

March 9, 1994  
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UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

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BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

OFFICE OF SECRETARY  
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In the Matter of )

SEQUOYAH FUELS CORPORATION )  
GENERAL ATOMICS )

Docket No. 40-8027-EA

(Gore, Oklahoma Site )  
Decontamination and )  
Decommissioning Funding) )

Source Material License  
No. SUB-1010

NRC STAFF'S ANSWER TO  
GENERAL ATOMICS' MOTION TO STAY DISCOVERY

In a Motion dated February 17, 1994, General Atomics moved the Licensing Board (Board) for a temporary stay of discovery by all parties in this matter until the Board rules on General Atomic's motion for summary disposition filed on the same date. Essentially, General Atomics asserts that it would place an unfair burden on it to be forced to respond to discovery requests when it has pending a motion that, if granted, would relieve it from further participation in this proceeding.

The NRC Staff (Staff) is cognizant of the added burden that discovery may impose on General Atomics if the Board determines that it is not subject to NRC jurisdiction in this matter. However, the request for an open-ended delay of the commencement of discovery against all parties is unreasonable.

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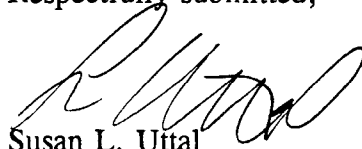
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The Staff is willing to compromise its desire to initiate discovery against General Atomics immediately with General Atomic's request to indefinitely stay all discovery. The Staff, therefore, does not oppose a stay of discovery through the period ending the earlier of (1) the date the Board rules on General Atomics' Motion for Summary Disposition or For An Order of Dismissal, or (2) June 1, 1994.<sup>1</sup> The Staff believes the latter date represents a reasonable compromise that would achieve a balance between General Atomics' concerns and the Staff's interest in seeing that this proceeding move forward without any undue delay.

Respectfully submitted,



Susan L. Uttal  
Steven R. Hom  
Counsel for NRC Staff

Dated at Rockville, Maryland  
this 9th day of March, 1994

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<sup>1</sup> Counsel for Native Americans for a Clean Environment (NACE) has informed the Staff that NACE concurs in this proposed schedule but, notwithstanding such concurrence, desires that this proceeding move forward expeditiously.

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

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USNRC

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

MAR 10 12:17

In the Matter of )

SEQUOYAH FUELS CORPORATION )  
GENERAL ATOMICS )

(Gore, Oklahoma Site Decontamination )  
and Decommissioning Funding) )

Docket No. 40-08027-EA

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OFFICE OF SECRETARY  
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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing "NRC STAFF'S ANSWER TO GENERAL ATOMICS' MOTION TO STAY DISCOVERY" in the above-captioned matter have been served on the following by deposit in the United States mail, first class, or as indicated by asterisk through deposit in the Nuclear Regulatory Commission's internal mail system this 9th day of March, 1994:

James P. Gleason, Chairman\*  
Administrative Judge  
Atomic Safety and Licensing Board  
Mail Stop: EW-439  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555

Jerry R. Kline\*  
Administrative Judge  
Atomic Safety and Licensing Board  
Mail Stop: EW-439  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555

G. Paul Bollwerk, III\*  
Administrative Judge  
Atomic Safety and Licensing Board  
Mail Stop: EW-439  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555

Thomas D. Murphy\*  
Administrative Judge  
Atomic Safety and Licensing Board  
Mail Stop: EW-439  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555

Stephen M. Duncan, Esq.  
Bradfute W. Davenport, Jr., Esq.  
Mays & Valentine  
110 South Union Street  
Alexandria, Virginia 22314

John H. Ellis, President  
Sequoyah Fuels Corporation  
P.O. Box 610  
Gore, Oklahoma 74435

Diane Curran, Esq.  
c/o IEER  
6935 Laurel Avenue, Suite 204  
Takoma Park, MD 20912

Office of the Commission Appellate  
Adjudication\*  
Mail Stop: 16-G-15 OWFN  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555

Office of the Secretary\* (2)  
ATTN: Docketing and Service  
Mail Stop: 16-G-15 OWFN  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555

Maurice Axelrad, Esq.  
John E. Matthews, Esq.  
Newman, Bouknight & Edgar, P.C.  
1615 L Street, N.W.  
Suite 1000  
Washington, DC 20036

Mr. John R. Driscoll  
General Atomics Corporation  
3550 General Atomics Court  
San Diego, California 92121-1194

Adjudicatory File (2)\*  
Atomic Safety and Licensing Board  
Mail Stop: EW-439  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555

Atomic Safety and Licensing Board  
Panel\*  
Mail Stop: EW-439  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555

Lance Hughes, Director  
Native Americans for a Clean  
Environment  
P.O. Box 1671  
Tahlequah, OK 74465



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Susan L. Uttal  
Counsel for NRC Staff