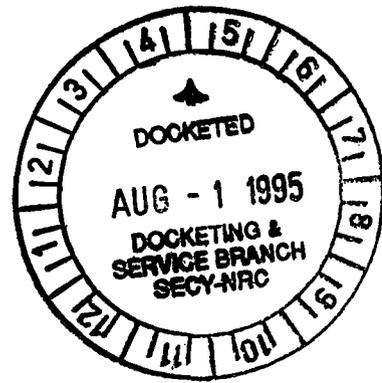


UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION
ATOMIC SAFETY AND LICENSING BOARD



In the Matter of)
)
SEQUOYAH FUELS CORPORATION) Docket No. 40-8027-EA
and GENERAL ATOMICS)
)
(Gore, Oklahoma Site) August 1, 1995
Decommissioning Funding))

GENERAL ATOMICS' MOTION FOR AN ORDER SCHEDULING
BRIEFING OF INTERVENORS' MOTIONS TO COMPEL

General Atomics moves that the Licensing Board establish a schedule for General Atomics' and Sequoyah Fuels Corp.'s ("SFC") responses to the motions to compel of Native American for a Clean Environment ("NACE") and the Cherokee Nation (collectively, the "Intervenors"). Counsel for SFC has authorized General Atomics to represent that SFC joins in this motion.

SUMMARY

On July 28, 1995, the Intervenors served by telecopier a Motion to Compel against General Atomics and SFC regarding their answers to interrogatories. The Motion, citing a purported need by the Intervenors to serve a second round of written discovery before the approaching August 18 discovery cutoff, asks for "expedited" consideration. Counsel for the Intervenors has stated, however, that Intervenors anticipate a virtual certainty of filing a second motion to compel regarding General Atomics' and SFC's responses to the Intervenors' requests for production, which responses are due on August 9, 1995.

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General Atomics and SFC ask the Licensing Board to enter an Order establishing that they may file a single response to both motions to compel within seven calendar days after receipt of the second motion to compel or of a notification that the Intervenors do not plan to serve a second motion to compel. This will allow a consolidated and efficient consideration of the entirety of the discovery disputes.

General Atomics and SFC, moreover, oppose any rushed resolution of the Intervenors' first motion to compel. The Intervenors have had more than one year to conduct discovery in this case and, thus, the time constraints faced by the Intervenors are of their own making. In any event, General Atomics and SFC question the need for and/or propriety of Intervenors' proposed second round of written discovery. General Atomics and SFC also strenuously object to an attempt by the Intervenors to shortcircuit a fair hearing by the Licensing Board of their discovery objections in order to cure the Intervenors' self-made time problem.

ARGUMENT

- I. Any timing problems faced by the Intervenors are of their own making, and the solution should not come at General Atomics' and SFC's expense.

The chronology of this case speaks volumes about the Intervenors' request for expedited consideration and the purported need for yet more discovery. NACE was admitted as a party to this proceeding on March 22, 1994, and the Cherokee Nation was admitted on July 7, 1994. However, the Intervenors deferred their initial discovery requests until July 10, 1995. Whereas the NRC Staff

initiated discovery in June of 1994, the Intervenors have sat on their rights for more than one year.

On July 24, 1995, General Atomics and SFC served their answers to Intervenors' interrogatories. General Atomics and SFC's responses to the document requests are not due until August 9.

As indicated in the Motion to Compel, the Intervenors' interrogatories seek to expand the scope of discovery and issues in this case by seeking discovery of facts that (1) occurred before General Atomics' subsidiary, Sequoyah Holding Corporation, acquired an interest in SFC in 1988; and (2) occurred after the issuance of the originating Order on October 15, 1993. These requests, among others, were objected to by General Atomics and SFC because they are not reasonably related to the issues and contentions in this case and are not relevant to the Phase 1 or jurisdictional issues.

