

UNITED STATES OF AMERICA
 NUCLEAR REGULATORY COMMISSION

REGULATORY SERVICES UNIT

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

1980 NOV 5 AM 11 26

In the Matter of)
)
 NUCLEAR ENGINEERING COMPANY, INC.)
)
 (Sheffield, Illinois Low-Level)
 Radioactive Waste Disposal Site))

Docket No. NRC 27-39
 REGULATORY SERVICES
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NRC RESPONSE TO MOTION TO REOPEN DISCOVERY
 FILED BY NUCLEAR ENGINEERING COMPANY, INC.

On October 14, 1980, Nuclear Engineering Company, Inc. (NECO) filed a document entitled "Motion to Reopen Discovery." This motion requests that the schedule for discovery established by the Board in its September 9, 1980 Order be modified to allow discovery regarding an NRC Memorandum from John B. Martin, Director, Division of Waste Management, Office of Nuclear Material Safety and Safeguards, dated October 6, 1980 and the document the memorandum transmitted entitled "Characterization of Existing Surface Conditions at the Sheffield Low-Level Waste Disposal Facility." NECO requests that the Board's discovery schedule concerning these documents be extended for two weeks. This would allow NECO to file requests for discovery on the above documents by October 24.

By letters dated October 24, 1980, one addressed to the NRC Executive Director of Operations, William J. Dircks, and one to the Chairman of this Board, Andrew C. Goodhope, Esq., NECO attached its "Nuclear Engineering Company's Requests For Admissions, Interrogatories, and Requests for Production of Documents to the NRC Staff with Respect to NUREG/CR-1683," dated October 24, 1980.

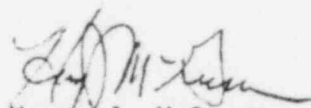
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Due to the fact that the NRC's Memorandum and its attachment were received by NECO after the scheduled discovery date of October 10, 1980, the NRC has no objection to the instant motion. However, due to the number and scope of NECO's discovery demands the Staff requests that if the motion is granted, it be permitted twenty days from the entry of the order to file its answers or objections.

In sum, the Staff would not oppose the instant request for reopening the discovery in this proceeding so long as the discovery schedule is modified by the Board to allow the Staff sufficient time to respond to the discovery requests filed by NECO.

Respectfully submitted,



Henry J. McGurren
Counsel for NRC Staff

Dated at Bethesda, Maryland
this 4th day of November, 1980

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CERTIFICATE OF SERVICE

I hereby certify that copies of "NRC RESPONSE TO MOTION TO REOPEN DISCOVERY FILED BY NUCLEAR ENGINEERING COMPANY, INC." in the above-captioned proceeding have been served on the following by deposit in the United States mail, first class, or, as indicated by an asterisk, through deposit in the Nuclear Regulatory Commission's internal mail system, this 4th day of November, 1980:

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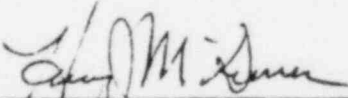
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