

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

ATOMIC SAFETY AND LICENSING APPEAL BOARD

Alan S. Rosenthal, Chairman
Richard S. Salzman
Dr. W. Reed Johnson

In the Matter of)

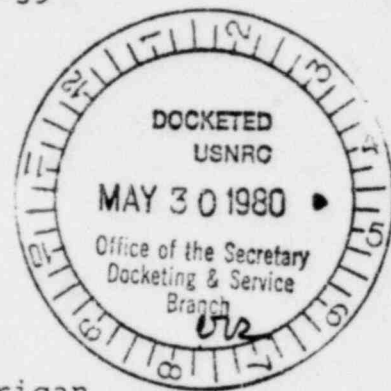
NUCLEAR ENGINEERING COMPANY, INC.)

(Sheffield, Illinois Low Level)
Radioactive Waste Disposal Site))

) Docket No. 27-39

ORDER

May 30, 1980



On May 21, 1980 intervenor Chicago Section/American Nuclear Society filed an exception to a Licensing Board order entered on May 3, 1979. According to the Nuclear Society, that order "was declared as final" by the Licensing Board in a subsequent order dated May 7, 1980. On May 27, 1980, the State of Illinois, another intervenor in this proceeding, moved to strike the Society's exception as untimely under the Rules of Practice.

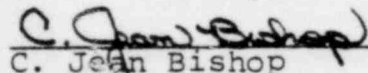
We do not wish to receive separate briefs on the motion to strike and on the merits of the Nuclear Society's appeal. We therefore instruct the Society to include in

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its brief in support of its exception a response to the jurisdictional question raised by Illinois' motion to strike. That brief is now due to be filed by June 20, 1980. Thereafter, any other parties (including the staff) desiring to be heard on the motion to strike should file a responsive brief similarly addressing both the merits of the Nuclear Society's appeal and our jurisdiction to entertain it. We reiterate that separate briefs addressing Illinois' motion to strike the exception are not to be filed.

It is so ORDERED.

FOR THE APPEAL BOARD


C. Jean Bishop
Secretary to the
Appeal Board