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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

ATOMIC SAFETY AND LICENSING BOARD
Before Administrative Judges:

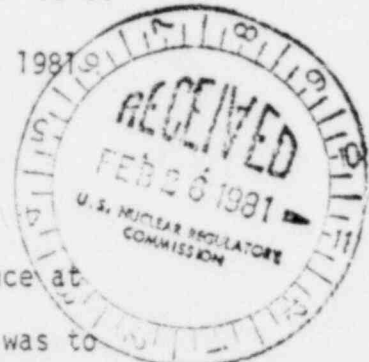
Andrew C. Goodhope, Chairman
Dr. Jerry R. Kline
Dr. Forrest J. Remick



In the Matter of)
US ECOLOGY, INC.)
(Sheffield, Illinois Low-Level)
Radioactive Waste Disposal Site)

Docket No. 27-39 SC
February 25, 1981

PREHEARING CONFERENCE ORDER AND
ORDER RULING ON DISCOVERY
REQUESTS, OBJECTIONS AND MOTIONS



On February 13, 1981 this Board held a prehearing conference at which all the parties appeared. The purpose of the conference was to hear from the parties on all their various requests for discovery and objections thereto.

Based upon all the documents filed by the parties and the statements and agreements made at the conference the Board enters this order.

1. NRC Staff discovery requests to licensee, US Ecology, Inc.

The Staff requests numbered 3,4,5,6,9, the second 11, and 13 have been satisfactorily answered by US Ecology, Inc. Staff request 12 will be answered in advance of the start of hearings. The remaining requests were objected to by US Ecology, Inc. The objection to Staff request 7 is sustained. The information called for by Staff requests 1,2,8,10, and

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the first 11 will either be identified by US Ecology, Inc. if previously filed with the NRC or will be made fully available for inspection by the Staff at the offices of US Ecology, Inc.

The Board set on the record at the conference the date of March 19, 1981 for the Staff and the intervenor, State of Illinois, to inspect and copy US Ecology records at Sheffield, Illinois. If the parties wish to inspect and copy US Ecology, Inc. records in Louisville, Kentucky, they are directed to agree upon a prompt date for this. US Ecology has agreed to make all such records available for inspection and copying. (See Staff and US Ecology filed documents and tr. 188 et seq.)

2. US Ecology, Inc. discovery requests to the NRC Staff

US Ecology, Inc. request 11a. and b. and 12b. and c. have been answered. The Staff objections to US Ecology, Inc. requests 1,2,3,4,5, 6,7,8,9,10,11c., 12a., 13,14,15 are sustained since the requests are argumentative, call for legal conclusions or are irrelevant to the three issues before this Board.

The Staff, however, has agreed to make a reasonable search of pertinent Commission files and records and ask knowledgeable personnel in the Commission for information responsive to all of US Ecology, Inc. requests and make whatever information results available to counsel for US Ecology, Inc. These agreements and commitments by the Staff are found at tr. 254 et seq. The Staff objections to US Ecology, Inc. requests 16 and 17 are overruled and the Staff is directed to answer these requests.

The Staff has also agreed to make whatever documents responsive to US Ecology, Inc. other requests 1,2 and 3 available to counsel. (tr. 286)

3. State of Illinois discovery requests to licensee, US Ecology, Inc.

Intervenor requests 10, 22 and 75 have been withdrawn. US Ecology, Inc. objections to intervenor interrogatories 2,3,5 (to the extent they ask for identification of Teledyne minutes), 7,8,9,11,12,55,56,64,66,70,71, 72,82,83,84,85,86,87,88,89 are sustained. These requests call for speculation, old history or are irrelevant to the three issues to be decided in this show cause proceeding.

The remaining interrogatories have either been answered or will be answered under oath or documents containing answers or possible answers will be made available for inspection and copying. Documents already filed with the NRC responsive to any of these interrogatories will be identified by US Ecology, Inc. (See tr. 289 et seq.) Intervenor will be given the same opportunity to inspect and copy as the Staff as stated above. Objections by US Ecology that these interrogatories seek information that is irrelevant, open-ended, or already in the NRC files or other reasons are overruled. US Ecology, Inc. need not perform inspections or analysis, other than those already done in order to answer these interrogatories, and need not produce information which is the result of attorney work product or within the attorney-client privilege.

4. US Ecology, Inc. discovery requests to the intervenor State of Illinois.

The Attorney General's Office for the State of Illinois has agreed to produce all documents which it has in its possession or which it can obtain from the various agencies of the State concerned which are responsive to the discovery requests of US Ecology, Inc. These documents are to be identified if already in possession of US Ecology, Inc. and if not produced identify the documents and the reasons they have not been produced. If attorney-client privilege or attorney's work product is claimed for failure to produce such documents are to be identified. (See tr. 367 et seq.)

Answers to all discovery requests are to be filed to the extent possible by March 16, 1981 by all three of the above parties and any further responsive information or documents are to be identified or made available immediately upon receipt thereafter. All other objections by the three parties not considered herein are overruled and all motions not considered herein are denied.

5. US Ecology request for discovery from the County of Bureau, Illinois.

These requests have been answered.

6. Chicago Section of the American Nuclear Society (ANS) discovery requests to the intervenor State of Illinois.

The intervenors objections to ANS requests 8,9,10,11 and 12 are sustained.

As to the remaining requests the State of Illinois has agreed to identify whatever documents it has responsive to such requests and make them available to ANS for inspection and copying. (tr. 402 et seq.)

7. ANS discovery requests to NRC Staff.

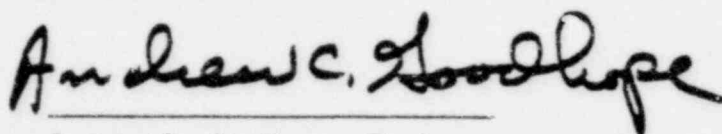
It appears that any problems with these requests have been resolved.

(tr. 414)

Other objections to ANS discovery requests not ruled upon herein are overruled and any motions outstanding not ruled on herein are denied.

IT IS SO ORDERED.

FOR THE ATOMIC SAFETY AND
LICENSING BOARD

A handwritten signature in black ink that reads "Andrew C. Goodhope". The signature is written in a cursive style with a horizontal line underneath the name.

Andrew C. Goodhope, Chairman
ADMINISTRATIVE JUDGE