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DOCKET NUMBER  
PROD. & UTIL. FAC. **40-2061-ML**  
UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
WASHINGTON, D.C. 20555  
DOCKETED  
USNRC

April 6, 1990

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OFFICE OF SECRETARY  
BOOKING & SERVICE  
BRANCH

SERVED APR 12 1990

Ms. Mary L. Balderstone  
802 Kenwood Avenue  
West Chicago, IL 60185

Dear Ms. Balderstone:

I have received your letter of March 29, 1990, concerning the decommissioning of the West Chicago Rare Earths Facility. I recently wrote to Governor Thompson regarding this matter. A copy of that letter is attached for your information.

Sincerely,

*Kenneth M. Carr*  
Kenneth M. Carr

Attachment:  
As stated

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PDR COMMS NRCC  
CORRESPONDENCE PDR

D502



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

March 30, 1990

The Honorable James R. Thompson  
Governor of Illinois  
Springfield, Illinois 62706

Dear Governor Thompson:

I have received your letter of March 6, 1990, concerning the Atomic Safety and Licensing Board decision authorizing the Nuclear Regulatory Commission (NRC) staff to issue a license amendment to Kerr-McGee to permit burial of contaminated soil and other solid materials at its West Chicago site. This matter is still being litigated before an Atomic Safety and Licensing Appeal Board. The State of Illinois and the City of West Chicago requested the Appeal Board to stay the Licensing Board's decision. The Appeal Board issued an Order on March 13, 1990, denying the State's and City's request for a stay. The appeal on the merits of the Licensing Board's decision is still pending before the Appeal Board.

Pursuant to the Commission's regulations in 10 CFR § 2.786, the decisions of the Appeal Board in this case are subject to review by the Commission on its own motion or in response to a petition for review filed by a party. Since aspects of this matter may come before the Commission in its adjudicatory capacity, it would be prejudicial for me to comment outside the context of the adjudicatory proceeding on your request that the Atomic Safety and Licensing Board's decision be overturned. However, your letter will become part of the official record of this proceeding. Copies have been served on the presiding Board, the parties to the proceeding, and the NRC's Public Document Room.

You also requested that the NRC expedite the processing of Illinois' request for an amendment to the existing Section 274 Agreement to permit the State to assume regulatory authority over Atomic Energy Act Section 11e.(2) byproduct material. Following submittal of Illinois' application, the NRC staff reviewed the draft regulations in the application and sent comments to the Illinois Department of Nuclear Safety in a letter dated August 23, 1989. The final version of the Illinois regulations on this matter was not submitted to NRC until January 10, 1990. The January 10, 1990 submittal

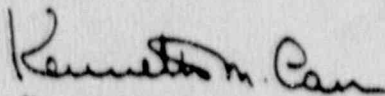
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S R. Thompson

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Illinois application. As you noted in your 1990, the NRC staff has completed its application in accordance with the provisions of Section 274 of the Atomic Energy Act of 1954. The assessment will be published in the Federal Register over four consecutive weeks. A 30-day comment period will begin with the first date of publication provided as required by Section 274e of the Atomic Energy Act. During the comment period, the NRC will consider all comments received and make its final determination on Illinois' request. We will promptly publish the final decision.

Sincerely,



Kenneth M. Carr





STATE OF ILLINOIS  
OFFICE OF THE GOVERNOR  
SPRINGFIELD 62706

JAMES R. THOMPSON  
GOVERNOR

March 28, 1990

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

Dear Chairman Carr:

We are very pleased that the staff of the U.S. Nuclear Regulatory Commission (NRC) has completed its assessment of Illinois' proposed radiation control program to implement the amendment to the agreement entered into under Section 274b of the Atomic Energy Act and that the NRC staff has concluded that Illinois' program is in accordance with federal law and meets NRC's criteria for an amended agreement.

As the NRC staff has recognized, Illinois' regulations are more stringent than NRC's regulations, as is allowed under applicable federal law. Protection from the potential hazards of radioactive materials is extremely important to the citizens of Illinois, and I have made a commitment that Illinois' radiation control program will be second to none. In particular, assuring the safety of the people of West Chicago is of paramount importance to me.

Detailed comments on the NRC staff's assessment will be submitted by the Illinois Department of Nuclear Safety and the Illinois Environmental Protection Agency. The Director of Nuclear Safety is coordinating the preparation of these agency comments, which will be submitted by April 30.

I look forward to signing the amendment to the Illinois agreement with the NRC in the very near future and continuing our cooperative efforts to ensure the safety of the citizens of Illinois. If you have any questions, do not hesitate to contact Nuclear Safety Director Terry Lash.

Sincerely,

A handwritten signature in dark ink, appearing to read "James R. Thompson".  
James R. Thompson  
GOVERNOR

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STATE OF ILLINOIS  
**OFFICE OF THE GOVERNOR**  
SPRINGFIELD 62706

JAMES R. THOMPSON  
GOVERNOR

March 6, 1990

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


Dear Chairman Carr:

On February 13, 1990, the Atomic Safety and Licensing Board issued an Initial Decision directing the NRC Staff to issue a license amendment requested by Kerr-McGee Chemical Corporation that would authorize the disposal of millions of cubic feet of radioactive waste in West Chicago, Illinois.

