



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

April 30, 1990

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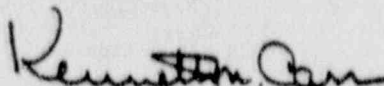
Dear Mr. Meserve:

I have received your letter of March 27, 1990, in which you urged the Nuclear Regulatory Commission (NRC) to hold in abeyance further action on the Illinois application for an amended agreement to include authority to regulate 11e.(2) byproduct material pending resolution of Kerr-McGee Chemical Corp. v. City of West Chicago, Civ. No. 90 C 1319 (N.D. Ill.), which has been appealed to the U.S. Court of Appeals for the Seventh Circuit. Since the Court has invited the Department of Justice to file an amicus brief in this case on behalf of the United States and the Nuclear Regulatory Commission, it would not be appropriate for me to address the issues presented by this case at this time.

With respect to the status of the proposed amendment to the section 274b Agreement, the NRC staff's assessment of the State's application was published in the Federal Register on March 28, 1990. Following expiration of the comment period, additional time will be needed to address any comments received before the amended agreement is forwarded for Commission review. The staff will inform the Commission of the status of all related litigation before final action is taken. Therefore, we do not believe that it is either necessary or appropriate to delay further processing of the Illinois application at this time.

If you have any questions on the status of NRC's review of the Illinois application for an amended agreement, please contact Carlton Kammerer, Director of State Programs in NRC's Office of Governmental and Public Affairs.

Sincerely,


Kenneth M. Carr

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