

NRC PUBLIC DOCUMENT ROOM

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

Before the Atomic Safety and Licensing Board

In the Matter of )  
 )  
POWER AUTHORITY OF THE )  
STATE OF NEW YORK )  
 )  
(Greene County Nuclear )  
Power Plant) )

Docket No. 50-549

ORDER RULING ON MOTION TO COMPEL  
APPLICANT TO PRODUCE DOCUMENTS

Counsel for Intervenors, Citizens to Preserve the Hudson Valley, Colombia County Survival Committee, and Mid-Hudson Nuclear Opponents, has filed a motion to require the Applicant to produce the counterparts to Exhibits J 138A and J 138B for the years 1987, 1988, 1990, 1991, 1992 and 1993. The basis for this request is that such documents are essential to preparation of Intervenors' direct case.

In explaining their belated request for these documents, Intervenors claim that Exhibits 138A and B for the year 1989 were offered in evidence at the end of Applicant's direct case, and thus discovery as to such documents was impossible during the prior discovery period.

Intervenors have failed to obtain the requested documents from Applicant informally.

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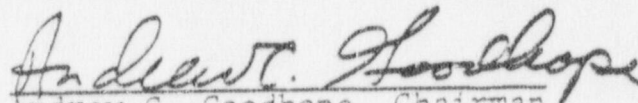
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Applicant contends that Intervenor's have failed to show the relevance of such documents, that the time period for discovery has expired, and that granting Intervenor's request would prejudice the Applicant's efforts on other aspects of its application.

In the interest of giving the Intervenor's a full opportunity to prepare and present their case, the Board is of the opinion that the Intervenor's request should be granted. However, the Applicant is required to produce only those documents which it presently has in its possession or are readily available to it.

IT IS SO ORDERED.

FOR THE ATOMIC SAFETY AND  
LICENSING BOARD

  
Andrew C. Goodhope, Chairman

Dated at Bethesda, Maryland  
This 15th day of December 1978.