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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

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ATOMIC SAFETY AND LICENSING APPEALS BOARD 13 P3:41

In the Matter of)
KERR-McGEE CHEMICAL CORPORATION)
(West Chicago Rare Earths Facility))
_____)

OFFICE OF SECRETARY
DOCKETING & SERVICE
BRANCH

Docket No. 40-2061-ML

ILLINOIS' MOTION TO COORDINATE
BRIEFING SCHEDULES AND FOR AN EXTENSION
OF TIME TO FILE ITS BRIEF ON APPEAL

Appellant, People of the State of Illinois and the Illinois Department of Nuclear Safety ("Illinois"), by Neil F. Hartigan, Attorney General of the State of Illinois, hereby moves this Board pursuant to 10 C.F.R. Sec. 2.711 for an extension of time in which to file its brief in support of its Notice of Appeal, and in support thereof states as follows:

1. On February 13, 1990, the Atomic Safety and Licensing Board ("ASLB") issued its Initial Decision amending Kerr-McGee's license for the West Chicago Rare Earths Facility and authorizing it to permanently stabilize wastes arising from that facility's operations in an onsite disposal cell.

2. In accordance with 10 C.F.R. Sec. 2.762(a) and 2.785(a), the State filed its Notice of Appeal on February 20, 1990. Under 10 C.F.R. 2.762(b), the State has 30 days from its filing of the Notice of Appeal to file a supporting brief.

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3. On March 15, 1990, Appellant West Chicago filed a motion for an extension of time to file its brief. Illinois believes that West Chicago's motion has considerable merit and should be allowed. If West Chicago's motion is allowed, coordinating Illinois' briefing schedule with West Chicago's will result in an economy of time and effort for both appellants and appellee.

4. Illinois also separately requests an extension of time. As West Chicago points out in its motion, this case has a long history and involves an enormous number of documents. While the State has been a party during the life of this case, one cannot deny that there are many complex issues involved. In order to properly review the record and appropriately limit the issues that will be presented to this panel, the State will require a minimum of an additional 30 days to prepare its brief.

5. Appellee, Kerr-McGee Chemical Corporation will not suffer any prejudice if this Board affords Illinois a brief extension of time.

6. One of the Attorneys for Kerr-McGee, Richard Meserve, has stated by telephone that he objects to any extension being given to Illinois.

7. An attempt was made on March 12, 1990, to contact the attorney for the NRC Staff by telephone. Since this attempt was unsuccessful, Illinois cannot inform the Board of the position of the NRC Staff with respect to Illinois' request for an extension of time to file its brief.

WHEREFORE, Illinois moves Board panel to grant its motion to coordinate briefing schedules, or in the alternative, to grant its motion to extend time in which to file its brief for 30 days, until April 23, 1990.

Respectfully submitted,

NEIL F. HARTIGAN
Attorney General
State of Illinois

By:

William D. Seith
by DSR

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William D. Seith
Assistant Attorney General
Environmental Control Division
100 West Randolph Street, 12th Flr.
Chicago, IL 60601 (312) 814-3153

CERTIFICATE OF SERVICE

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I WILLIAM D. SEITH, an attorney in this case do certify
that on the 12th day of March, 1990, I caused to be served the

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foregoing Motion To Extend Time upon the parties listed below by

OFFICE OF SECRETARY
DOCKETING & SERVICE
BRANCH

Express Mail:

* Peter J. Nickles, Esq.
Richard A. Meserve
Covington & Burling
1201 Pennsylvania AV, N.W.
Washington, D.C. 20044

* U.S. Nuclear Regulatory
Commission
Atomic Safety and
Licensing Board
Appeal Panel
4350 East-West Highway
Room 529
Bethesda, MD 20814

* U.S. Nuclear Regulatory
Commission
Office of the Secretary
Docketing and Service Branch
Washington, D.C. 20555

* Anne Hodgdon
Office of the Executive
Legal Director
U.S. Nuclear Regulatory Commission
11555 Rockville Pike
Rockville, MD 20852

* U.S. Nuclear Regulatory
Commission
Office of the Secretary
16th Floor
1 White Flint North
11555 Rockville Pike
Rockville, MD 20852

* Robert D. Greenwalt
City Attorney for
West Chicago
100 Main Street
West Chicago, IL 60185

ATTN: Docketing and
Service Branch

* Administrative Judge
Thomas S. Moore, Chairman
Atomic Safety and Licensing Appeal
Board
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

* Administrative Judge
Howard A. Wilber, Chairman
Atomic Safety and Licensing
Appeal Board
U.S. Nuclear Regulatory
Commission
Washington, D.C. 20555

* Administrative Judge
Christine N. Kohl
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

and by first class mail, in envelopes bearing sufficient postage to the remaining parties listed on said Notice, by depositing same with the United States Postal Service located at 100 West Randolph Street, Chicago, Illinois, 60601

wsmo2b

William D Seith by [signature]
WILLIAM D. SEITH

SERVICE LIST

* Peter J. Nickles, Esq.
Richard A. Meserve
Covington & Burling
1201 Pennsylvania AV, N.W.
Washington, D.C. 20044

* Anne Hodgdon
Office of the Executive
Legal Director
U.S. Nuclear Regulatory Commission
11555 Rockville Pike
Rockville, MD 20852

Stephen England, Esq.
Illinois Dept. of Nuclear Safety
1035 Outer Drive
Springfield, IL 62704

Atomic Safety and Licensing Board Panel (3)
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Atomic Safety and Licensing Appeal Panel (3)
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Joseph A. Young, Jr.
Kerr McGee Chemical Corporation
123 Robert S. Kerr Avenue
Oklahoma City, Oklahoma 73125

Adjudicatory File
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

* Administrative Judge
Thomas S. Moore, Chairman
Atomic Safety and Licensing Appeal
Board
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

* U.S. Nuclear Regulatory
Commission
Atomic Safety and
Licensing Board
Appeal Panel
4350 East-West Highway
Room 529
Bethesda, MD 20814

* U.S. Nuclear Regulatory
Commission
Office of the Secretary
Docketing and Service
Branch
Washington, D.C. 20555

*Robert D. Greenwalt
City Attorney for
West Chicago
100 Main Street
West Chicago, IL
60185

* U.S. Nuclear Regulatory
Commission (3)
16th Floor
1 White Flint North
11555 Rockville Pike
Rockville, MD 20852

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Commission
Washington, D.C. 20555

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Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

* - denotes Service by Express Mail

wsmo2b