electric objects to the term "Intervenor" to the extent that it includes all agents, employees and other persons acting or purporting to act on behalf of the attorney General of the State of Illinois because that definition is overly broad and unduly burdensome upon General Electric.

"4. The term 'documents' means all written, graphic and audio or visually recorded matter of every kind and description, however produced or reproduced, whether draft or final, original or reproduction, in the actual or constructive possession, custody or control of Applicant, including but not limited to: plans, plats, drawings, graphs, charts, deeds, title policies, commitments or abstracts, writings, letters, correspondence, memorandum [sic], notes, films, photographs, audio recordings, transcripts, contracts, agreements, covenants, permits, licenses, memoranda of telephone or personal conversations, microfilm, microfiche, telegrams, books, magazines, advertisements, periodicals, bulletins, circulars, pamphlets, statements, notices, reports, rules, regulations, directives, teletype messages, communications, minutes or notes of meetings, interoffice communications, reports, financial statements, ledgers, books of account, proposals, prospectuses, offers, orders, receipts, working papers, desk calendars, appointment books, diaries, time sheets, logs, movies, tapes for visual or audio reproduction, recording, or material similar to any of the foregoing, however denominated by Applicant. The term 'document' shall also include all copies of each document if the copies contain any additional matter or are not identical copies of the originals."

Response: General Electric objects to the purported definition of "documents" insofar as it attempts to define the term differently than that term is used in Rule 34(a)(1) of the Federal Rules of Civil Procedure. General Electric further objects that the term "actual or constructive possession, custody or control" is vague and ambiguous and is overly broad to the extent it exceeds the provisions of 10 C.F.R. § 2.741(a)(1).

"8. The terms 'Morris' and 'facility' shall mean the General Electric Spent fuel storage facility and related premises in Morris, Illinois, the subject of this proceeding, all related structures, whether permanent or temporary, yards, storage, handling and work areas."

Response: General Electric objects to the purported definitions of "Morris" and "facility" to the extent that they exceed the scope of this proceeding.

OBJECTIONS TO PURPORTED INSTRUCTIONS

"1. Provide a list of all documents submitted. Set forth with particularity that portion of the document which Applicant claims responds to the request.

"2. Provide the following information for each document submitted where that information is not given on the face of the document itself: (a) set forth with particularity that portion of the document which Applicant claims responds to the request made; (b) state who prepared the document; (c) state who requested the document be prepared; (d) state when and where the document was prepared; and (e) state the present location of and custodian of the document.

"3. If any documents covered by this Request for Documents are withheld from production furnish a list of all such documents withheld, containing a complete description of each such document, including the date of the document, its title, if any, its length in pages, its subject matter, the name and identification of each person that received a copy thereof, the name and identification of the person or persons by whom it was written, and the ground or grounds upon which it is being withheld, stated in sufficient detail to permit a ruling to be had thereon. If the refusal to produce any document is based upon a claim that the document is subject to a privilege, state as to such document the nature and basis of the claim of privilege, the name and identification of each person who received a copy thereof, and the client upon whose behalf such privilege is claimed."

Response: General Electric objects to the Intervenor's purported instructions, and each of them, on the grounds that they are oppressive, unduly burdensome, and constitute an attempt by the Intervenor to impose upon General Electric duties in excess of those permitted by 10 C.F.R. § 2.741.

* * * *

Furthermore, General Electric objects to the entire document request as overly broad and unduly burdensome because the request contains no limitation concerning the time period for which the request seeks documents.

In responding to the document requests that follow, General Electric does not waive any of the foregoing objections to the Intervenor's purported definitions and instructions. General Electric hereby expressly incorporates into each of its responses to the specific document requests that follow the objections applicable to each instruction or definition, which is incorporated into such request.

RESPONSES TO REQUESTS FOR DOCUMENTS

"1. All licensee event reports concerning the facility."

Response: General Electric objects to document request No. 1 on the ground that it is unlimited as to time and therefore exceeds the time period that is relevant to this proceeding. Without waiving that objection or the objections stated in response to the Intervenor's purported definitions and instructions, General Electric states that it is under no requirement to provide licensee event reports and, accordingly, it is not in possession, custody or control of any documents responsive to request No. 1.

"2. Documents describing the migration of any chemical or radionuclide from the facility or in an area within one mile from the boundaries of the facility."

Response: Without waiving any of the objections stated in response to the Intervenor's purported definitions and instructions, General Electric states that, pursuant to 10 C.F.R. § 2.741, General Electric is producing and permitting the Intervenor to inspect and copy such documents responsive to request No. 2 as are in the possession, custody, or control of General Electric. Additionally, information related to this document production request is included in the documents already submitted with the license renewal application.

"3. Documents describing the groundwater hydrology around the facility and of the area within one mile from the boundaries of the facility."

