

NUCLEAR REGULATORY COMMISSION

DOCKET NO. 27-39

NUCLEAR ENGINEERING COMPANY, INC.

NOTICE OF OPPORTUNITY FOR HEARING

The Nuclear Regulatory Commission (the Commission) has previously given notice (43 FR 1160, January 6, 1978) that the Nuclear Engineering Co., Inc. (NECO), 9200 Shelbyville Road, Suite 525, P.O. Box 7246, Louisville, KY 40207, has filed an application, dated August 5, 1977, for amendment to License No. 13-10042-01 seeking approval of additional compact and fill burial trenches, including in particular "Trench 13," within the currently licensed 20.45 acres at the existing low-level waste burial facility located near Sheffield, Illinois and operated by NECO.

As a result of the January 6, 1978, Federal Register notice, several requests for hearings on Trench 13 have been filed. By order published in the Federal Register on March 17, 1978, (43 FR 11290) the Chairman of the Atomic Safety and Licensing Board Panel established as Atomic Safety and Licensing Board to rule on petitions concerning Trench 13 and directed the NRC Staff to publish in the Federal Register a "Notice of Opportunity for Hearing" in this matter.

The Chairman of the Board and his address is as follows:

Andrew C. Zecchese, Esq.
3320 Estelle Terrace
Wheaton, Maryland 20906

-2-

The other members of the Board and their addresses are as follows:

Dr. Linda W. Little
Research Triangle Institute
P.O. Box 12194
Research Triangle Park, N.C. 27709

Dr. Forrest J. Remick
305 East Hamilton Avenue
State College, PA 16801

This notice has been prepared in response to the order of the Chairman of the Atomic Safety and Licensing Board Panel and in the interest of providing for full public participation in Commission licensing activities. Pursuant to 10 CFR §2.105, by May 8, 1978, the licensee may file a request for a hearing with respect to issuance of a license amendment authorizing burial in Trench 15; and any person whose interest may be affected by this proceeding may file a request for a hearing and/or a petition for leave to intervene. Requests for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice" in 10 CFR Part 2. If a request for a hearing or petition for leave to intervene is filed within the time prescribed in this notice, the Atomic Safety and Licensing Board will rule on the request and/or petition and will issue a notice of hearing or an appropriate order.

-3-

A petition for leave to intervene must be filed under oath or affirmation in accordance with the provisions of 10 CFR § 2.714. As required in 10 CFR § 2.714, a petition for leave to intervene shall set forth the interest of the petitioner in the proceeding, how that interest may be affected by the results of the proceeding, and any other contentions of the petitioner including the facts and reasons why he should be permitted to intervene, with particular reference to the following factors: (1) the nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. Any such petition shall be accompanied by a supporting affidavit identifying the specific aspect or aspects of the subject matter of the proceeding as to which the petitioner wishes to intervene and setting forth with particularity both the facts pertaining to his interest and the basis for his contentions with regard to each aspect on which he desires to intervene. A petition that sets forth contentions relating only to matters outside the jurisdiction of the Commission will be denied.

A request for a hearing or a petition for leave to intervene must be filed with the Atomic Safety and Licensing Board designated to rule on petitions.

A copy of the petition and/or request should be sent to the Secretary of the Commission, United States Nuclear Regulatory Commission, Washington, 20555, Attention: Docketing and Service Section, or may be delivered to the

-4-

Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., by May 8, 1978. A copy should also be sent to the Executive Legal Director United States Nuclear Regulatory Commission, Washington, D.C. 20555 and to James N. Neel, President and Chief Executive Officer of NECO, the applicant.

A petition for leave to intervene which is not timely will not be granted unless the Atomic Safety and Licensing Board determines that the petitioner has made a substantial showing of good causes for failure to file on time and after considering those factors specified in 10 CFR §2.714(a) (1) - (4) and §2.714(d).

For further details, see the application for license amendment, dated August 5, 1977, and associated correspondence. These documents are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., and at the Moline Public Library, 504 17th Street, Moline, Illinois 61265.

For the Nuclear Regulatory Commission

Dated at Silver Spring, MD., this 27th day of March 1977.

Michael J. Bell

Michael J. Bell, Chief
Low-Level Waste Branch
Division of Fuel Cycle
and Material Safety