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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

Before the Atomic Safety and Licensing Board

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

MOTION BY NUCLEAR ENGINEERING COMPANY, INC. TO COMPEL
INTERVENORS SCHIELER, ET AL., AND COUNTY OF BUREAU
TO ANSWER NECO'S INTERROGATORIES AND
TO COMPEL PRODUCTION OF DOCUMENTS

Background

Pursuant to the Prehearing Conference Order and Order
Setting Time for Discovery entered by the Atomic Safety and
Licensing Board ("Licensing Board" or "Board") in the cap-
tioned proceed. ... September 9, 1980, Nuclear Engineering
Company, Inc. ("NECO") now moves to compel answers to inter-
rogatories and production of documents on the part of Inter-
venors Schieler, et al., and County of Bureau. ^{1/}

The Board's Order specifically required that any ob-
jections to discovery be filed by October 20, 1980, and that
all discovery as to which there was no objection be furnished
by November 1, 1980. To date, NECO has received neither
objections, answers nor any other discovery response from

1/ Each intervenor was served with separate interrogatories
and requests for production of documents by NECO on
October 10, 1980. Motion by NECO to Compel the State
of Illinois to Answer at 1-2 (filed November 15, 1980).

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Intervenors Schieler, et al., or the County of Bureau. Nor has any request for an extension of time, oral or written, been received.

Argument

Under the circumstances, both intervenors have failed to comply with the discovery Order of this Board. There is obviously no basis upon which either intervenor can possibly object to or otherwise oppose NECO's discovery at this time. The authorities which NECO has cited with respect to the responsibilities of parties in complying the the NRC discovery rules and Board orders in NECO's concurrently filed Motions to Compel are equally applicable here.^{2/} For the sake of brevity, NECO hereby incorporates those pleadings by reference, to which the Board is respectfully referred for a complete discussion of the points upon which NECO relies. It is also noted that, on their face, all of NECO's discovery requests to each intervenor are relevant to the subject matter of this proceeding or reasonably calculated to lead to the discovery of admissible evidence as required by 10 C.F.R. §2.740(b)(1).

^{2/} See generally Motion by NECO to Strike State of Illinois' Objection to Discovery (filed October 30, 1980); Motion by NECO to Compel State of Illinois' Answers to Requests for Admissions and Interrogatories and to Compel Production of Documents (filed November 15, 1980); Motion by NECO to Compel NRC Staff Answers to NECO's Requests for Admissions and Interrogatories and to Compel Production of Documents (filed November 15, 1980).

Conclusion

For the reasons discussed more fully above, NECO's motion to compel should be granted against each intervenor.

Respectfully submitted,

CONNER & MOORE

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November 15, 1980