

This preliminary notification constitutes EARLY notice of events of POSSIBLE safety or public interest significance. The information is as initially received without verification or evaluation, and is basically all that is known by the Region III staff on this date.

Facility: Kerr-McGee Chemical Corp. Licensee Emergency
 West Chicago, Illinois Classification:
 Docket No. 40-2061 Unusual Event
 Alert
 Site Area Emergency
 General Emergency
 X Not Applicable

Subject: LOCAL AND STATE LITIGATION IN KERR-MCGEE CLEANUP

On March 15, 1990, a U.S. District Court judge denied the request of Kerr-McGee Chemical Corporation for an injunction prohibiting the City of West Chicago from requiring the licensee to obtain an excavation permit before beginning the construction of a disposal cell for its thorium mill tailings. The NRC staff issued license authorization to Kerr-McGee to dispose of the mill tailings on its West Chicago site.

The judge, in a 16-page written decision, stated that the federal jurisdiction over the site did not preempt local and state requirements. He noted that the licensee's Engineering Report, submitted to the NRC, indicated that the licensee would obtain necessary permits and comply with state and local ordinances.

In a second case, on March 14, a DuPage County judge issued a temporary restraining order at the request of the State of Illinois and DuPage County to prohibit Kerr-McGee from beginning construction of the disposal cell. The state and county filed the lawsuit seeking to require Kerr-McGee to apply for permits from the Illinois Environmental Protection Agency under the federal Clean Air and Water Acts. The judge scheduled a hearing for March 23, 1990, on the request for a temporary or permanent injunction.

Illinois Governor James Thompson also held a news conference in West Chicago on March 14 to declare his opposition to disposal of the mill tailings on the West Chicago site.

There has been extensive area news media interest in the Kerr-McGee disposal issues.

Region III was informed of the federal court decision at 11 a.m. on March 15, 1990. This information is current as of that time.

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 PNO-III-90-018 PDC

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