Response: Without waiving any of the objections stated in response to the Intervenor's purported definitions and instructions, General Electric states that, pursuant to 10 C.F.R. § 2.741, General Electric is producing and permitting the Intervenor to inspect and copy such documents responsive to request No. 3 as are in the possession, custody, or control of General Electric. Additionally, information related to this document production request is included in the documents already submitted with the license renewal application.

"4. Documents describing the underground geology of the facility and the area within a distance of one mile from the boundaries of the facility."

Response: Without waiving any of the objections stated in response to the Intervenor's purported definitions and instructions, General Electric states that, pursuant to 10 C.F.R. § 2.741, General Electric is producing and permitting the Intervenor to inspect and copy such documents responsive to request No. 4 as are in the possession, custody, or control of General Electric. Additionally, information related to this document production request is included in the documents already submitted with the license renewal application.

"5. All well monitoring data, including the results of any chemical or radiological analysis, taken from wells either at the facility or within an area a distance of one mile from the boundaries of the facility."

Response: Without waiving any of the objections stated in response to the Intervenor's purported definitions and instructions, General Electric states that pursuant to 10 C.F.R. § 2.741, General Electric is producing and permitting the Intervenor to inspect and copy such documents responsive to request No. 5 as are in the possession, custody, or control of General Electric. Additionally, information related to this document production request is included in the documents already submitted with the license renewal application.

"6. All inspection reports prepared by the Applicant or the Nuclear Regulatory Commission of the site."

Response: General Electric objects to document request No. 6 on the grounds that it exceeds the scope of the proceeding and the scope of permissible discovery under 10 C.F.R. § 2.470 in that it is not limited to the storage facility that is the subject of the proceeding. Additionally, General Electric objects to this document production request on the grounds that it is overly broad and vague and ambiguous in that the term "inspection reports" is not defined. General Electric further objects to the document request as unnecessarily burdensome to the extent that such documents are already available to the Intervenor at the Public Document Room of the RC in Washington, D.C. Without waiving those objections or the objections stated in response to the Intervenor's purported definitions and instructions, General Electric states that pursuant to 10 C.F.R. § 2.741, General Electric is producing and permitting the Intervenor to inspect and copy certain of the documents responsive to request No. 6 that are in the possession, custody, or control of General Electric and are inspection reports concerning the storage facility at issue in the proceeding. To the extent than any inspection reports prepared by General Electric are security-related, however, General Electric objects because document request No. 6 calls for the production of confidential and security-related documents and there has been no particularized showing by the Intervenor that it possesses the requisite

expertise to evaluate the documents or that the documents, or any portions thereof, are relevant to any of its contentions. Furthermore, to the extent that any inspection reports prepared by the NRC are security-related and deemed confidential by the NRC, General Electric objects to this request and states that, pursuant to 10 C.F.R. §§ 2.790(d) and 9.12, it cannot produce these documents.

"7. Any leases or contracts concerning the facility and all exhibits thereto."

Response: General Electric objects to document request No. 7 on the grounds that it is overly broad and burdensome.

"8. Any leases or contracts which Applicant has entered into concerning uses of the Morris facility other than passive storage of spent fuel for companies with which it had reprocessing contracts, along with all exhibits attached to such leases or contracts."

Response: General Electric objects that document request No. 8 violates the Board's "Order Ruling on Contentions of the Parties," entered June 4, 1980, which constitutes a limitation order within the meaning of the preamble to 10 C.F.R. § 2.740(b). Alternatively, General Electric objects that the request is irrelevant to the subject matter involved in the proceeding pursuant to the Board's Order, is not reasonably calculated to lead to the discovery of admissible evidence, and is therefore beyond the scope of discovery permitted by the generally applicable provisions of 10 C.F.R. § 2.740(b).

"9. Any leases and contracts between Applicant and The Department of Energy (DOE) concerning acquisition or use of Morris by DOE."

Response: General Electric objects that document request No. 9 violates the Board's "Order Ruling on Contentions of the Parties," entered June 4, 1980, which constitutes a limitation order within the meaning of the preamble to 10 C.F.R. § 2.740(b). Alternatively, General Electric objects that the request is irrelevant to the subject matter involved in the proceeding pursuant to the Board's Order, is not reasonably calculated to lead to the discovery of admissible evidence, and is therefore beyond the scope of discovery permitted by the generally applicable provisions of 10 C.F.R. § 2.740(b).

"10. Documents describing any violation of any statute administered by the Illinois Department of Public Health or the Illinois Environmental Protection Agency at the facility and documents describing any measures which were taken, will be taken, or should be taken to correct such violations."

