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UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

DOCKETED  
USNRC

'90 DEC 26 P3:18

In the Matter of )  
KERR-McGEE CHEMICAL CORPORATION )  
(West Chicago Rare Earths Facility) )  
55 Fed. Reg. 41619 (October 12, )  
1990) )

Docket No. 40-2061 -ML

OFFICE OF SECRETARY  
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CHARLES

RESPONSE OF ILLINOIS TO  
THE COMMISSION ORDER OF DECEMBER 7, 1990

NOW COMES the THE STATE OF ILLINOIS and the ILLINOIS DEPARTMENT OF NUCLEAR SAFETY, (collectively referred to as "Illinois") by and through their Attorney, Neil F. Hartigan, Attorney General of the State of Illinois, and in response to the Commission Order of December 7, 1990 state as follows:

It is the position of the State of Illinois that pursuant to "Amendment Number One to the Agreement Between the United States Nuclear Regulatory Commission and the State of Illinois for Discontinuance of Certain Commission Regulatory Authority and Responsibility within the State Pursuant to Section 274 of the Atomic Energy Act of 1954, as Amended," as well as the regulatory authority entered into in 1987, that the State has the sole power with regard to licensing, rulemaking, inspection and enforcement as to source material, special nuclear materials in quantities not sufficient to form a critical mass, Section 11e(1) and 11e(2) byproduct materials and land disposal of such radioactive materials with Illinois, except as specifically provided

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otherwise in the Atomic Energy Act. For that reason, Illinois is the sole regulatory authority over the off-site 11e(1) and 11e(2) materials located in residential and commercial locations in DuPage County, Illinois as well as those wastes located on the Factory Site. However, Illinois has no objection to the Commission withholding action on the present hearing request until the Appeal Board has acted.

Respectfully submitted,

THE STATE OF ILLINOIS

ILLINOIS DEPARTMENT OF NUCLEAR  
SAFETY

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State of Illinois

By: 

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CERTIFICATE OF SERVICE

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SECRETARY  
DOCKETING & SERVICE  
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I, WILLIAM D. SEITH, an attorney in this case do  
certify that on the 24th day of December, 1990, I caused to be  
served the foregoing the Response of Illinois to the Commission  
Order of December 7, 1990 upon the parties listed below by U.S.

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and by first class mail, in envelopes bearing sufficient postage to all of the other parties listed on said Notice, by depositing same with the United States Postal Service located at 100 W. Randolph Street, Chicago, IL 60601:

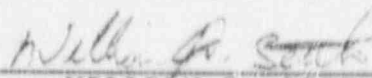
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