On behalf of the citizens of the State of Illinois, I want to register my most strenuous objection to this decision and request that it be overturned immediately. Disposal of these radioactive wastes in West Chicago is unacceptable to me and to the citizens of Illinois.

Also, I request that you expedite the processing of the application that I submitted to you almost one year ago for Illinois to assume regulatory authority over material classified as byproduct material under section 11(e)(2) of the Atomic Energy Act. This application apparently has not been processed with appropriate urgency by NRC Staff.

Sincerely,

  
James R. Thompson  
GOVERNOR

9003190008

Mary L. Balderstone  
802 Kenwood Ave.  
West Chicago, Ill. 60188  
March 29, 1990

The Honorable Kenneth Carr  
Commissioner  
The United States Nuclear Regulatory Commission  
Washington, D.C. 20555

Dear Commissioner Carr:

I was encouraged to read in the Chicago Sun-Times yesterday that the NRC may grant the State of Illinois jurisdiction over the West Chicago site owned by Kerr-McGee Chemical Corp. This would be a step toward satisfactory resolution of the problem of radioactive thorium waste stored on that site.

As a citizen of West Chicago, I join with others in requesting the removal of this radioactive waste from our city. On-site storage of this waste, as advocated by Kerr-McGee is an unacceptable solution for an urban area residential community. Our city is a beautiful community with a high quality of life except for this one blot. The Kerr-McGee site depresses the value of our homes and endangers our health and would continue to do so under Kerr-McGee's plan.

The state of Illinois supports our goal of removing this radioactive material from our community. Please add your support to our cause.

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Sincerely,



18 CHICAGO SUN-TIMES, WEDNESDAY, MARCH 22, 1980

## U.S. may give state control of A-dump site

By Mauchlyne Inojirika

The Nuclear Regulatory Commission, in a bout to West Chicago's 10-year battle to thwart plans for a radioactive waste dump site, announced Tuesday it is considering turning over jurisdiction of the site to the state.

If the NRC grants Illinois jurisdiction, the Kerr-McGee Chemical Corp., which wants to build the facility in West Chicago, would have to meet Illinois requirements, said Stephen England, chief counsel for the Illinois Department of Nuclear Safety.

Gov. Thompson, speaking on a WBBM-AM radio talk show Tuesday, said, "We want the State of Illinois to take possession of the waste so we can get it out of there."

The NRC said it would consider a year-old request by Thompson for state regulatory authority over radioactive uranium and thorium mills and mill tailings, materials Kerr-McGee wants to store at its West Chicago facility.

Illinois now has limited licensing and regulatory responsibility for radioactive materials used, moved or disposed of in the state. The NRC retains jurisdiction over certain materials, including those that would be stored at the facility at 780 Factory St. in the west suburb.

The NRC announcement was hailed by West Chicago officials and by legislators from Illinois who have exerted political pressure on the White House over the case in recent weeks. Among them are Democratic Senators Paul Simon and Alan J. Dixon and Republican Representatives Lynn Martin and J. Dennis Hastert.



Lydia Feliciano (foreground), former suspect John Gammage, arrives at her apartment by detectives on Monday.

18 CHICAGO SUN-TIMES, WEDNESDAY, MARCH 28, 1980

## U.S. may give state control of A-dump site

By Maudyng theprika

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Lydia Polakova (foreground), former of support John Connally, arrives at her escorted by detectives on Monday.



UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

In the Matter of

KERR-MCGEE CHEMICAL CORPORATION

(West Chicago Rare Earths Facility)

Docket No. (s) 40-2061-ML

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing LTR CARR TO BALDERSTONE 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.

Administrative Judge  
Thomas G. Moore, Chairman  
Atomic Safety and Licensing Appeal  
Board  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555

Administrative Judge  
Howard A. Wilber, Chairman  
Atomic Safety and Licensing Appeal  
Board  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555

Administrative Judge  
Jerry R. Kline  
Atomic Safety and Licensing Board  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555

Patricia Jehle Esquire  
Counsel for NRC Staff  
Office of the General Counsel  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555

Robert D. Greenwalt, Attorney  
City of West Chicago  
100 Main Street  
West Chicago, IL 60185

Administrative Judge  
Christine N. Kohl  
Atomic Safety and Licensing Appeal  
Board  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555

Administrative Judge  
John H. Frye, III, Chairman  
Atomic Safety and Licensing Board  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555

Administrative Judge  
James H. Carpenter  
Atomic Safety and Licensing Board  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555

Richard A. Meserve, Esq.  
Covington & Burling  
P.O. Box 7566  
Washington, DC 20044

Joseph V. Karaganis, Esquire  
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414 North Orleans Street, Suite 810  
Chicago, IL 60610

Docket No. (s) 40-2061-ML  
LTR CARR TO BALDERSTONE

Joseph A. Young, Jr., Esq.  
Kerr-McGee Chemical Corporation  
123 Robert S. Kerr Avenue  
Oklahoma City, OK 73125

Stephen J. England, Esquire  
Department of Nuclear Safety  
1035 Outer Park Drive  
Springfield, IL 62704

Douglas J. Rathe, Esq.  
Assistant Attorney General  
Office of the Attorney General  
100 West Randolph Street - 12th Floor  
Chicago, IL 60601

Dated at Rockville, Md. this  
12 day of April 1990

  
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Office of the Secretary of the Commission