



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

RELATED CORRESPONDENCE

December 17, 1985

DOCKETED
USNRC

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Richard A. Meserve, Esq.
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In the Matter of
KERR-MCGEE CHEMICAL CORPORATION
(Kress Creek Decontamination)
Docket No. 40-2061; ASLBP No. 84-502-01-SC

and

In the Matter of
KERR-MCGEE CHEMICAL CORPORATION
(West Chicago Rare Earths Facility)
Docket No. 40-2061 ML, ASLBP No. 83-495-01-ML

Dear Mr. Meserve:

This is in response to your letter of December 9, 1985, requesting a copy of all documents in the NRC files regarding a proposed Agreement between the NRC and the State of Illinois under Section 274b of the Atomic Energy Act. My letter to the Atomic Safety and Licensing Board, dated December 6, 1985, to which you were responding, provided copies of the correspondence between the NRC and the State regarding the proposed Agreement. I did not send copies of internal NRC memoranda regarding the proposed Agreement, since such documents are predecisional in nature and are related to an ongoing negotiation process between the NRC and the State. The Staff considers such documents to be protected from public disclosure. The same applies to the State's draft proposed Agreement transmitted to the NRC on July 31, 1985. (A copy of the transmittal letter from the State was enclosed with my December 6 letter). Kerr-McGee, as well as any other member of the public, will, however, have

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the opportunity to provide comment on the proposed Agreement when it and the Staff's assessment thereof is published for comment in the Federal Register.

Sincerely,

Stephen H. Lewis

Stephen H. Lewis
Deputy Assistant Chief Hearing Counsel

cc: Service List