Response: General Electric objects that document request No. 10 is overly broad and in violation of the Board's "Order Ruling on Contentions of the Parties," entered June 4, 1980, which constitutes a limitation order within the meaning of the preamble to 10 C.F.R. § 2.740(b). Alternatively, General Electric objects that the request is irrelevant to the subject matter involved in the proceeding pursuant to the Board's Order, is not reasonably calculated

to lead to the discovery of admissible evidence, and is therefore beyond the scope of discovery permitted by the generally applicable provisions of 10 C.F.R. § 2.740(b). Without waiving those objections or the objections stated in response to the Intervenor's purported definitions and instructions, General Electric states, upon information and belief, that it is not in possession, custody or control of any documents responsive to request No. 10.

"11. Evaluations of the facility and its management performed by any person."

Response: General Electric objects to document request No. 11 on the ground that it is overly broad, vague and ambiguous. General Electric also objects that document request No. 11 violates the Board's "Order Ruling on Contentions of the Parties," entered June 4, 1980, which constitutes a limitation order within the meaning of the preamble to 10 C.F.R. § 2.740(b). Alternatively, General Electric objects that the request is irrelevant to the subject matter involved in the proceeding pursuant to the Board's Order, is not reasonably calculated to lead to the discovery of admissible evidence, and is therefore beyond the scope of discovery permitted by the generally applicable provisions of 10 C.F.R. § 2.740(b). Without waiving any of the foregoing objections or any of the objections stated in response to the Intervenor's purported definitions and instructions,

General Electric states that, pursuant to 10 C.F.R. § 2.741, General Electric is producing and permitting the Intervenor to inspect and copy certain of the documents responsive to request No. 11 that are in the possession, custody, or control of General Electric. To the extent that any evaluations are security-related, however, General Electric objects because document request No. 11 calls for the production of confidential and security-related documents and there has been no particularized showing by the Intervenor that it possesses the requisite expertise to evaluate the documents or that the documents or any portions thereof are relevant to any of its contentions.

"12. All insurance policies covering the facility held by G.E."

Response: General Electric objects to document request No. 12 on the grounds that it is vague and ambiguous and on the further ground that it is irrelevant to the subject matter involved in the proceeding, is not reasonably calculated to lead to the discovery of admissible evidence, and is therefore beyond the scope of discovery permitted by 10 C.F.R. § 2.740(b).

"13. Records of income and expense from the operation of the facility from 1973 to 1980, including information provided to NRC."

Response: General Electric objects that the request is vague and ambiguous. General Electric further objects that

the request is irrelevant to the subject matter involved in the proceeding pursuant to the Board's Order, is not reasonably calculated to lead to the discovery of admissible evidence, and is therefore beyond the scope of discovery permitted by 10 C.F.R. § 2.740(b).

"14. Balance sheets and income statements for G.E. for the years 1970 to 1980."

Response: General Electric objects to this request to the extent that it seeks balance sheets and income statements for the years 1970 and 1971 because the request is overly broad and seeks information beyond the scope of this proceeding. Without waiving any of the objections stated in response to the purported instructions and definitions, and to this request, General Electric states that pursuant to 10 C.F.R. § 2.741, General Electric is producing and permitting the Intervenor to inspect and copy General Electric's 1973-1979 Annual Reports.

"15. All documents concerning a meeting between Applicant and the NRC which took place on June 10, 1980."

Response: Without waiving any of the objections stated in response to the purported instructions and definitions, General Electric states that pursuant to 10 C.F.R. § 2.741, General Electric is producing and permitting the Intervenor to inspect and copy documents responsive to request No. 15.

"16a. A letter of January 23, 1980 from Applicant to the NRC concerning a requested license amendment and any responses thereto."

Response: The requested document was already provided to the Intervenor on January 31, 1980.

"b. Amendment request dated January 18, 1980."

Response: Without waiving any of the objections stated in response to the Intervenor's purported definitions and instructions, General Electric states that no amendment request, dated January 18, 1980 was ever submitted. See response to Interrogatory No. 5.

"17. All documents and calculations concerning the fees charged by the G.E. for accepting spent fuel at the facility, the adequacy of such fees, and the basis on which such fees were established."

Response: General Electric objects that document request No. 17 is in violation of the Board's "Order Ruling on Contentions of the Parties," entered June 4, 1980, which constitutes a limitation order within the meaning of the preamble to 10 C.F.R. § 2.740(b). Alternatively, General Electric objects that the request is irrelevant to the subject matter involved in the proceeding pursuant to the Board's Order, is not reasonably calculated to lead to the discovery of admissible evidence, and is therefore beyond the scope of discovery permitted by the generally applicable provisions of 10 C.F.R. § 2.740(b).

"18. All tests of a radiological or chemical nature performed on the materials accepted for disposal at the facility."