Counsel for General Atomics and SFC have discussed the discovery responses, including the anticipated nature of the responses to the request for production, with counsel for the Intervenors to attempt to resolve or at least narrow the discovery dispute and to establish a procedural framework for resolution of the dispute. For example, General Atomics and SFC offered to expedite their responses to the requests for production if Intervenors agreed to a consolidated schedule for resolving their discovery disputes. Counsel for intervenors made additional demands, and thus, the parties were unable to reach agreement.

As the bare chronology reflects, any timing problems are of the Intervenor's own making. The Intervenor has had more than one year to file their initial discovery requests, but, for whatever reason, chose to delay until almost the last minute. Their delay was compounded by their refusal to agree to an expedited schedule for resolving General Atomics' and SFC's objections.

II. Effective case management cries out for an order allowing General Atomics and SFC to respond in a consolidated brief to all of the Intervenor's motions to compel.

The efficient and prompt resolution of the discovery disputes would be best served if the Licensing Board ordered that General Atomics and SFC provide a consolidated response to both the existing and future motions to compel, to be filed seven calendar days after the filing of the second motion. An orderly and streamlined motions practice is, in fact, the short road to clearing up the discovery disputes between the parties.

First, as indicated above, the Intervenor most likely will be filing a second motion to compel. Dealing with the two motions on a piecemeal basis will require all the affected parties to gear up twice to address a common set of issues. Piecemeal litigation will thus require two separate sets of motions papers, and, potentially, two separate decisions. In contrast, a coordinated, consolidated proceeding will streamline the process to require one set of papers and one decision.

Secondly, a consolidated proceeding can deal effectively with the interrelationship between interrogatory answers and the document production issues. Thus, in a coordinated proceeding,

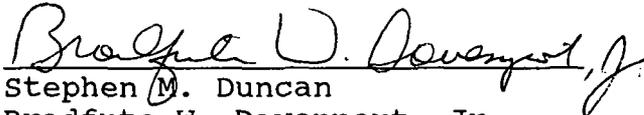
the Licensing Board could address whether specific issues could be resolved by a supplemental interrogatory answer but not a document production, or by the production of documents but not by a interrogatory answer, in an effort to accommodate the competing interests of the parties.

Finally, a consolidated, orderly resolution is more likely to resolve finally the discovery dispute. Piecemeal procedure is fraught with the possibility of confusing or incomplete results, which may only cause further delay and controversy among the parties.

CONCLUSION

General Atomics and SFC urge the Licensing Board to exercise its powers to control discovery in this case by organizing the procedures for consideration of the Intervenors' motions to compel into an orderly, consolidated and streamlined process. More specifically, General Atomics and SFC request that the Licensing Board enter a scheduling order establishing that General Atomics and SFC shall respond to Intervenors' two motions to compel seven calendar days after the Intervenors file a motion to compel document production or give notice that the Intervenors do not plan to file any such second motion to compel.

Counsel for SFC has advised the undersigned counsel that
SFC joins in this Motion.

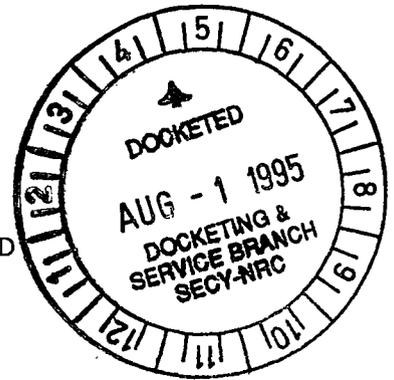

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August 1, 1995

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing General Atomics' Motion for an Order Scheduling Briefing of Intervenors' Motions to Compel was served on August 1, 1995, upon the following persons by deposit in the United States mail, first class postage prepaid and properly addressed, and to the persons marked with an asterisk (*) by telecopy:

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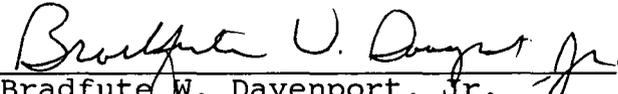
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