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USNRC

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

'87 MAY 20 P1:51

BEFORE THE ATOMIC SAFETY AND LICENSING APPEAL BOARD

OFFICE OF SECRETARY
DOCKETING & SERVICE
BRANCH

In the Matter of)	
)	
US ECOLOGY, INC.)	Docket No. 27-39 - SC
)	
(Sheffield, Illinois Low-Level)	
Radioactive Waste Disposal Site))	

NRC STAFF MOTION TO HOLD IN ABEYANCE
FURTHER BRIEFING OF THE APPEAL IN THIS PROCEEDING

I. THE MOTION

The NRC Staff (Staff) respectfully moves the Atomic Safety and Licensing Appeal Board (Appeal Board) to hold in abeyance the dates established for filing briefs in response to the appeal by US Ecology presently pending before the Appeal Board, for the reasons explained below.

II. DISCUSSION

Pursuant to the April 29, 1987 Order of the Appeal Board, briefs in response to US Ecology's appeal of the final decision of the Atomic Safety and Licensing Board (Licensing Board) are to be filed by May 15, 1987 by the State of Illinois and by May 26, 1987 by the Staff. Due to changing circumstances regarding the subject of this proceeding, the Staff believes it appropriate to seek a delay in the briefing schedule until the situation is clarified.

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The changing circumstances to which the Staff refers are that on May 13, 1987, the Commission approved an agreement with the State of Illinois under Section 274b of the Atomic Energy Act of 1954 (the Act). ^{1/} Under this section of the Act, entitled "Cooperation with States", the Commission would relinquish regulatory authority over US Ecology's Sheffield site, the subject of the pending appeal, and authority for regulating the site would be assumed by the State. After the agreement is final, the Staff intends to file a motion to terminate this proceeding, since jurisdiction over the Sheffield site would reside in the State, rather than the Commission.

However, as the matter now stands, while the Commission has recently approved the agreement with the State of Illinois, the document containing the agreement has not yet been signed by both the Chairman and the Governor of Illinois. After the agreement has been executed by both parties, the agreement will become effective on June 1, 1987. The Staff will promptly inform the Appeal Board and licensee by means of a motion to terminate, as previously stated. Meanwhile, the Staff requests that further briefing of the appeal be held in abeyance.

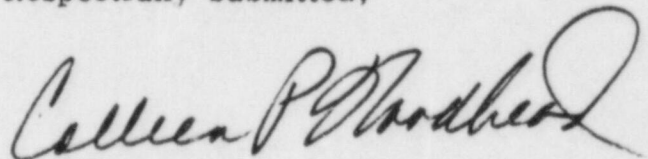
Staff Counsel has discussed this motion with Counsel for the State of Illinois who indicated that the State joins in the motion.

^{1/} 42 U.S.C. 2021b.

III. CONCLUSION

For the reasons set out above, the Appeal Board should order that the dates for filing responsive briefs by the State of Illinois and the Staff be held in abeyance pending execution of an agreement between the Commission and the State of Illinois for transfer of regulatory authority over the Sheffield site.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Colleen P. Woodhead".

Colleen P. Woodhead
Counsel for NRC Staff

Dated at Bethesda, Maryland
This 14th day of May, 1987

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING APPEAL BOARD

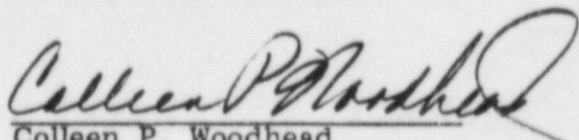
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)
U.S. ECOLOGY, INC.) Docket No. 27-39 - *SC*
)
(Sh.ffield, Illinois Low-Level)
Radioactive Waste Disposal Site))

NOTICE OF APPEARANCE

Notice is hereby given that the undersigned attorney enters an appearance in the above-captioned matter. In accordance with § 2.713(b), 10 C.F.R., Part 2, the following information is provided:

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The Supreme Court of the
United States
Names of Party NRC Staff

Respectfully submitted,


Colleen P. Woodhead
Counsel for NRC Staff

Dated at Bethesda, Maryland
this 14th day of May, 1987

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

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BEFORE THE ATOMIC SAFETY AND LICENSING APPEAL BOARD

CLERK
DOCKETING & SERVICE
BRANCH

In the Matter of

U.S. ECOLOGY, INC.

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

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Docket No. 27-39-SC

CERTIFICATE OF SERVICE

I hereby certify that copies of "NRC STAFF MOTION TO HOLD IN ABEYANCE FURTHER BRIEFING OF THE APPEAL IN THIS PROCEEDING" and "NOTICE OF APPEARANCE" for Colleen P. Woodhead in the above-captioned proceeding have been served on the following by deposit in the United States mail first class, or as indicated by (*) deposit in the Nuclear Regulatory Commission's internal mail system, or by (**) hand delivery, or by (***) telecopy this 14th day of May, 1987:

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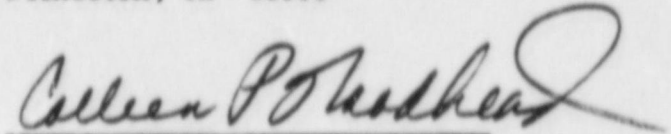
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