

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

DOCKETED
USNRC

ATOMIC SAFETY AND LICENSING BOARD

AG0 -5 P12:03

Before Administrative Judges:

Andrew C. Goodhope, Chairman

Dr. Jerry R. Kline

Dr. Emmeth A. Luebke

OFFICE OF SECRETARY
OF LICENSING & REGULATION

In the Matter of

Docket NO. 27-39 SC

U.S. ECOLOGY, INC.

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

STATEMENT OF ILLINOIS

In response to the July 14, 1982 order of the Atomic Safety and Licensing Board, requiring the parties to file statements of progress in the settlement negotiations, the People of the State of Illinois, Intervenor, by Tyrone C. Fahner, Attorney General of the State of Illinois, file the following statement:

I. Progress of Settlement Negotiations

A. To date, Illinois has continued to cooperate in the development and analysis of technical information concerning the US Ecology (USEC) low-level nuclear waste site located at Sheffield, Illinois. Illinois believes that such information is necessary to provide a sufficient body of knowledge to proceed to the making of specific determinations regarding appropriate, long-term arrangements for the care and maintenance of the USEC low-level

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waste site and thereby assure protection of the citizens of Illinois and Bureau County. Studies currently being conducted or to begin shortly include the following:

1. United States Geological Survey (USGS) groundwater study;
2. USGS horizontal boring (tunnel) project;
3. Illinois State Geological Survey (ISGS) trench cap study;
4. USGS water balance study;
5. Battelle-Pacific Northwest Laboratories (PNL) down boring in-situ gamma spectroscopy;
6. PNL down boring in-situ tritium analysis;
7. PNL vegetative uptake study;
8. ISGS electrical resistivity study;
9. ISGS ground temperature profile study;
10. ISGS computer model of groundwater flow; and
11. Joint Illinois Department of Nuclear Safety (IDNS)/ISGS/USGS analysis of tritium migration pursuant to order of the Illinois Circuit Court in Bureau County.

These studies are not expected to be concluded for approximately two years.

B. To date, Illinois technical staff has participated in informal discussions with NRC technical staff and, based on these discussions, Illinois believes that differences of opinion on most technical issues concerning immediate site stabilization (i.e., action to be taken

pending the outcome of the current ongoing studies and further settlement of the site) are narrowing.

C. To date, Illinois has had no discussions with USEC concerning settlement of this proceeding, despite its continued offers to begin discussions. Once again, Illinois hereby renews its offer to open direct discussions with USEC concerning settlement.

II. Illinois' Suggestion for Settlement Discussion

A. Based on all data presently known and being generated, Illinois believes that no party can reasonably disagree with the following:

1) The physical condition of the site is not stable and cannot, short of exhumation or other actions of extraordinary expenditure, be made stable in the immediate future;

2) The appropriate action at present is to put the site into as stable a condition as possible, to continue active site supervision and maintenance, and to continue and increase monitoring of the site;

3) The 15 "site closure conditions" of the NRC staff constitute an acceptable framework to begin settlement discussions to define the necessary parameters of the aforesaid action as well as a site closure process consisting of a series of programmed activities taking place over time, which time period may be as long as 10 to 15 years;

4) The condition of instability and the unknowns surrounding the site introduce uncertainty as to best approach to accomplish the 15 conditions; and

5) The combination of present instability and unknowns leads to uncertainty and difficulty in quantifying the level of risk of: i) a public health threat, and/or ii) likelihood that extraordinary measures will be necessary to avoid any public health threat.

B. A fundamental disagreement between USEC and Illinois is likely to concern the magnitude of the risks identified in II A. above and the conditions for transferring that risk from USEC to another. Although further studies will help to refine the areas of disagreement and agreement, they are unlikely to provide a definitive resolution of this fundamental issue.

C. Therefore, Illinois suggests that the most fruitful approach to resolution of this matter is the negotiation of an order to be entered by the Board defining a program under which USEC would undertake certain specific site improvements, including installation of necessary monitoring equipment and programs, would retain responsibility for the site during an interim period during which some of the imponderable risk of site could be expected to be resolved, would then undertake the work necessary to

put the site in a reasonable closure condition, and, upon these steps being taken to the satisfaction of the Board, would transfer site responsibility to an appropriate successor and be released from its license.

D. Based on the foregoing, Illinois suggests that direct discussions between Illinois and USEC are necessary if there is to be any realistic hope of settlement of this matter.

E. Illinois believes discussions based on the framework outlined above could begin as soon as USEC responds to Illinois' offers to begin such discussions and, assuming negotiations proceed in good faith, could be completed within 90 to 120 days.

IV. Preparation for Hearings

In the event that settlement discussions do not result in an agreement between Illinois, USEC and NRC, Illinois would be prepared to commence hearings within approximately 90 days after completion of the following:


A) USEC's production of documents requested by Illinois in connection with Board-ordered discovery proceedings in May of 1981;

B) Depositions and other discovery proceedings which may be necessary following the production of the above-referenced documents; and

C) Compliance with all requirements of the National
Environmental Policy Act.

Respectfully submitted,

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BEFORE THE ATOMIC SAFETY AND LICENSING BOARD OF SECRETARIES
DOCKETING & SERVICE BRANCH *emp*

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U.S. ECOLOGY, INC.) Docket No. 27-39 SC
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(Sheffield, Illinois Low-Level)
Radioactive Waste Disposal Site))

CERTIFICATE OF SERVICE

I hereby certify that copies of the STATEMENT OF ILLINOIS in the above-captioned proceeding have been served on the following by being deposited in the U.S. mail, first class, postage pre-paid, on August 2, 1982.

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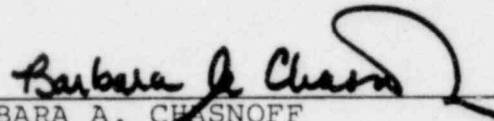
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