Response: General Electric objects that the request does not call for production of a document or tangible thing pursuant to 10 C.F.R. § 2.741(a)(1), and is vague and ambiguous in that, even if one assumes the request seeks documents, one cannot tell whether the request seeks documents reporting results of tests, or documents describing methodology of testing, or documents having some other relationship to the tests. Without waiving those objections or the objections stated in response to the Intervenor's purported definitions and instructions, General Electric states that it is not in possession, custody or control of any documents responsive to the request because materials are not accepted for disposal at the facility. The tests of a radiological or chemical nature performed on the spent fuel bundles accepted for storage at the facility are described in the documents already submitted with the license renewal application.

"19. Documents relied upon by the Applicant in whole or in part for their operations at the facility, including but not limited to operations and policy manuals, maintenance and repair procedures, water sampling and testing programs, radiation safety hazard analysis programs, and any other document relied upon or used by the Applicant at any time in the day to day conduct of their duties with respect to the facility."

Response: General Electric objects that document request No. 19 is burdensome and overly broad, in that it exceeds the scope of this proceeding under the Board's "Order Ruling on Contentions of the Parties," entered June 4,

1980, which constitutes a limitation order within the meaning of the preamble to 10 C.F.R. § 2.740(b). Alternatively, General Electric objects that the request is overly broad in that it calls for production of documents that are irrelevant to the subject matter of this proceeding under the Board's Order, is not reasonably calculated to lead to the discovery of admissible evidence, and therefore exceeds the scope of discovery under the generally applicable provisions of 10 C.F.R. § 2.740(b). Additionally, the Intervenor has already been provided with a copy of "Spent Fuel Receipt and Storage of the Morris Operation," NEDG-21889, dated June 1978. That document describes the operation and maintenance activities at the Morris Operation and the general procedure for the receipt and storage of spent fuel. In view of the breath of the document production request General Electric cannot further respond to it. Furthermore, General Electric also objects because this document request calls for the production of confidential and security-related documents and there has been no particularized showing by the Intervener that it possesses the requisite expertise to evaluate the documents or that the documents, or any portion thereof, are relevant to its contentions.

"20. Any communications between the Applicant and the Nuclear Regulatory Commission concerning the facility."

Response: General Electric objects that document request No. 20 is vague and ambiguous and is overly broad in

that it is totally unlimited as to time, subject matter, and personnel involved in the communications. General Electric further objects to the extent that the request exceeds the Board's "Order Ruling on Contentions of the Parties," entered June 4, 1980, which constitutes a limitation order within the meaning of the preamble to 10 C.F.R. §2.740(b). Alternatively, General Electric objects to the request to the extent that it calls for documents that are irrelevant to the subject matter involved in the proceeding pursuant to the Board's Order, is not reasonably calculated to lead to the discovery of admissible evidence, and therefore exceeds the scope of discovery under the generally applicable provisions of 10 C.F.R. §2.740(b). General Electric further objects to the document request as unnecessarily burdensome to the extent that such documents are already available to the Intervenor at the Public Document Room of the NRC in Washington, D.C. Without waiving any of the foregoing objections or any of the objections stated in response to the Intervenor's purported definitions and instructions, General Electric states that, pursuant to 10 C.F.R. § 2.741. To the extent that any of the documents are security-related, however, General Electric further objects because document request No. 20 calls for the production of confidential and security-related documents and there has been no particularized showing by the Intervenor that it possesses the requisite expertise to evaluate the documents or that the documents,

or any portion thereof, are relevant to its contentions. General Electric is producing and permitting the Intervenor to inspect and copy certain of the documents responsive to request No. 20 that are in the possession, custody, or control of General Electric.

"21. Documents relating to the proposed expansion of the pool pump room."

Response: General Electric objects that document request No. 21 violates the Board's "Order Ruling on Contentions of the Parties," entered June 4, 1980, which constitutes a limitation order within the meaning of the preamble to 10 C.F.R. § 2.740(b). Alternatively, General Electric objects that the request is not relevant to the subject matter involved in the proceeding pursuant to the Board's Order because the subject matter of the request is beyond the scope of this licensing proceeding is not reasonably calculated to lead to the discovery of admissible evidence, and is therefore beyond the scope of discovery permitted by the generally applicable provisions of 10 C.F.R. § 2.740(b). General Electric further objects to the request to the extent that such documents are already available to the Intervenor at the Public Document Room of the Nuclear Regulatory Commission in Washington, D.C.

"22. Any plans proposed or formulated for the decommissioning of the facility itself, or any portion

of the facility, other than the decommissioning plan submitted as Appendix F of the Consolidated Safety Analysis Report (CSAR)."

Response: Without waiving any of the objections stated in response to the Intervenor's purported definitions and instructions, General Electric states, upon information and believe that it is not in possession, custody or control of any documents responsive to request No. 22.

"23. Costs of implementing decommissioning plan in 1980 dollars and in 2000 dollars (end of license)."

