

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

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John H. Frye, III, Chairman
Atomic Safety and Licensing
Board Panel
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Dr. James H. Carpenter
Atomic Safety and Licensing
Board Panel
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Dr. Jerry R. Kline
Atomic Safety and Licensing
Board Panel
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

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

Dear Administrative Judges:

Pursuant to the Atomic Safety and Licensing Board's Memorandum and Order (Setting Hearing Schedule), dated February 25, 1986, enclosed is the following testimony of the NRC staff for the hearing session scheduled to commence on April 28, 1986:

- "TESTIMONY OF JAMES D. BERGER, PAUL W. FRAME AND CLAYTON F. WEAVER" (Oak Ridge Associated Universities).
- "NRC STAFF TESTIMONY OF MERRI HORN, CARL J. PAPERIELLO, MARTIN C. SCHUMACHER, AND ALBERT G. JANUSKA CONCERNING WEST CHICAGO RARE EARTHS FACILITY OPERATIONS CONTAMINATING KRESS CREEK AND THE WEST BRANCH OF THE DUPAGE RIVER."
- "NRC STAFF TESTIMONY OF DONALD A. COOL AND EDWARD Y. SHUM REGARDING REASONS WHY KERR-MCGEE SHOULD BE REQUIRED TO PREPARE A REMEDIAL ACTION PLAN FOR THE CLEANUP OF RADIOLOGICALLY CONTAMINATED AREAS IN AND AROUND KRESS CREEK AND THE WEST BRANCH OF THE DUPAGE RIVER AND APPROPRIATE STANDARDS TO BE APPLIED IN THE PREPARATION OF SUCH PLAN."

Additionally, in my letter to Messrs. Nickles and Meserve and Ms. Rapkin, dated November 27, 1985, I stated that the Staff intended to take the

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evidence deposition of Mr. William A. Nixon for the purpose of preserving his testimony. See Federal Rules of Civil Procedure, Rule 32(a)(3). Mr. Nixon retired from the NRC on or about January 1, 1986 and became unavailable as a witness in this proceeding. He had served since 1979 as project manager for the review of the West Chicago Rare Earths Facility. Mr. Nixon's deposition was taken on December 18, 1985, with counsel for Kerr-McGee present and on notice as to the purpose of the deposition. The transcript, with errata sheet, has been filed with the Office of the Secretary in accordance to 10 C.F.R. § 2.740a(e) and is enclosed with this letter. The Staff is offering Mr. Nixon's deposition as testimony on the matters addressed by the second witness panel.

In my November 27, 1985 letter I also preliminarily identified Ms. Merri L. Horn as a witness on both the second and third panels. Ms. Horn, however, is only testifying as part of the second panel.

Sincerely,

Stephen H. Lewis

Stephen H. Lewis
Deputy Assistant Chief
Hearing Counsel

Enclosures (4): As stated

cc: Service List