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DOCKETED
June 14 1994

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

'94 JUN 14 P2:41

Before the Atomic Safety and Licensing Board

OFFICE OF SECRETARY
DOCKETING & SERVICE
BRANCH

In the Matter of)	
	)	Docket No. 50-312-DCOM
SACRAMENTO MUNICIPAL UTILITY)	
DISTRICT	)	(Decommissioning Plan)
)	
(Rancho Seco Nuclear	)	ASLBP No. 93-677-01-DCOM-R
Generating Station))	

LICENSEE'S MOTION TO COMPEL

Pursuant to 10 C.F.R. § 2.740, the Sacramento Municipal Utility District ("Licensee" or the "District") hereby moves the Atomic Safety and Licensing Board for an order compelling Environmental and Resources Conservation Organization ("ECO") to respond immediately to "Licensee's First Set of Interrogatories and Requests for Production of Documents to ECO," served on May 13, 1994. The District also requests that the order warn ECO that any continued failure to respond to the District's May 13, 1994 discovery request, or any failure to respond to other discovery in this proceeding, will result in ECO's dismissal from this proceeding pursuant to 10 C.F.R. § 2.707.

Under the Commission's Rules of Practice, at 10 C.F.R. § 2.740b(b), ECO was required to respond to the District's interrogatories by June 1, 1994 (fourteen days after service by mail).

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ECO neither responded nor made any attempt to notify either the Board or the parties to request an extension.

We telephoned ECO's Counsel's offices on June 6, and ECO's Counsel returned our call the next day. At that time, ECO's Counsel stated that he was having difficulty reaching Dr. Rossin. ECO's Counsel promised to provide ECO's response to the District's interrogatories by Friday, June 10, and to send a letter to the Board and parties notifying them of this commitment. However, no letter or response has been received from ECO.

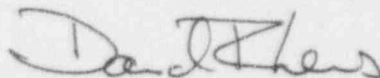
ECO's lack of regard for its discovery obligations in this proceeding should not be tolerated. As the Commission has made clear, failure to respond to discovery is no mere procedural trifle.

Rather, it is the linchpin of the fact-finding process, for the ability of an adjudicator to arrive at the truth depends on the parties' willingness to produce relevant information and witnesses. When the parties refuse to meet that obligation, they cripple the adjudicators' ability to make sound and just decisions.

Long Island Lighting Co. (Shoreham Nuclear Power Station, Unit 1), CLI-89-2, 29 N.R.C. 211, 215 (1989).

For these reasons, the District asks that ECO be ordered to respond immediately and be dismissed for any further disregard of its obligations.

Respectfully submitted,



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Counsel for Licensee

Dated: June 10, 1994

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

DOCKETED
USNRC

Before the Atomic Safety and Licensing Board '94 JUN 14 P2:41

In the Matter of	)		OFFICE OF SECRETARY
	)	Docket No. 50-012-DCOM	DOCKETING & SERVICE
SACRAMENTO MUNICIPAL UTILITY	)		BRANCH
DISTRICT	)	(Decommissioning Plan)	
)		
(Rancho Seco Nuclear Generating	)	ASLBP No. 93-677-01-DCOM-R	
Station))		

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing "Licensee's Motion to Compel" dated June 10, 1994, are being served upon the persons on the attached Service List by deposit in the United States mail, first class, postage prepaid, or where indicated by an asterisk by hand delivery, this 10th day of June, 1994.



David R. Lewis

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

Before the Atomic Safety and Licensing Board

In the Matter of)	
SACRAMENTO MUNICIPAL UTILITY	)	Docket No. 50-312-DCOM
DISTRICT	)	(Decommissioning Plan)
(Rancho Seco Nuclear Generating)	
Station)	)	ASLBP No. 93-677-01-DCOM-R

SERVICE LIST

*Administrative Judge Charles Bechhoefer, Esq., Chairman Atomic Safety and Licensing Board U.S. Nuclear Regulatory Commission Washington, D.C. 20555	Office of the Secretary Attn: Docketing and Service Branch U.S. Nuclear Regulatory Commission Washington, D.C. 20555
*Administrative Judge Dr. Richard F. Cole Atomic Safety and Licensing Board U.S. Nuclear Regulatory Commission Washington, D.C. 20555	Adjudicatory File Atomic Safety and Licensing Board U.S. Nuclear Regulatory Commission Washington, D.C. 20555
*Administrative Judge Mr. Thomas D. Murphy Atomic Safety and Licensing Board U.S. Nuclear Regulatory Commission Washington, D.C. 20555	Office of Commission Appellate Adjudication U.S. Nuclear Regulatory Commission Washington, D.C. 20555
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