Response: General Electric objects that document request No. 23 does not call for the production of a document or tangible thing pursuant to 10 C.F.R. § 2.741(a)(1) and is vague and ambiguous. Without waiving any of the foregoing objections or any of the objections stated in response to the Intervenor's purported definitions and instructions, General Electric states that to the extent that the request may be construed to call for documents setting forth the costs as described in the request, General Electric is not in possession, custody or control of any such documents.

"24. All documents pertaining to security and prevention of sabotage at the facility post-dating the 1974 Sabotage Study: NEDM-20682."

Response: General Electric objects because document request No. 24 calls for the production of confidential and

security-related documents, and there has been no particularized showing by the Intervenor that it possesses the requisite expertise to evaluate the documents or that the documents or any portion thereof, are relevant to any of its contentions.

"25. Any document showing the relation of the facility to the area surrounding it for 3 miles from the boundary of the facility."

Response: General Electric objects to document request No. 25 on the grounds that it is unnecessarily burdensome and harassing, in that such information is available in the CSAR, which has already been produced to the Intervenor.

"26. Documents concerning shipment and receipt of 'dry shipments' of spent fuel from San Onofre or any other source, including any radiation and contamination survey records."

Response: General Electric objects that document request No. 26 violates the Board's "Order Ruling on Contentions of the Parties," entered June 4, 1980, which constitutes a limitation order within the meaning of the preamble to 10 C.F.R. § 2.740(b). Alternatively, General Electric objects that the request is not relevant to the subject matter involved in the proceeding pursuant to the Board's Order, is not reasonably calculated to lead to the discovery of admissible evidence, and is therefore beyond the scope of discovery permitted by the generally applicable provisions of 10 C.F.R. § 2.740(b).

"27. Any documents concerning external or internal exposure to radiation among workers at the facility showing concentrations in excess of NRC limitations."

Response: Without waiving any of the objections stated in response to the Intervenor's purported definitions and instructions, General Electric states on information and belief that it is not in possession, custody or control of any documents responsive to request No. 27.

"28. Any documents concerning worker exposure to radiation in the sample cell in the laboratory at the Morris facility."

Response: Without waiving any of the objections stated in response to the Intervenor's purported definitions and instructions, General Electric states that, pursuant to 10 C.F.R. § 2.741, General Electric is producing and permitting the Intervenor to inspect and copy such documents responsive to request No. 28 as are in the possession, custody, or control of General Electric.

"29. Any records of surveillance tests showing fuel basin water quality not in compliance with operating specifications."

Response: Without waiving any of the objections stated in response to the Intervenor's purported instructions and definitions, General Electric states that, pursuant to 10

C.F.R. § 2.741, General Electric is producing and permitting the Intervenor to inspect and copy such documents responsive to request No. 29 as are in the possession, custody, or control of General Electric. Additionally, information relevant to this document production request included is included in the documents already submitted with the license renewal application.

"30. Documents concerning future facility changes and improvements."

Response: General Electric objects that document request No. 30 is vague and ambiguous. General Electric further objects that the request violates the Board's "Order Ruling on Contentions of the Parties," entered June 4, 1980, which constitutes a limitation order within the meaning of the preamble to 10 C.F.R. § 2.740(b). Alternatively, General Electric objects that the request is irrelevant to the subject matter involved in the proceeding pursuant to the Board's Order, is not reasonably calculated to lead to the discovery of admissible evidence, and is therefore beyond the scope of discovery permitted by the generally applicable provisions of 10 C.F.R. § 2.740(b).

"31. Documents related to the development and use of air or dry storage of spent reactor fuel rods."

Response: General Electric objects that document request No. 31 violates the Board's "Order Ruling on Contentions

of the Parties," entered June 4, 1980, which constitutes a limitation order within the meaning of the preamble to 10 C.F.R. § 2.740(b). Alternatively, General Electric objects that the request is not relevant to the subject matter involved in the proceeding pursuant to the Board's Order, and is not reasonably calculated to lead to the discovery of admissible evidence, and is therefore beyond the scope of discovery permitted by the generally applicable provisions of 10 C.F.R. § 2.740(b).

"32. Documents concerning expansion of the Morris facility to accommodate increased storage of spent fuel rods."

Response: General Electric objects that document request No. 32 violates the Board's "Order Ruling on Contentions of the Parties," entered June 4, 1980, which constitutes a limitation order within the meaning of the preamble to 10 C.F.R. § 2.740(b). Alternatively, General Electric objects that the request is irrelevant to the subject matter involved in the proceeding pursuant to the Board's Order, is not reasonably calculated to lead to the discovery of admissible evidence, and is therefore beyond the scope of discovery permitted by the generally applicable provisions of 10 C.F.R. § 2.740.

"33. Analysis of the consequences of simultaneous [sic] radioactive releases from Morris and the Dresden Nuclear Power Station."

