

DOCKETED
USNRC

'93 AUG -6 P1:18

UNITED STATES OF AMERICAN
NUCLEAR REGULATORY COMMISSION

BEFORE THE COMMISSION

OFFICE OF SECRETARY
DOCKETING & SERVICE
BRANCH

IN THE MATTER OF)

KERR-McGEE CHEMICAL CORPORATION)

(West Chicago Rare Earths Facility))

Docket No. 40-2061-ML

STATUS REPORT AND
MOTION TO CONTINUE TO
HOLD PROCEEDING IN ABEYANCE

In this proceeding, Kerr-McGee Chemical Corporation ("Kerr-McGee") seeks Commission review of the Appeal Board's decision in Kerr-McGee Chemical Corporation (West Chicago Rare Earths Facility), ALAB-944, 33 NRC 81 (1991). Since July 3, 1991, these proceedings have been held in abeyance in order to allow settlement negotiations among the State of Illinois ("State"), the City of West Chicago ("City"), and Kerr-McGee.

In light of the continuing negotiations, on June 3, 1993, Kerr-McGee and the State requested that Commission action in this proceeding be stayed for an additional period of 60 days. The Commission, by order issued on June 8, 1993, granted the request, but ordered the filing of a status report at the end of the sixty day period. This status report is

9308110091 930805
PDR ADDCK 04002061
C PDR

submitted by Kerr-McGee and the State in fulfillment of the Commission's order.

The parties are continuing their efforts to resolve this matter through negotiation and have agreed to engage in further discussions. Although some difficult issues remain to be resolved, the parties are vigorously endeavoring to reach a settlement. Kerr-McGee and the State remain hopeful that their efforts will prove successful.

Accordingly, Kerr-McGee and the State request that the Commission continue to hold the proceeding in abeyance for an additional 60-day period. Kerr-McGee will report to the Commission at the end of the 60-day period, if not before, on the progress in the negotiations.

Counsel for the Nuclear Regulatory Commission has no objection to this motion.

Respectfully submitted,

William D. Seith 

Matthew J. Dunn
William D. Seith
Douglas Rathe
Environmental Control Division
OFFICE OF THE ATTORNEY GENERAL
100 W. Randolph Street
12th Floor
Chicago, Illinois 60601

Counsel for
the State of Illinois

Herbert Estreicher

Peter J. Nickles
Richard A. Meserve
Herbert Estreicher
COVINGTON & BURLING
1201 Pennsylvania Ave.N.W.
P.O. Box 7566
Washington, D.C. 20044

Counsel for
Kerr-McGee Chemical Corp.

Dated: August 5, 1993

CERTIFICATE OF SERVICE

DOCKETED
USNRC

I hereby certify that on this 5th day of August, 1993, I caused the foregoing "Status Report and Motion to Continue to Hold Proceeding in Abeyance" to be served on counsel for all parties by placing a copy in first-class mail, postage prepaid, as follows:

Ivan Selin
Chairperson
U.S. Nuclear Regulatory Commission
11555 Rockville Pike
Rockville, MD 20852

James R. Curtiss
Commissioner
U.S. Nuclear Regulatory Commission
11555 Rockville Pike
Rockville, MD 20852

Forrest J. Remick
Commissioner
U.S. Nuclear Regulatory Commission
11555 Rockville Pike
Rockville, MD 20852

E. Gail DePlanque
Commissioner
U.S. Nuclear Regulatory Commission
11555 Rockville Pike
Rockville, MD 20852

John H. Frye, III, Chairman
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

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

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

Ann P. Hodgdon, Esq.
Office of the General Counsel
U.S. Nuclear Regulatory Commission
11555 Rockville Pike
Rockville, MD 20852

Stephen J. England, Esq.
Illinois Department of Nuclear Safety
1035 Outer Park Drive
Springfield, Illinois 62704

Robert D. Greenwalt, Esq.
City of West Chicago
100 Main Street
West Chicago, Illinois 60185

Joseph V. Karaganis
KARAGANIS & WHITE Ltd.
414 North Orleans St.
Suite 810
Chicago, Illinois 60606

Jeffrey B. Renton, Esq.
Environmental Protection Agency
Office of General Counsel
Air & Radiation Division (LE-132A)
401 M Street, S.W.
Washington, D.C. 20460

Mark M. Radell
Assistant Regional Counsel
Environmental Protection Agency
Region V
230 South Dearborn Street
Chicago, Illinois 60604

Mr. Carl Bausch
Assistant General Counsel
Executive Office of the President
Council on Environmental Quality
722 Jackson Place, N.W.
Washington, D.C. 20503

Office of the Secretary
Docketing & Service Branch (3)
U.S. Nuclear Regulatory Commission
11555 Rockville Pike
Rockville, MD 20852

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



Herbert Estreicher