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(EX OFFICIO)**U.S. House of Representatives**
Committee on Energy and Commerce**SUBCOMMITTEE ON ENERGY AND POWER****Washington, DC 20515**

October 31, 1989

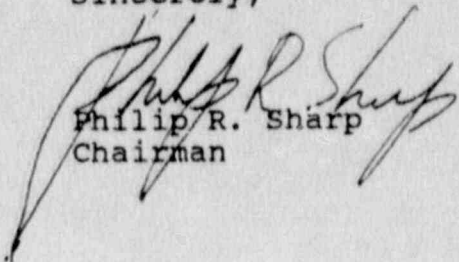
Chairman Kenneth M. Carr
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Dear Chairman Carr:

Enclosed is a letter from Congressman J. Dennis Hastert concerning a proposed amendment relating to the Commission's activities with respect to a thorium site in his district.

I would appreciate the comments of the Commission on this provision no later than November 10, 1989. Thank you for your assistance.

Sincerely,



Philip R. Sharp
Chairman

Enclosure

OCT 25 1989

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Done 11/7
cc: Sue



Congress of the United States
House of Representatives
Washington, DC 20515
October 24, 1989

J DENNIS HASTER
14TH DISTRICT, ILLINOIS
COMMITTEE ON PUBLIC WORKS
AND TRANSPORTATION
COMMITTEE ON GOVERNMENT
OPERATIONS
SUBCOMMITTEE ON COMMERCE,
CONSUMER, AND MONETARY AFFAIRS
RANKING MINORITY MEMBER
EXECUTIVE COMMITTEE ON
COMMITTEES
SELECT COMMITTEE ON
CHILDREN, YOUTH AND FAMILIES
HUMAN RIGHTS CAUCUS

Representative Phil Sharp
2452 Rayburn HOB
Washington, D.C. 20515

Dear Phil:

The second largest low-level radioactive waste site in the nation is located in West Chicago, Illinois, within my congressional district (IL-14). Radioactive thorium and byproducts were produced by a series of milling and manufacturing facilities which operated at the site until 1973, when the current owner closed the plant.

As a result of years of operation with radioactive materials, the equipment and buildings at the site were contaminated. Additionally, some of the thorium "tailings" had been mixed with fill dirt and distributed around the town of West Chicago (pop. approx. 12,000). This thorium-contaminated material was later collected and deposited back at the manufacturing site. As a result, the disposal site now contains millions of cubic feet of low-level radioactive waste material.

The State of Illinois has applied to the Nuclear Regulatory Commission for jurisdiction of the byproduct material (Illinois currently has jurisdiction over the source material) at the site. The granting of that request, which is expected in March 1990, will allow Illinois to formulate a comprehensive plan for the disposal/containment of this material. More than half of the states now have such an agreement and it is expected that the NRC will grant similar authority to Illinois.

At the same time in which the NRC is reviewing the Illinois application for regulatory control over the site, the NRC is also involved in the administration of decommissioning proceedings for the West Chicago site as part of its current regulatory responsibility. These proceedings will be halted at the time in which responsibility for the site is transferred to Illinois.

It is my intention, should the opportunity avail itself, to offer an amendment to the Nuclear Regulatory Commission Authorization which will avoid this unnecessary and expensive procedure, pending the outcome of the Illinois application for regulatory control of the site. My amendment will read:

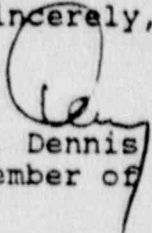
The NRC shall not spend any further monies on administrative proceedings pertaining to the decommissioning of the rare

Representative Phil Sharp -- Page 2

earths facility at Ann and Factory Streets in West Chicago, Illinois, until the NRC has denied Illinois' application to assume regulatory jurisdiction over byproduct material as defined in Section 11e.(2) of the Atomic Energy Act and any and all judicial appeals related to that application have become final.

I ask for your support of this amendment in the interest of avoiding unnecessary administrative cost to the NRC. It is important that Congress allow for flexibility in the regulatory process when to do otherwise would be illogical.

Sincerely,


J. Dennis Hastert
Member of Congress

JDH:pv