

March 9, 1994
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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

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BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

OFFICE OF SECRETARY
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In the Matter of)

SEQUOYAH FUELS CORPORATION)
GENERAL ATOMICS)

Docket No. 40-8027-EA

(Gore, Oklahoma Site)
Decontamination and)
Decommissioning Funding))

Source Material License
No. SUB-1010

NRC STAFF'S ANSWER TO
GENERAL ATOMICS' MOTION TO STAY DISCOVERY

In a Motion dated February 17, 1994, General Atomics moved the Licensing Board (Board) for a temporary stay of discovery by all parties in this matter until the Board rules on General Atomic's motion for summary disposition filed on the same date. Essentially, General Atomics asserts that it would place an unfair burden on it to be forced to respond to discovery requests when it has pending a motion that, if granted, would relieve it from further participation in this proceeding.

The NRC Staff (Staff) is cognizant of the added burden that discovery may impose on General Atomics if the Board determines that it is not subject to NRC jurisdiction in this matter. However, the request for an open-ended delay of the commencement of discovery against all parties is unreasonable.

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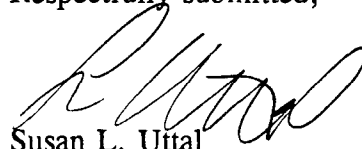
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The Staff is willing to compromise its desire to initiate discovery against General Atomics immediately with General Atomic's request to indefinitely stay all discovery. The Staff, therefore, does not oppose a stay of discovery through the period ending the earlier of (1) the date the Board rules on General Atomics' Motion for Summary Disposition or For An Order of Dismissal, or (2) June 1, 1994.¹ The Staff believes the latter date represents a reasonable compromise that would achieve a balance between General Atomics' concerns and the Staff's interest in seeing that this proceeding move forward without any undue delay.

Respectfully submitted,



Susan L. Uital
Steven R. Hom
Counsel for NRC Staff

Dated at Rockville, Maryland
this 9th day of March, 1994

¹ Counsel for Native Americans for a Clean Environment (NACE) has informed the Staff that NACE concurs in this proposed schedule but, notwithstanding such concurrence, desires that this proceeding move forward expeditiously.

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

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USNRC

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD MAR 10 P12:17

In the Matter of)
)
)
SEQUOYAH FUELS CORPORATION) Docket No. 40-08027-EA
GENERAL ATOMICS)
) Source Material License
(Gore, Oklahoma Site Decontamination) No. SUB-1010
and Decommissioning Funding))
)

OFFICE OF SECRETARY
DUCKETING & SERVICE
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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing "NRC STAFF'S ANSWER TO GENERAL ATOMICS' MOTION TO STAY DISCOVERY" in the above-captioned matter have been served on the following by deposit in the United States mail, first class, or as indicated by asterisk through deposit in the Nuclear Regulatory Commission's internal mail system this 9th day of March, 1994:

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