

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

IN THE MATTER OF )  
 )  
NUCLEAR ENGINEERING COMPANY, INC. ) Docket No. 27-39  
(Sheffield, Illinois Low-Level )  
Radioactive Waste Disposal Site) )

ANSWERS BY NUCLEAR ENGINEERING COMPANY, INC.  
TO NRC STAFF'S FIRST SET OF INTERROGATORIES  
AND REQUEST FOR PRODUCTION OF DOCUMENTS

Nuclear Engineering Company, Inc. by its Vice  
President, Thomas S. Baer, Ph.D. answers as follows:

INTERROGATORY NO. 3:

- a. "List" all consultants, contractors, experts, special employees, agents, firms, advisors, who have performed any assignment, task, contract, or any other work for NECO, Teledyne, Inc., any of NECO's officers and employees, any attorney or law firm acting for or on behalf of NECO which assignment, task, contract, or work relates to this proceeding or the Sheffield site, or the proposed expanded site in any way.
- b. Provide the address, telephone number, and all persons involved in the matter. Designate the key or lead person responsible if more than one individual is named.
- c. Explain in detail the assignment or tasks performed or requested to be performed.
- d. Provide copies of all "documents" which relate to 3(a)-(c).

ANSWER: See NECO answer to Intervenor, State of Illinois Interrogatories 27-29.

INTERROGATORY NO. 4: Provide all "documents which NECO believes support its position that it does not possess materials buried pursuant to an AEC/NRC license at Sheffield.

ANSWER: NECO relies upon the documents referenced in the following pleadings, which have been previously served upon the parties, as indicated: Respondent's Motion for Emergency Action by the Commission and to Stay the Immediate Effectiveness of the Order to Show Cause (filed March 22, 1979); Licensee's Post-Hearing Brief on Issues Arising During Oral Argument Before the Licensing Board on March 27, 1979 (filed April 3, 1979), including the attachments filed on April 6, 1979; Motion by NECO for Reconsideration and Clarification of the Commission's Notice of Hearing and Memorandum and Order (filed June 18, 1979), Motion by NECO to Supplement its Motion for Reconsideration (filed July 19, 1979); Motion by NECO to File Out of Time and to Supplement Further its Motion for Reconsideration (filed October 19, 1979).

INTERROGATORY NO. 8(b): Explain in detail any discussion or communications NECO has had which relate to 8(a) with the State of Illinois or any other state or private entity.

ANSWER: There are no discussions with the State of Illinois or any other private entity that are not already part of the record.

INTERROGATORY NO. 9:

- a. Explain in detail the current status of any relationship NECO or Teledyne has with the State of Illinois, or any of its agencies or agents, which relate to the Sheffield site including the status of the lease between NECO and the state, and the status of all litigation.
- b. Describe in detail all actions NECO has taken or has attempted to take which relate to transfer of site responsibility to the State of Illinois, any agency of the State of Illinois, or any other governmental or private entity. (You may exclude the instant litigation and the NRC).

ANSWER: Nuclear Engineering Company, Inc. entered into a lease with the State of Illinois--said lease is already in the record of this proceeding--for the purpose of operating the acreage encompassed in the lease for low-level radioactive waste disposal. The lease was for a specific term of years and also for the sole purpose of low-level radioactive waste disposal and no other. At the time of termination of the lease and license on March 8, 1979, the lease acreage was at capacity. On March 8, 1979, Nuclear Engineering Company, Inc. terminated its lease and license with the State of Illinois. By the terms of this lease, the State assumed the responsibility for the site upon the termination of the lease.

INTERROGATORY NO. 11: In a letter dated July 8, 1980 from Troy B. Conner to the presiding Licensing Board, NECO proposed an issue relating to "what conditions to terminate the license may reasonably be imposed upon NECO pursuant to § 2.107 and 20.302(b), considering the commitment of the owner of the site, the State of Illinois, to provide long-term surveillance and maintenance after disposal operations have ceased." Explain in detail what bearing the fact that the State owns the site has upon ascertaining appropriate conditions for the Licensing Board to impose on NECO before "NECO may quit the site."

