

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

IN THE MATTER OF)	
ILLINOIS POWER COMPANY,)	
SOYLAND POWER COOPERATIVE, INC.)	Docket Nos. 50-461 OL
and WESTERN ILLINOIS POWER)	50-462 OL
COOPERATIVE, INC.)	
)	
(Operating Licenses for Clinton)	
Power Station, Units 1 and 2))	

ANSWER OF APPLICANTS IN OPPOSITION
TO PRAIRIE ALLIANCE'S
MOTION TO COMPEL DISCOVERY

Pursuant to Section 2.730(c) of the Rules of Practice of the Nuclear Regulatory Commission, Illinois Power Company ("IP"), on behalf of the Applicants for an operating license in the above-captioned proceedings, hereby answers Prairie Alliance's Motion To Compel Discovery of September 22, 1981 ("Motion"), and requests that the Motion be denied. In support of its answer, IP states as follows:

1. Prairie Alliance's Motion was Filed Late Without Good Cause

In a telephone conference of September 10, 1981 between the members of the Atomic Safety and Licensing Board (the "Board") and all parties to this proceeding, it was agreed and ordered that Intervenors Prairie Alliance and the State of Illinois would be given ten days in which to file motions to compel discovery. The period in which to file such motions expired on September 21, 1981. Prairie

Alliance's Motion was filed beyond the period permitted by the Board, on September 22, 1981.

Under 10 CFR § 2.711(a), the time fixed for an action may for good cause be extended or shortened by the Commission or the Presiding Officer (emphasis added). Prairie Alliance, in its letter of September 25, 1981 to the Chairman of the Board, has failed to show any good cause for its delay in filing its Motion to Compel Discovery.

In view of the extension previously granted, a further delay was inexcusable. IP served its answers to Prairie Alliance's interrogatories on July 27, 1981. Prairie Alliance failed to file a motion to compel within the ten day limit specified in 10 CFR § 2.740(e). It waited an additional five weeks to bring up the subject of a motion to compel. Only through the order of the Board was Prairie Alliance able to gain an additional ten day period, running until September 21, 1981, in which to file its Motion. Prairie Alliance consequently had eight weeks from the time IP served its answers to Prairie Alliance's interrogatory, in which to examine the interrogatory answers, find objections to the answers, and file a motion to compel. Moreover, during this eight week period, Prairie Alliance made no effort to review the documents and other information which it had requested in its interrogatories and which IP had made available for review.


Because of Prairie Alliance's lateness in filing, especially after being given a second opportunity in which to file its Motion, the Board should deny the Motion.

2. The Motion Should be Denied On the Merits

As is shown in the accompanying memorandum, IP fully complied with all requirements of the Rules of Practice of the Nuclear Regulatory Commission in responding to Prairie Alliance's First Round of Discovery, fully answered all interrogatories within the scope of the contentions admitted in the present proceeding, and completely responded to all document requests contained in those interrogatories.

WHEREFORE, for all the foregoing reasons and for the reasons set forth in the accompanying memorandum, Applicants respectfully request that Prairie Alliance's Motion to Compel Discovery be denied.

Respectfully submitted,



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Applicants.

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