Response: General Electric objects that document request No. 33 is vague and ambiguous and does not call for the production of a document or tangible thing pursuant to 10 C.F.R. § 2.741(a)(1). To the extent that the request may be construed as requesting production of documents containing the analysis described therein, without waiving the foregoing objections or the objections stated in response to the Intervenor's purported definitions and instructions, General Electric states upon information and belief that it is not in possession, custody or control of any such document.

"34. Accident risk and consequence analyses of the events listed in contention 1(b) as adopted by the ASLB on June 5, 1980."

Response: General Electric objects that document request No. 33 is vague and ambiguous and does not call for the production of a document or tangible thing pursuant to 10 C.F.R. § 2.741(a)(1). General Electric also objects to document request No. 34 on the grounds that it is unnecessarily burdensome and harassing, in that such information is available in the CSAR, which has already been produced to the Intervenor.

"35. Estimates or projections of the whole body exposure to personnel over the proposed licensed life of the Morris facility."

Response: General Electric objects that document request No. 35 violates the Board's "Order Ruling on Contentions

of the Parties," entered June 4, 1980, which constitutes a limitation order within the meaning of the preamble to 10 C.F.R. § 2.740(b). Alternatively, General Electric objects that the request is not relevant to the subject matter involved in the proceeding pursuant to the Board's Order, is not reasonably calculated to lead to the discovery of admissible evidence, and is therefore beyond the scope of discovery permitted by the generally applicable provisions of 10 C.F.R. § 2.740(b). Without waiving the foregoing objections or the objections stated in response to the Intervenor's purported definitions and instructions, General Electric states, upon information and belief, that it is not in possession, custody or control of any documents responsive to request No. 35.

"36. Projections of expected genetic effects on personnel caused by whole body exposures to present and proposed activities [sic] at Morris."

Response: General Electric objects that document request No. 36 is vague and ambiguous and does not call for a document or tangible thing pursuant to 10 C.F.R. § 2.741(a)(1). Without waiving any of the foregoing objections or any objections stated in response to the Intervenor's purported definitions and instructions, General Electric states upon information and belief that it is not in possession, custody or control of any documents responsive to document request No. 36.

"37. Projections of expected genetic effects on the general population within 10 miles of the Morris facility."

Response: General Electric objects that document request No. 37 is vague and ambiguous and does not call for a document or tangible thing pursuant to 10 C.F.R. § 2.741(a)(1). Without waiving any of the foregoing objections or any objections stated in response to the Intervenor's purported definition and instructions, General Electric states upon information and belief that it is not in possession, custody or control of any documents responsive to request No. 37.

"38. Diagrams, schematic drawings or other description of any tanks or pipes which could expose occupational personnel to radiation."

Response: General Electric objects that document request No. 38 is vague and ambiguous, is unlimited to the scope of this proceeding, is hypothetical and lacks any indication of the conditions implicit in the term "could." Without waiving any of the foregoing objections or the objections stated in response to the Intervenor's purported definitions and instructions, General Electric states that the diagrams, schematic drawings or other descriptions of the tanks and pipes at the Morris Operation have already been produced to the Intervenors in the CSAR.

"39. Programs, drawings or other descriptions of all existing ambient air monitoring devices within and without the facility."

Response: Without waiving any of the objections stated in response to the Intervenor's purported definitions and instructions, General Electric states that pursuant to 10 C.F.R. § 2.741, General Electric is producing and permitting the Intervenor, or a person acting on his behalf, to inspect and copy such documents responsive to request No. 39 as are in the possession, custody, or control of General Electric.

"40. Documents pertaining to the Emergency Plan other than NEDE-21894 dated June, 1978."

Response: General Electric objects that document request No. 40 is overly broad and burdensome. Without waiving those objections or any of the objections stated in response to the Intervenor's purported definitions and instructions, General Electric states that pursuant to 10 C.F.R. § 2.741, General Electric is producing and permitting the intervenor to inspect and copy such documents responsive to request No. 40 as are properly within the scope of discovery and are in the possession, custody, or control of General Electric.

"41. Documents concerning any evacuation and notification programs for the 10 mile area surrounding Morris."

Response: General Electric objects that document request No. 41 violates the Board's "Order Ruling on Contentions of the Parties," entered June 4, 1980, which constitutes a limitation order within the meaning of the preamble to 10

C.F.R. § 2.740(b). Alternatively, General Electric objects that the request is not relevant to the subject matter involved in the proceeding pursuant to the Board's Order, is not reasonably calculated to lead to the discovery of admissible evidence, and is therefore beyond the scope of discovery permitted by the generally applicable provisions of 10 C.F.R. § 2.740. General Electric further objects that the phrase "programs for the 10 mile area" is vague and ambiguous. Under the assumption that the requests seek documents concerning programs for evacuation and notification of the general public, General Electric, without waiving any of the foregoing objections or any of the objections stated in response to the Intervenor's purported definitions and instructions, states it does not have possession, custody or control of any documents responsive to the request.