ANSWER: An absolute condition precedent to the granting of any commercial low-level waste disposal license was established by the United States government to require that burial be on the land owned by the Federal or State government in order to assure perpetual maintenance. No license could be granted to any applicant until and unless such a commitment existed.


NECO has explained its theory of the case in this respect in its Licensee's Post-Hearing Brief on Issues Arising During Oral Argument Before the Licensing Board on March 17, 1979 (filed April 3, 1979). As the owner of the Sheffield site, the State of Illinois committed to the United States pursuant to C.F.R. § 20.302(b), and to NECO under the lease agreement, to provide long-term maintenance at the site upon NECO's withdrawal. Therefore, any conditions for site closure imposed by the NRC, including the Licensing Board, would necessarily be

imposed upon by the State of Illinois as the legal owner and custodian of the site at the time of NECO's withdrawal. Accordingly, there are no additional conditions for site closure which can be imposed against NECO in light of the responsibility and commitment of the State of Illinois for such long-term custodial maintenance of the site pursuant to its lease with NECO and its agreement with the NRC.

INTERROGATORY NO. 13: "List" the Teledyne, Inc., officers or employees whose duties or responsibilities include knowledge or review of NECO's activities at the NRC/AEC licensed Sheffield site.

ANSWER: None

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

  
\_\_\_\_\_  
T. S. Baer

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION



In the Matter of )  
NUCLEAR ENGINEERING COMPANY, INC. ) Docket No. 27-39  
(Sheffield, Illinois Low-Level )  
Radioactive Waste Disposal Site) )

CERTIFICATE OF SERVICE

I hereby certify that copies of "Answers by Nuclear Engineering Co., Inc. to Intervenor State of Illinois' First set of Interrogatories" and "Answers by Nuclear Engineering Company, Inc. to NRC Staff's First Set of Interrogatories and Request for Productions of Documents," all dated October 31, 1980, in the captioned matter, were served upon the following by deposit in the United States mail this 31st day of October, 1980.

Alan S. Rosenthal, Esq.  
Chairman, Atomic Safety and  
Licensing Appeal Board Panel  
U.S. Nuclear Regulatory  
Commission  
Washington, D.C. 20555

Richard S. Salzman, Esq.  
Atomic Safety and Licensing  
Appeal Board Panel  
U.S. Nuclear Regulatory  
Commission  
Washington, D.C. 20555

Dr. W. Reed Johnson  
Atomic Safety and Licensing  
Appeal Board Panel  
U.S. Nuclear Regulatory  
Commission  
Washington, D.C. 20555

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

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

Dr. Linda W. Little  
Member, Atomic Safety and  
Licensing Board Panel  
5000 Hermitage Drive  
Raleigh, North Carolina 27612

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

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

Roy P. Lessy, Esq.  
Counsel for the NRC Staff  
Office of the Executive  
Legal Director  
U.S. Nuclear Regulatory  
Commission  
Washington, D.C. 20555

D.J. McRae, Esq.  
217 West Second Street  
Kewanee, Illinois 61443



Donald D. Rumley, Esq.  
Scott Madson, Esq.  
601 South Main Street  
Princeton, Illinois 61356

Mary Jo Murray, Esq.  
Assistant Attorney General  
State of Illinois  
Environmental Control Division  
188 West Randolph Street  
Suite 2315  
Chicago, Illinois 60601

John M. Cannon, Esq.  
Suite 2245  
20 North Wacker Drive  
Chicago, Illinois 60606

Kenneth G. Anspach, Esq.  
Environmental Control Division  
188 West Randolph, Suite 2315  
Chicago, Illinois 60601

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

Charles F. Eason, Esq.  
Nuclear Engineering Company, Inc.  
1100 17th Street, N.W.  
Suite 1000  
Washington, D.C. 20036

R. Lee Armbruster, Esq.  
General Counsel  
Nuclear Engineering Company, Inc.  
P.O. Box 7246  
Louisville, Kentucky 40207



Thomas S. Baer