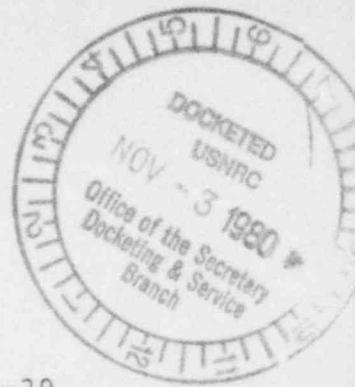


Oct 31, 80



UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY & LICENSING BOARD

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

ANSWERS OF STATE OF ILLINOIS
TO REQUESTS FOR INTERROGATORIES
BY THE CHICAGO SECTION/AMERICAN NUCLEAR SOCIETY

Interrogatory No. 1: Identify by title, author and publication (if any) every article, book, paper or other document which has been consulted or relied on in the preparation of your position on each condition proposed by the staff for the termination of NECO's license for the Sheffield site.

RESPONSE: The State of Illinois has not yet taken any position of record on any condition proposed by the NRC staff.

Interrogatory No. 2: List the location and custodian of every document identified in answer to Interrogatory 1.

RESPONSE: Same as answer to Interrogatory No. 1.

Interrogatory No. 3: List every public law, regulation or document to be used by you to support your position on each proposed condition.

RESPONSE: Same as answer to Interrogatory No. 1.

Interrogatory No. 4: Name every person who may be called as a witness by you in any hearing or proceeding regarding the termination of NECO's license for the Sheffield site.

RESPONSE: James Blackburn
Keros Cartwright

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Herman Cember
Donald Warner
Thomas M. Johnson

This Interrogatory will be treated by State of Illinois as continuing, and will be updated if the use of any additional witnesses becomes necessary.

Interrogatory No. 5: Identify by name, business address and telephone number every person consulted or to be consulted by you as an expert, whether or not they may be called as a witness.

RESPONSE: James Blackburn
Illinois Department of Nuclear Safety
1035 Outer Park Drive
Springfield, Illinois 62704

Keros Cartwright
Illinois Institute of Natural Resources
Urbana, Illinois 61801

Thomas M. Johnson
Illinois Institute of Natural Resources
Urbana, Illinois 61801

Dr. Herman Cember
Radiation Safety Services, Inc.
827 Simpson
Evanston, Illinois 60201

Donald Warner
Department of Geological Engineering
University of Missouri
Rolla, Missouri 65401

Interrogatory No. 6: Identify every public health or safety risk you may allege as relevant to the termination of operations at the Sheffield site, giving particulars as to the actual or projected number of persons at risk, the type and degree of risk, if any, and the physical evidence, if any, to be relied on to establish such alleged risk.

RESPONSE: In accordance with the previously filed "Objection to Discovery," the State of Illinois objects to Interrogatory

No. 6 for the following reasons:

- (a) The failure of Chicago Section/American Nuclear Society to define the term "termination of operations" as well as its failure to limit the scope of the time period referred to in said interrogatory renders said interrogatory unduly vague.
- (b) Said interrogatory asks for speculation on the part of the State of Illinois.

Interrogatory No. 7: Describe in detail each and every condition, if any, you may seek to have the Commission impose in order to protect (a) the public health, (b) the public safety, or (c) the environment, before the operator NECO may quit the site, and designate for each condition identified the specific risks to be protected against.

RESPONSE: In accordance with its previously filed "Objection to Discovery," the State of Illinois objects to Interrogatory No. 7 for the following reasons:

- (a) The reference in said interrogatory to the term "condition" assumes the presence of issues which do not exist in this case. The issues set forth by the Board in its Order dated September 9, 1980, do not address any "conditions" to be set by the State of Illinois. Thus the answer requested by said interrogatory is irrelevant, immaterial, and beyond the scope of this proceeding.
- (b) The question assumes that the State of Illinois will agree to allow NECO to "quit the site," a legal position never taken by the State of Illinois.

Interrogatory No. 8: Identify all information concerning the costs of (a) providing protection against the risks identified in the answer to Interrogatory 6 and (b) complying with each condition described in the answer to Interrogatory 7.

RESPONSE: See answers to Interrogatories No. 6 and No. 7.

Interrogatory No. 9: State whether compliance with any condition sought to be imposed on NECO, against the will of NECO, will relieve NECO, the State of Illinois or the Commission of liability to the public in the event compliance with any such condition causes or contributes to harm to any member of the public or any damage to property.

RESPONSE: In accordance with its previously filed "Objection to Discovery," the State of Illinois objects to Interrogatory No. 9 on the grounds that the use of the terms "any condition," "against the will of NECO," "liability to the public," "any member of the public," and "any damage to property" causes the question to be so confusing as to be not understandable by the State of Illinois in that said terms are vague, lacking any readily identifiable definition, and require speculation on the part of the State of Illinois. Furthermore, the State of Illinois objects to said interrogatory on the ground that said interrogatory asks for a legal conclusion.

Interrogatory No. 10: Identify by name, business address and telephone number each owner or occupant of any property which may be alleged by you to be at risk, unless your conditions for termination are imposed on NECO.

RESPONSE: In accordance with its previously filed "Objection to Discovery," the State of Illinois objects to Interrogatory

No. 10 for the following reasons:

(a) The reference in said interrogatory to the phrase "your terms for termination" assumes facts and issues not before the Board in this proceeding as defined by its Order of September 9, 1980, rendering said interrogatory irrelevant, immaterial and beyond the scope of this proceeding.

(b) The failure of said interrogatory to limit the scope of the time period referred to therein renders said interrogatory to be unduly vague.

(c) Said interrogatory asks for speculation on the part of the State of Illinois.

Interrogatory No. 11: Identify each and every person named in response to Interrogatory 10 with whom you have corresponded or discussed these proceedings.

RESPONSE: See answer to Interrogatory No. 10.

Interrogatory No. 12: List every note, letter, written communication or other document relating to any person identified in Interrogatory 10 and Interrogatory 11.

RESPONSE: See answer to Interrogatory No. 10.

Respectfully submitted,

TYRONE C. FAHNER
Attorney General
State of Illinois

BY: 

KENNETH G. ANSPACH
Assistant Attorney General

OF COUNSEL

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Environmental Control Division


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DATED: October 31, 1980

CERTIFICATE OF SERVICE

I hereby certify that on this 31st day of October, 1980 I served copies of the foregoing Answers of State of Illinois to Requests for Interrogatories by the Chicago Section/American Nuclear Society, upon each of the persons named on the attached Service List, by causing copies to be deposited in the U.S. Mail in envelopes properly addressed and sealed, first class postage prepaid.


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