



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D. C. 20555

SEP 09 1988

Terry Lash, Director
Illinois Department of Nuclear Safety
1035 Outer Park Drive
Springfield, Illinois 62704

Dear Dr. Lash

On August 5, 1988, the Commission issued its Decision in the proceeding it had convened to consider the scope of the June 1, 1987 § 274b Agreement between the Commission and the State of Illinois. The Commission held that:

- (1) the radiologically contaminated material in and along Kress Creek and the West Branch of the DuPage River is § 11e(2) byproduct material and, therefore, is not within the scope of the current Agreement and remains within the regulatory authority of the Commission; and
- (2) the radiologically contaminated material in Reed-Keppler Park and certain residential areas of DuPage County, and the radiologically contaminated material returned from the West Chicago Sewage Treatment Plant and residential areas within the City of West Chicago to the West Chicago Rare Earths Facility site, is source material that is within the scope of the Agreement and is, therefore, under the regulatory authority of the State of Illinois.

The Commission noted that if the Agreement is amended (a draft proposal for such an amendment was submitted to the NRC Staff for preliminary review on July 8, 1988) to embrace § 11e(2) byproduct material, Illinois would acquire regulatory authority over the contaminated materials in and along the Creek and River.

The Commission also issued on August 5th an Order in the Kress Creek proceeding denying the Staff's petition for Commission review of ALAB-867 (25 NRC 900 (1987)). In ALAB-867, the Appeal Board had denied the Staff's motion for termination of the proceeding on the ground that the State had acquired regulatory authority over the thorium contamination in question. The Commission declined to take review of ALAB-885 (27 NRC 59 (1988)), in which the Appeal Board had upheld the Licensing Board's dismissal of the Order to Show Cause why Kerr-McGee should not be required to implement a clean-up of the thorium contamination in and along the Creek and River.

A/13

Dr. Terry Lash

-2-

SEP 09 1988

Attached you will find the Commission Decision regarding § 274b agreement (enclosure 1) and Related Order for Cross Creek (enclosure 2).

Sincerely,

Joel O. Lubenau
Acting Assistant Director for
State Agreements Program
State, Local and Indian Tribe Programs

Enclosures:
As stated

cc: B. Adam, Region III

Distribution:
SA R/F
Dir R/F
JFKendig
Illinois file (fc)
SLewis, OGC

See previous correspondence

OFC: SLITP/SA	: OGC	: SLITP/SA	:	:	:	:
NAME: JFKendig/bh	: SLewis	: DANussbatter	:	:	:	:
DATE: 8/30/88	: 8/ /88	: 9/8/88	:	:	:	:

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Dr. Terry Lash

-2-

Attached you will find the Commission Decision regarding § 274b agreement (enclosure 1) and Related Order for Kress Creek (enclosure 2).

Sincerely,

Donald A. Nussbaumer
Assistant Director for
State Agreements Program
State, Local and Indian Tribe Programs

Enclosures:
As stated

cc: B. Adam, Region III

Distribution:
SA R/F
Dir R/F
JFKerdig
Illinois file (fc)
SLewis, OGC

OFC: SLITP/SA	: OGC	: SLITP/SA	:	:	:	:
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DATE: 8/30/88	: 8/2/88	: 8/30/88	:	:	:	:

Please delete certain references on p. 1 of 199-2



DEPARTMENT OF NUCLEAR SAFETY 2.

Jack
Crislate
9

office memorandum

Division of Radioactive Materials Staff

FROM: Steve Collins *SCC*

DATE: April 28, 1989

SUBJECT: Division Reorganization

With the departures of Sheryl Soderdahl and Theresa Head, the Technical Support Section has been eliminated and the duties and responsibilities have been transferred to the other two Sections. Therefore, effective May 1, 1989, the Division of Radioactive Materials will be organized as indicated in the attached revised Organizational Chart. The two positions from the Technical Support Section were transferred to the Licensing Section, since all the fee accounting and license tracking responsibilities were transferred to this Section.

