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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

DOCKETED
USNRC

ATOMIC SAFETY AND LICENSING APPEAL BOARD

Administrative Judges:

'90 MAR 21 P4:00

Thomas S. Moore, Chairman
Christine N. Kohl
Howard A. Wilber

March 21, 1990
OFFICE OF SECRETARY
DOCKETING & SERVICE
BRANCH

In the Matter of)

KERR-McGEE CHEMICAL CORPORATION)

(West Chicago Rare Earths Facility))

Docket No. 40-2061-ML

SERVED MAR 22 1990

MEMORANDUM AND ORDER

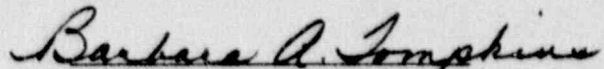
We have today furnished a copy of the Licensing Board's February 13, 1990, decision, LBP-90-9, 31 NRC ___, in this proceeding to the General Counsel of the U.S. Environmental Protection Agency. The EPA is invited to file a brief amicus curiae expressing its views on the Licensing Board's decision.¹ That decision authorizes an amendment to the materials license held by the Kerr-McGee Chemical Corporation for its West Chicago Rare Earths Facility and permits Kerr-McGee permanently to dispose of some 376,400 cubic meters of radioactive thorium mill tailings and other contaminated materials on the West Chicago site. The State of Illinois and the City of West Chicago, Illinois, have filed notices of appeal from the Licensing Board's decision.

¹ See, e.g., Consumers Power Co. (Big Rock Point Nuclear Plant), ALAB-636, 13 NRC 312, 315 n.2 (1981).

Any brief in response to this invitation shall be due on either April 19, 1990 (when appellants' briefs are due), or May 21, 1990 (when appellee Kerr-McGee's brief is due), depending upon whether the EPA is in substantial agreement or disagreement with the Licensing Board's decision.²

It is so ORDERED.

FOR THE APPEAL BOARD


Barbara A. Tompkins
Secretary to the
Appeal Board

² See 10 C.F.R. § 2.715(d). See also 10 C.F.R. § 2.762.

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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing AB MEMORANDUM & ORDER DTD 3/21 have been served upon the following persons by U.S. mail, first class, except as otherwise noted and in accordance with the requirements of 10 CFR Sec. 2.712.

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Administrative Judge
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AB MEMORANDUM & ORDER DTD 3/21

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Dated at Rockville, Md. this
22 day of March 1990

Patty Henderson

Office of the Secretary of the Commission