



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

November 9, 1990

The Honorable Bob Graham, Chairman
Subcommittee on Nuclear Regulation
Committee on Environmental and Public Works
United State Senate
Washington, D.C. 20510

Dear Mr. Chairman:

We are pleased to advise the Committee that, pursuant to Section 274 of the Atomic Energy Act of 1954, as amended, entitled "Cooperation With States," the Commission on October 17, 1990 approved a proposed amendment to the Agreement with the State of Illinois under which the State will assume regulatory authority over 11e.(2) byproduct material and the facilities that produce 11e.(2) byproduct material. Enclosed is a copy of the public announcement which we issued.

In his proposal requesting that the Commission amend the Agreement with the State, Governor Thompson certified that the State of Illinois has a program for the control of radiation hazards adequate to protect the public health and safety with respect to the materials covered by the proposed amendment to the Agreement, and that the State desires to assume regulatory responsibility for such materials.

The proposed amendment to the Agreement and the staff's assessment of the proposed State program were published in the Federal Register for public comment as required by Section 274e of the Atomic Energy Act, as amended. Copies of the proposal were made available for public inspection at the Commission's Public Document Room.

The Commission has determined that the Illinois program for regulation of 11e.(2) byproduct material and the facilities that produce 11e.(2) byproduct material generally is compatible with the Commission's program for the regulation of like materials and adequate to protect the public health and safety with respect to the materials covered by the proposed Amendment. However, certain 11e.(2) standards adopted by Illinois differ from the standards adopted and enforced by the Commission for the same purpose. In accordance with the requirements of Section 274c of the Atomic Energy Act, the Commission evaluated those differing 11e.(2) standards in general, without reference to a particular site, and determined that those standards are adequate for purposes of amending the Commission's Agreement with Illinois. If, at some time in the future, the State seeks to apply those or other differing standards to a particular site, including the West Chicago Rare Earths Facility site, Section 274c requires the Commission to provide notice and opportunity for a public hearing and to determine whether the State's differing standards will achieve a level of stabilization and containment of the site, and a level of protection for public health, safety and the

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Honorable Bob Graham


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environment from both radiological and nonradiological hazards associated with the site, which is equivalent to, or more stringent than, the level which would be achieved by any requirements adopted and enforced by the Commission for the same purpose.

The amended Agreement was signed by Chairman Carr on October 18, 1990 and by Governor Thompson on October 23, 1990 with an effective date of November 1, 1990.

On October 29, 1990, Kerr-McGee Chemical Corporation requested that the Commission reconsider its decision to approve the amendment and stay any further action on the amendment. The Commission on November 8, 1990 by Memorandum and Order, CLI-90-11 (enclosed), denied the request to reconsider and stay.

Sincerely,



Dennis K. Rathbun, Director
Congressional Affairs
Office of Governmental and
Public Affairs

Enclosures:
As stated

cc: Representative A W. Simpson



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

November 9, 1990

The Honorable Philip R. Sharp, Chairman
Subcommittee on Energy and Power
Committee on Energy and Commerce
United States House of Representatives
Washington, D.C. 20515

Dear Mr. Chairman:

We are pleased to advise the Committee that, pursuant to Section 274 of the Atomic Energy Act of 1954, as amended, entitled "Cooperation With States," the Commission on October 17, 1990 approved a proposed amendment to the Agreement with the State of Illinois under which the State will assume regulatory authority over 11e.(2) byproduct material and the facilities that produce 11e.(2) byproduct material. Enclosed is a copy of the public announcement which we issued.

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Honorable Philip R. Sharp


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Dennis K. Rathbun, Director
Congressional Affairs
Office of Governmental and
Public Affairs

Enclosures:
As stated

cc: Representative Carlos J. Moorhead



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

November 9, 1990

The Honorable Morris K. Udall, Chairman
Subcommittee on Energy and the Environment
Committee on Interior and Insular Affairs
United States House of Representatives
Washington, D.C. 20515

Dear Mr. Chairman:

We are pleased to advise the Committee that, pursuant to Section 274 of the Atomic Energy Act of 1954, as amended, entitled "Cooperation With States," the Commission on October 17, 1990 approved a proposed amendment to the Agreement with the State of Illinois under which the State will assume regulatory authority over 11e.(2) byproduct material and the facilities that produce 11e.(2) byproduct material. Enclosed is a copy of the public announcement which we issued.

In his proposal requesting that the Commission amend the Agreement with the State, Governor Thompson certified that the State of Illinois has a program for the control of radiation hazards adequate to protect the public health and safety with respect to the materials covered by the proposed amendment to the Agreement, and that the State desires to assume regulatory responsibility for such materials.

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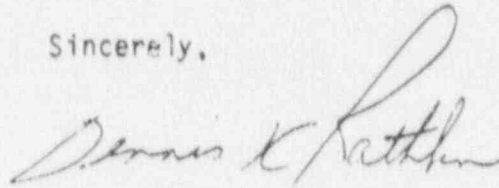
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site, and a level of protection for public health, safety and the environment from both radiological and nonradiological hazards associated with the site, which is equivalent to, or more stringent than, the level which would be achieved by any requirements adopted and enforced by the Commission for the same purpose.

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Dennis K. Rathbun, Director
Congressional Affairs
Office of Governmental and
Public Affairs

Enclosures:
As Stated

cc: Representative James V. Hansen

CONGRESSIONAL CORRESPONDENCE SYSTEM
DOCUMENT PREPARATION CHECKLIST

This checklist is to be submitted with each document (or group of Qs/As) sent for filing into the CCS.

1. BRIEF DESCRIPTION OF DOCUMENT(S) LTR to Sharp, Udall, Graham

2. TYPE OF DOCUMENT Correspondence Hearings (Qs/As)

3. DOCUMENT CONTROL Sensitive (NRC Only) Non-Sensitive

4. CONGRESSIONAL COMMITTEE and SUBCOMMITTEES (if applicable)
_____ Congressional Committee
_____ Subcommittee

5. SUBJECT CODES
(a) _____
(b) _____
(c) _____

6. SOURCE OF DOCUMENTS
(a) _____ 5520 (document name _____)
(b) Scan- (c) _____ Attachments
(d) _____ Rekey (e) _____ Other _____

7. SYSTEM LOG DATES
(a) 12/11/90 Date OCA sent document to CCS
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(c) _____ Date returned to OCA for additional information
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8. COMMENTS