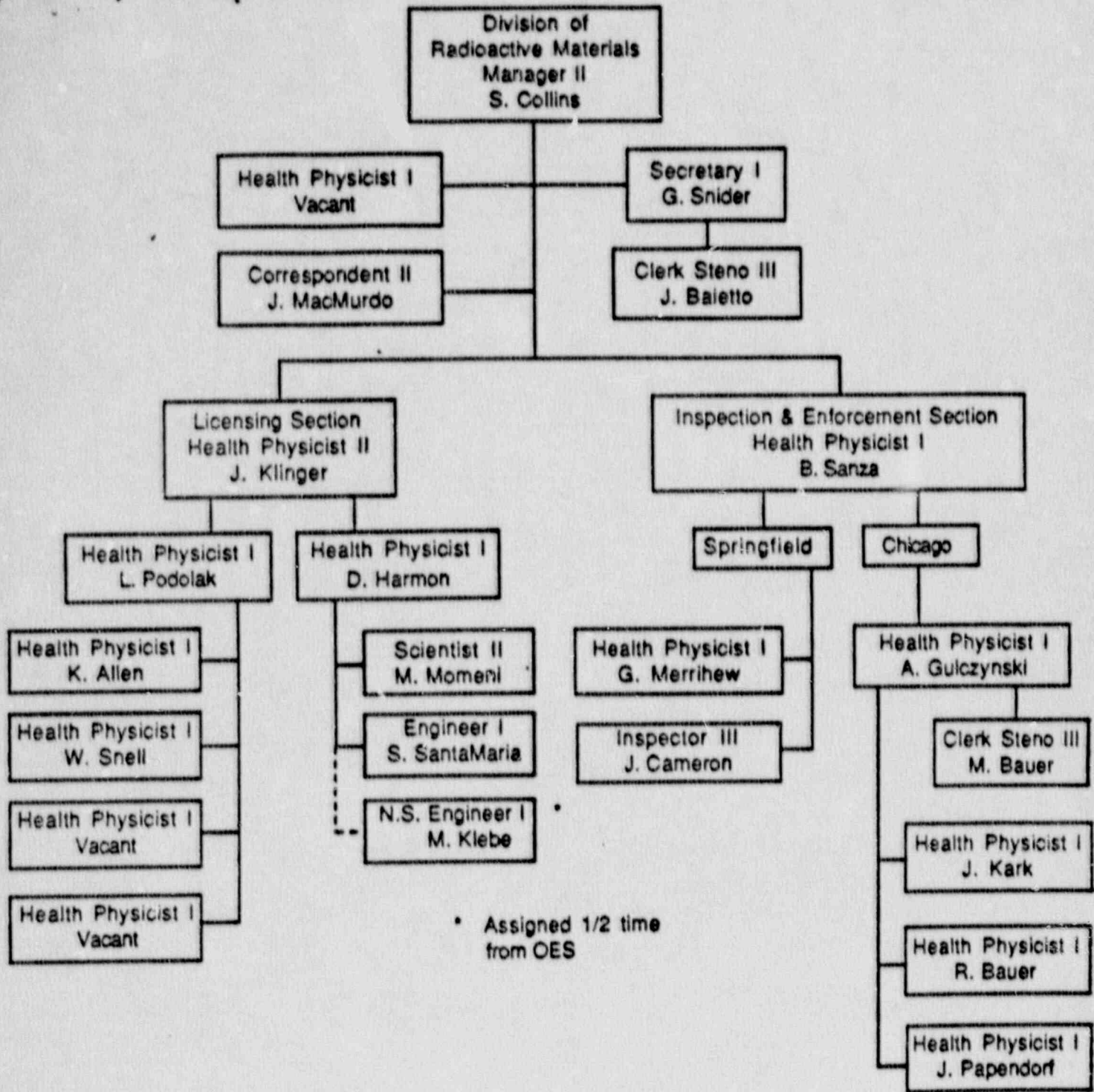
An additional Health Physicist I position, transferred from the Division of Electronic Products (Paul Kalicki's position), will perform special project functions with the NRC and IDNS licensees, will draft comments on proposed regulations and policy changes, will assist with policy development, will prepare projections of Division income and other budget information, will write instructional sets, and will compile the monthly report.

Please note also that Lori Podolak has been assigned additional responsibilities as the Senior Licensing Reviewer. Under the direction of Joe Klinger, she will be responsible for supervising the byproduct and NARM licensing activities including the fee accounting and computerized license action tracking system. This new organizational arrangement will allow the licensing activities to proceed efficiently in spite of frequent acute personnel resource demands involving the low-level radioactive waste licensing effort.

In response to the reorganization, signature authorizations for a variety of license documents and correspondence have been changed. The new authorizations are indicated in the attached revised standard letters. In addition, the Head of the Licensing Section is hereby authorized to sign all licensing actions with the exception of those involving low-level radioactive waste or other politically sensitive issues.

Release

A/14



Cross-training and utilization will be performed within and across sections as much as possible.

FROM
J.N. HASTERT
U.S. House of Representatives

DATE OF DOCUMENT

7/20/89

DATE RECEIVED

7/24/89

NO

SLITP-416

LTR

MEMO

REPORT

OTHER

TO
C. Kanmerer

ORIG

CC

OTHER

ACTION NECESSARY

CONCURRENCE

DATE ANSWERED

NO ACTION NECESSARY

COMMENT

BY 8/3/89

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DATE

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CRC-89-0666

Request amendment of agreement with
the State of Illinois re thorium
mill tailings currently at Kerr-McGee
ENCLOSURES in West Chicago

v. Miller

7/24

For Fathbur's signature,
Provide to H. Denton.

REMARKS

U.S. NUCLEAR REGULATORY COMMISSION

MAIL CONTROL FORM

FORM NRC 326
11-75

Delaware

A/IS