

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

Docket No. 40-2061-ML
ASBLP No. 83-495-01-ML

DS02

fractured underlying material, location in a flood plain of a river, or the like. Thus the identification of features raising such concerns is more informative than a discussion of the many geologic and hydrologic situations that are "appropriate." Such features are discussed throughout the Stabilization Plan, and in particular in Chapter 11, the 1980 Supplement at 49-54, and Appendix IV.

Supplemental Response to Interrogatory No. 3

See Supplemental Response to Interrogatory No. 2. The only feature in addition to those summarized on page A2 of the FES is, as stated in the Stabilization Plan, a properly engineered disposal cell.

Supplemental Response to Interrogatory No. 17

The principal tasks undertaken by each of the listed individuals were as follows: Mr. Vreeland investigated local labor costs, as well as the local cost of soil and materials that would be brought to the site for construction of the disposal cell. Mr. Hennigan prepared the schedules of workmen and equipment found in Chapter 4 of the Stabilization Plan. Mr. Shelley then applied cost figures to those schedules. Mr. Denny had the responsibility for management of the project, including expenditures for work already completed. The results of their analysis are presented in the Stabilization Plan.

Mr. Snow conducted a similar evaluation in 1983. This work was prepared under the supervision of counsel as part of

Kerr-McGee's evaluation of its litigation risks and is clearly protected by the attorney-client and work product privileges. His work product was distributed primarily to Kerr-McGee's in-house and outside counsel. It was also reviewed by Mr. Lyons, who is one of his supervisors (hence Mr. Lyons' inclusion in the list of people who participated in some manner in consideration of costs). Copies have also been made available to Mr. Shelley and Mr. Denny. The document principally contains opinions as to facts; the facts cannot be readily segregated out for purposes of discovery. Kerr-McGee does not know at this time whether Mr. Snow will testify, or whether he will rely on this document if he does testify.

Finally, some work on costs has been performed by Kerr-McGee's consultants. The results of this ongoing work are protected from production at this time by the rules on discovery from experts. Cf. Rule 26(b)(4), F. R. Civ. P.

Supplemental Response to Interrogatory No. 21

During the first three to five years after closure, Kerr-McGee plans to (1) inspect the surface of the disposal cell for water erosion and perform repairs as necessary and (2) complete the task of establishing vegetation over the cell. Although no final decisions have been reached on this subject, Kerr-McGee anticipates that it may perform these tasks initially through an on-site custodian and may later turn them over to a local landscape management firm, supplemented by regular inspections by Kerr-McGee personnel. The cost of these measures has

not been determined, but it is expected to be relatively small compared to that of the remainder of the project. The costs should diminish significantly over time, probably to a level at or near zero within six to eight years after closure, when the vegetative cover has been fully established.

Supplemental Response to Interrogatory No. 22

Kerr-McGee does not believe that any measures to exclude human beings will be required after the vegetative cover has been fully established, other than those described in the FES. Because Kerr-McGee does not know whether the Licensing Board will require additional measures, it is unable at this time to describe such measures, estimate the time period during which they may exist, or estimate their cost.

Supplemental Response to Interrogatories No. 23 & 24

Kerr-McGee understands these interrogatories to request information concerning the cost of measures that will actually be required for post-closure monitoring of the site. Because Kerr-McGee does not yet know what measures will be required by the Licensing Board, it is obviously unable to estimate their cost beyond what is found in the FES.

Supplemental Response to Interrogatory No. 28

As the Staff pointed out in its recent responses to the State's interrogatories, section 83 of the Atomic Energy Act requires government ownership in perpetuity and continual sur-

veillance of the site. Release of the disposal site for "unrestricted use" is therefore not possible in the legal sense. As stated in Kerr-McGee's original response to this interrogatory, any use that would not damage the vegetative and soil cover would be acceptable, in that such use would not result in adverse health or environmental impacts.

Supplemental Response to Interrogatory 30

The basis for this answer lies in the complete set of calculations upon which the cell design is based. These calculations are described at length in both the Stabilization Plan and the FES.

Supplemental Response to Interrogatory No. 34

Kerr-McGee expects to bury the listed rare earth compounds in the disposal cell if it is unable to sell them.

Supplemental Response to Interrogatory No. 41

Kerr-McGee has as yet conducted no technical studies as to whether releases from the cell may result in violation of Illinois groundwater standards. However, the Stabilization Plan includes calculations of expected concentrations of leachate, and Kerr-McGee believes that these calculations demonstrate that the cell will comply with the Illinois standards.

