

October 24, 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 IN OPPOSITION TO MOTION FOR SANCTIONS

NOW COMES Intervenor, People of the State of Illinois, by TYRONE C. FAHNER, Attorney General of the State of Illinois, and in opposition to General Electric Company's Motion for Sanctions states as follows:

1. On October 15, 1980, Illinois filed a Motion to Stay Proceedings in this cause. For the reasons set out in that motion the Board should not rule on General Electric Company's Motion for Sanctions at this time.

2. In any event, as is clear from the content of General Electric Company's motion, it is not a motion for sanctions but is really a motion for summary disposition.

3. Illinois responded to General Electric Company's discovery as fully as it could. Apparently General Electric Company is not satisfied with those answers; it seems to believe that what Illinois has disclosed does not support certain of Illinois' contentions.

4. If that is General Electric Company's claim, its remedy is a motion for summary disposition, not a motion for sanctions.

5. Should General Electric Company file such a motion the Board could then decide if there are any material issues of fact in dispute and whether any of Illinois' contentions should be dismissed.

6. However, the Board should not grant summary disposition under the guise of sanctions for failure to comply with discovery.

WHEREFORE, Intervenor, People of the State of Illinois requests that the Board stay any decision on General Electric Company's motion or in the alternative that the Board deny it.

Respectfully submitted,

PEOPLE OF THE STATE OF ILLINOIS

TYRONE C. FAHNER  
Attorney General  
State of Illinois

BY: 

JOHN VAN VRANKEN  
Assistant Attorney General  
Environmental Control Division  
188 West Randolph Street  
Suite 2315  
Chicago, Illinois 60601  
(312)793-2491

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)

CERTIFICATE OF SERVICE

I hereby certify that copies of RESPONSE IN OPPOSITION TO MOTION FOR SANCTIONS in the above-captioned proceeding have been served on the following by deposit in the United States mail, first class postage, at the Post Office at 160 North LaSalle Street, Chicago, Illinois 60601.

Andrew C. Goodhope, Esq.  
Chairman  
3320 Estelle Terrace  
Wheaton, Maryland 20906

Edward Firestone, Esq.  
Legal Operation  
General Electric Company  
175 Curtner Avenue  
Mail Code 822  
San Jose, California 95125

Dr. Linda W. Little  
5000 Hermitage Drive  
Raleigh, North Carolina 27612

Atomic Safety & Licensing Board  
Panel  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

Dr. Forrest J. Remick  
305 E. Hamilton Avenue  
State College, Pennsylvania  
16801

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

Bridget Little Rorem  
Essex, Illinois 60935

Marjorie Ulman Rothschild  
Office of the Legal Director  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

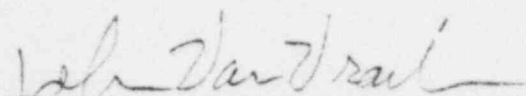
Ronald Szwajkowski, Esq.  
Mayer, Brown & Platt  
231 South LaSalle Street  
Chicago, Illinois 60604

Docketing & Service Section  
Office of the Secretary  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

Everett Jay Quigley  
R.R. 1, Box 378  
Kankakee, Illinois 60901

Robert Cushman  
Cherry, Flynn & Kanter  
One IBM Plaza  
Chicago, Illinois 60611

Mrs. Elaine Walsh (Patrick)  
33 Pheasant Trail  
Wilmington, Illinois 60481

  
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JOHN VAN VRANKEN

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