"42. Plans or procedures to be used for engineering transportation of irradiated fuel."

Response: General Electric objects that document request No. 42 is vague, ambiguous and unintelligible. General Electric further objects that the request violates the Board's "Order Ruling on Contentions of the Parties," entered June 4, 1980, which constitutes a limitation order within the meaning of the preamble to 10 C.F.R. § 2.740(b). Alternatively, General Electric objects that the request is not relevant to the subject matter involved in the proceeding pursuant to the Board's Order, is not reasonably calculated

to lead to the discovery of admissible evidence, and is therefore beyond the scope of discovery permitted by the generally applicable provisions of 10 C.F.R. § 2.740(b). Under the assumption that the request means to call for production of documents containing plans and procedures for emergency transportation of irradiated fuel, but without waiving any of the foregoing objections or any of the objections stated in response to the Intervenor's purported definitions and instructions, General Electric states that it does not have possession, custody or control of any documents responsive to request No. 42.

"43. Plans and procedures for testing the efficiency of existing engineering procedures."

Response: General Electric objects that document request No. 43 as propounded is ambiguous, vague, and overly broad. Under the assumption that the request means to call for production of documents containing plans and procedures for testing the efficiency of existing emergency procedures, but without waiving the foregoing objections or the objections stated in response to the Intervenor's purported definitions and instructions, General Electric states that pursuant to 10 C.F.R. § 2.741, General Electric is producing and permitting the Intervenor to inspect and copy documents responsive to the request.

"44. Information designating all hospitals and other facilities within 50 mile radius equipped to

handle people exposed to radiation, including numbers of people to be accommodated and description of decontamination facilities."

Response: General Electric objects that document request No. 44 does not call for production of a document or tangible thing pursuant to 10 C.F.R. § 2.471(a)(1), and that it is overly broad and exceeds the scope of this proceeding. Without waiving any of the foregoing objections or any of the objections stated in response to the Intervenor's purported definitions and instructions, General Electric states that such information, to the extent that it is contained in any documents in the possession, custody, or control of General Electric, is contained in the Radiological Emergency Plan For Morris Operation, NEDE 21894 (October 1980), already produced to the Intervenor.

"45. Any changes in the plant and procedures, test and experiments related to the receipt, storage or transfer of spent fuel which are proposed to be performed without prior approval of NRC as Revision C2 of NEDO-21326."

Response: General Electric objects that document request No. 45 does not call for production of a document or tangible thing pursuant to 10 C.F.R. § 2.741(a)(1). General Electric further objects that the request violates the Board's "Order Ruling on Contentions of the Parties," entered June 4, 1980, which constitutes a limitation order within

the meaning of the preamble to 10 C.F.R. § 2.740(b). Alternatively, General Electric objects that the request is not relevant to the subject matter involved in the proceeding pursuant to the Board's Order, and is not reasonably calculated to lead to the discovery of admissible evidence, and is therefore beyond the scope of discovery permitted by the generally applicable provisions of 10 C.F.R. § 2.740(b). Without waiving any of the foregoing objections or any of the objections stated in response to the Intervenor's purported definitions and instructions, General Electric states, upon information and belief, that it is not in possession, custody, or control of any documents responsive to request No. 45.

"46. Plans for any activities proposed for Morris that will necessitate amendment of the existing license."

Response: General Electric objects that document request No. 46 violates the Board's "Order Ruling on Contentions of the Parties," entered June 4, 1980, which constitutes a limitation order within the meaning of the preamble to 10 C.F.R. § 2.740(b). Alternatively, General Electric objects that the request is not relevant to the subject matter involved in the proceeding pursuant to the Board's Order, is not reasonably calculated to lead to the discovery of admissible evidence, and is therefore beyond the scope of discovery

permitted by the generally applicable provisions of 10 C.F.R. § 2.740(b). Without waiving any of the foregoing objections or any of the objections stated in response to the Intervenor's purported definitions and instructions, General Electric states, upon information and belief, that it is not in possession, custody or control of any documents responsive to request No. 46.

"47. Contracts or commitments [sic] between G.E. and any other entity for the storage of spent fuel."

Response: General Electric objects that document request No. 47 is overly broad and burdensome and violates the Board's "Order Ruling on Contentions of the Parties," entered June 4, 1980, which constitutes a limitation order within the meaning of the preamble to 10 C.F.R. § 2.740(b). Alternatively, General Electric objects that the request is irrelevant to the subject matter involved in the proceeding pursuant to the Board's Order, is not reasonably calculated to lead to the discovery of admissible evidence, and is therefore beyond the scope of discovery permitted by the generally applicable provisions of 10 C.F.R. § 2.740(b).

