

15087

DOCKETED  
USNRC

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

'94 MAY 23 A11:03

ATOMIC SAFETY AND LICENSING BOARD

OFFICE OF SECRETARY  
DOCKETING & SERVICE  
BRANCH

Before Administrative Judges:  
Thomas S. Moore, Chairman  
Richard F. Cole  
Frederick J. Shon

SERVED MAY 23 1994

In the Matter of  
  
LOUISIANA ENERGY  
SERVICES, L.P.  
  
(Claiborne Enrichment Center)

Docket No. 70-3070-ML  
  
ASLBP No. 91-641-02-ML  
(Special Nuclear  
Material License)

ORDER

We have before us the motion to compel responses to interrogatories Q-4 and Q-5 filed by Citizens Against Nuclear Trash (CANT) on May 2, 1994 and the May 17, 1994 answer of the Applicant, Louisiana Energy Services. CANT shall file a reply limited to that portion of the Applicant's answer dealing with interrogatory Q-5 and the question "whether discovery of information from parent corporations of general partners is permissible."<sup>1/</sup>

<sup>1/</sup> Applicant's Answer to Intervenor's Motion to Compel Answers to Interrogatories Q-4 and Q-5 (May 17, 1994) at 7.

DS02

We are ordering this additional filing because the Applicant's objection to interrogatory Q-5 contained in its response to CANT's interrogatories<sup>2/</sup> does not appear to raise the same argument that the Applicant has set forth in its answer to CANT's motion to compel. This being the case, CANT has not had any opportunity to address this argument. CANT's reply shall be in our hands no later than May 31, 1994.

In the future, all parties to this proceeding should ensure that any objection set forth in a response to a discovery request is complete in order to avoid the risk of waiver of any ground not stated in the response.<sup>3/</sup> The discovery provisions of the Commission's Rules of Practice, like the corresponding provisions of the Federal Rules of Civil Procedure, are intended to simplify and expedite the decision process for resolving discovery disputes. That purpose is frustrated and delay results when all of a party's objections are not stated in that party's response to a discovery request. In such circumstances, the party moving to compel responses cannot address all of the objections in its initial motion in accordance with the design of the Commission's discovery provisions. We trust that in the future the parties will not run afoul of the "raise or waive" rule.

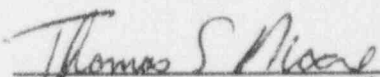
---


<sup>2/</sup> See Applicant's Response to Intervenor's 3/24/94 Interrogatories April 15, 1994 at 13.

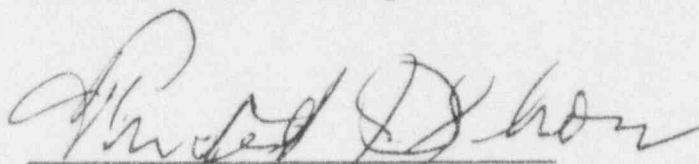
<sup>3/</sup> See Fed. R. Civ. P. 33(b)(4).

IT IS SO ORDERED.

FOR THE ATOMIC SAFETY AND  
LICENSING BOARD

  
Thomas S. Moore, Chairman  
Administrative Judge

  
Richard F. Cole  
Administrative Judge

  
Frederick J. Shon  
Administrative Judge

Bethesda, Maryland,

May 23, 1994

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

In the Matter of

LOUISIANA ENERGY SERVICES, L.P.

(Claiborne Enrichment Center  
SNM License)

Docket No.(s) 70-3070-ML

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing LB - ORDER DTD 5/23/94 have been served upon the following persons by U.S. mail, first class, except as otherwise noted and in accordance with the requirements of 10 CFR Sec. 2.712.

Office of Commission Appellate  
Adjudication  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555

Administrative Judge  
Thomas S. Moore, Chairman  
Atomic Safety and Licensing Board  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555

Administrative Judge  
Richard F. Cole  
Atomic Safety and Licensing Board  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555

Administrative Judge  
Frederick J. Shon  
Atomic Safety and Licensing Board  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555

Eugene Holler, Esq.  
Office of the General Counsel  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555

Diane Curran, Esquire  
6935 Laurel Avenue, Suite 204  
Takoma Park, MD 20912

W. H. Arnold  
President  
Louisiana Energy Services, L.P.  
2600 Virginia Avenue, N.W., Suite 608  
Washington, DC 20037

Peter G. LeRoy  
Licensing Manager  
LES - c/o Duke Engineering and  
Services, Inc.  
PO Box 1004  
Charlotte, NC 28201


Docket No.(s)70-3070-ML  
LB - ORDER DTD 5/23/94

J. Michael McGarry, III, Esq.  
Counsel for LES  
Winston & Strawn  
1400 L Street, N.W.  
Washington, DC 20005

Nathalie M. Walker, Esq.  
Robert B. Wiygul, Esq.  
Sierra Club Legal Defense Fund, Inc.  
400 Magazine Street, Suite 401  
New Orleans, LA 70130

Ronald Wascom  
Deputy Assistant Secretary  
Office of Air Quality & Rad. Protection  
Dept. of Environmental Quality  
P.O. Box 82135  
Baton Rouge, LA 70884

Dated at Rockville, Md. this  
23 day of May 1994

  
Office of the Secretary of the Commission