Supplemental Response to Interrogatory No. 43

The electromagnetic survey does not define permeability and lithology; it defines conductivity, from which other characteristics such as permeability, may be derived. The survey has

a depth limit of approximately six meters. The resolution of a survey within that depth is dependent upon the spacing of the readings. See Supplemental Response to Interrogatory No. 46.
Supplemental Response to Interrogatory No. 45

The answer to this interrogatory applies to the West Chicago site.

Supplemental Response to Interrogatory No. 46

The electromagnetic survey was conducted across every area of the disposal site that was free of material, such as scrap metal, that would cause interference. (The area east of Pond 2, for example, has a large quantity of scrap metal present and was therefore excluded from the survey.) In addition, the survey was not run across the tailings piles, since the piles, which are high in conductivity, would have masked underlying groundwater conditions.

In areas where the survey was conducted, initial readings were taken along a grid. Where readings showed an anomaly, the spacing was decreased and a number of readings were taken close together to map and define the anomaly. The particular locations and numbers of readings were therefore not determined before the survey was conducted; rather such matters were decided in accordance with sound engineering judgment as the survey progressed.

Supplemental Response to Interrogatory No. 51

Without waiving its previously stated objections to this interrogatory, Kerr-McGee states that the costs of

constructing the cell were discussed in the Stabilization Plan and FES. In 1983, Kerr-McGee prepared an updated analysis of costs in connection with its evaluation of the litigation. That work is protected, as discussed above in response to Interrogatory No. 17. Finally, Kerr-McGee notes that any such work performed by its experts is also protected from production at this time by the rules on discovery from experts. Cf. Rule 26(b)(4), F.R. Civ. P.

Supplemental Response to Interrogatory No. 62

In addition to its previously stated objection to this interrogatory, Kerr-McGee notes that it is not required to provide information concerning the ongoing work of its experts in the absence of a proper request in compliance with the rules on expert discovery.

Supplemental Response to Interrogatory No. 67

The "total volume and amount of contaminated materials" cannot be evaluated with currently available data.

Supplemental Response to Interrogatory No. 68

The "contaminated materials at the listed off-site locations" cannot be evaluated with currently available data.

Supplemental Response to Interrogatory No. 70

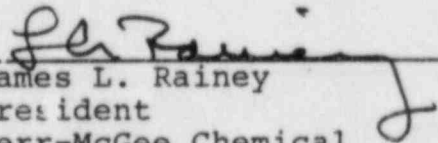
Information on moisture content is found in Chapter 3 of the Stabilization Plan, including Tables 3.2.3c and 3.2.3d and in Chapter 2 to Appendix II to the Plan.

Supplemental Response to Interrogatory No. 72

As stated in Kerr-McGee's original answer to this interrogatory, Kerr-McGee has not attempted to duplicate the calculations made by the NRC or its consultants in Table 5.5 of the FES. Kerr-McGee is not currently aware of any errors in the calculations.

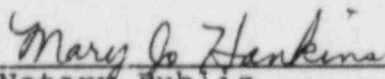
Supplemental Response to Interrogatory No. 75

Each answer to the interrogatories was prepared as a result of consultation among a number of people, each of whom has been identified. An attempt to allocate the answers to specific individuals would be unduly burdensome and essentially meaningless.


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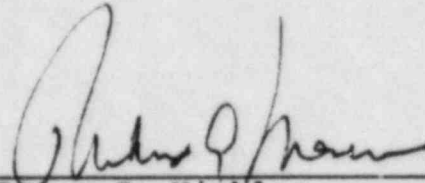
State of Oklahoma
County of Oklahoma

Subscribed and sworn to before me on this 28th day of
May, 1985.


Notary Public

My Commission Expires: April 15, 1989

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Dated: May 28, 1985

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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

DOCKETED
USNRC

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

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In the Matter of

Kerr-McGee Chemical Corporation

(West Chicago Rare Earths Facility)

Docket No. 40-2061-ML
ASLSP No. 83-495-01-ML

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing Supplemental Responses by Kerr-McGee Chemical Corporation to the State's Third Set of Interrogatories and Request for Documents have been served by first-class mail, postage pre-paid, on this 28th day of May, 1985, as follows:

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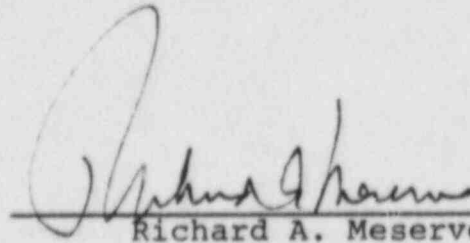
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