"48. Documents detailing the amount of spent fuel storage capacity currently available at each of the plants which ship fuel to Morris for storage."

Response: General Electric objects that document request No. 48 is overly broad and burdensome and violates

the Board's "Order Ruling on Contentions of the Parties," entered June 4, 1980, which constitutes a limitation order within the meaning of the preamble to 10 C.F.R. § 2.740(b). Alternatively, General Electric objects that the request is not relevant to the subject matter involved in the proceeding pursuant to the Board's order, is not reasonably calculated to lead to the discovery of admissible evidence, and is therefore beyond the scope of discovery permitted by the generally applicable provision of 10 C.F.R. § 2.740(b).

OBJECTIONS TO BE PURPORTED INSTRUCTIONS

"The documents so produced shall indicate, by reference to the number of the above requests, which requests they purport to satisfy. As per Board order (barring any future order extending discovery time limits) all documents shall be produced no later than July 31, 1980 at 10:00 a.m. in Suite 2315, 188 West Randolph Street, Chicago, Illinois 60601."

Response: General Electric objects to the first sentence of the Intervenor's concluding paragraph on the grounds stated in response to the Intervenor's purported instructions. General Electric objects to the second sentence of the Intervenor's concluding paragraph on the grounds:

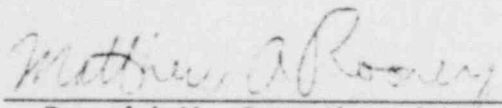
1. No board order decreed that the documents had to be produced at the Intervenor's offices;
2. The "Order Extending Schedule for Discovery" entered June 23, 1980, set the final date for discovery as August 4, 1980, not July 31; and

3. Pursuant to 10 C.F.R. § 2.741(c), any document request must specify a reasonable time, place and manner for making the inspection and performing the related acts. Intervenor's office in Chicago, Illinois is not a reasonable place to demand the production.

Therefore, General Electric states that the documents will be produced for inspection and copying commencing at 10:00 a.m. on August 4, 1980, at General Electric Company, 175 South Curtner Avenue, San Jose, California, and on and after August 5, 1980 at Mayer, Brown & Platt, 231 South LaSalle Street, Chicago, Illinois.

General Electric further states that if the Intervenor desires to copy any of the documents produced, pursuant to 10 C.F.R. § 2.741(c), General Electric will cooperate with Intervenor in devising a reasonable manner for accomplishing the same.

Respectfully submitted,
GENERAL ELECTRIC COMPANY

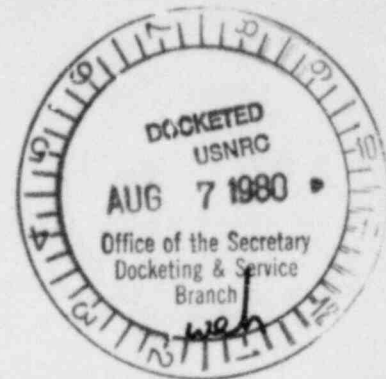


Ronald W. Szwajkowski
Matthew A. Rooney
Its Attorney

OF COUNSEL:

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231 South LaSalle Street
Chicago, Illinois 60604
(312) 782-0600

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION



In the Matter of)
GENERAL ELECTRIC COMPANY)
Consideration of Renewal of)
Materials License No. SNW-1265)
Issued to GE Morris Operation)
Fuel Storage Installation)

Docket No. 70-1308

CERTIFICATE OF SERVICE

The undersigned hereby certifies that he served a copy of RESPONSE OF GENERAL ELECTRIC COMPANY TO STATE OF ILLINOIS' REQUEST FOR PRODUCTION OF DOCUMENTS FROM GENERAL ELECTRIC in the above-captioned proceeding on the following persons by causing the said copies to be deposited in the United States mail at 231 South LaSalle Street, Chicago, Illinois, in plainly addressed and sealed envelopes with proper first class postage attached before 5:00 P.M. on August 4, 1980:

Andrew C. Goodhope, Esq., Chairman
Atomic Safety and Licensing Board
3320 Estelle Terrace
Wheaton, Maryland 20906

Dr. Linda W. Little
Atomic Safety and Licensing Board
5000 Hermitage Drive
Raleigh, North Carolina 27612

Dr. Forrest J. Remick
Atomic Safety and Licensing Board
305 East Hamilton Avenue
State College, Pennsylvania 16801

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

Bridget L. Rorem
Essex, Illinois 60935

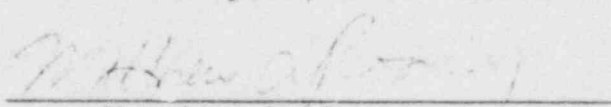
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Board Panel
U.S. Nuclear Regulatory
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Matthew A. Rooney