

40-2061

Att to 6 shape 596-5

OCT 10 1985

FCUP:WAN  
40-2061

Mr. William R. Voigt, Jr.  
Director  
Office of Remedial Action and  
Waste Technology  
NE-20  
U.S. Department of Energy  
Washington, D.C. 20545

Dear Mr. Voigt:

The Kerr-McGee Rare Earths Facility in West Chicago, Illinois, is being decommissioned. The facility is licensed by the Nuclear Regulatory Commission (NRC). The radioactive contaminated material at the site is byproduct material as defined in the Atomic Energy Act (AEA) and the NRC Staff has determined that Title II of the Uranium Mill Tailings Radiation Control Act of 1978 (UMTRCA) should be applied to disposal of these wastes. Therefore, disposal will be in accordance with Environmental Protection Agency (EPA) criteria for Title II byproduct material set forth in 40 CFR Part 192 and NRC requirements in Appendix A of 10 CFR Part 40. After stabilization, and in accordance with the provisions of UMTRCA, title to the material and the land on which it is disposed will pass to either the state or federal government, and NRC will issue a license to the organization controlling the site for long-term site monitoring and maintenance. The State has expressed no interest in becoming the site owner; therefore, in all likelihood, the Department of Energy (DOE) will become the owner of the disposal site in the future.

We believe it might be advantageous to DOE to have the Kerr-McGee material stabilized on land now owned by the United States and under DOE control. This would simplify future site control and site monitoring and maintenance. It might also, we believe, improve public acceptance of disposal of the material.

We request, therefore, that DOE evaluate, from both a practical and legal perspective, the possibility of making land available for disposal of the Kerr-McGee wastes. Examples of sites that might be considered include:

1. The Fermi National Accelerator Laboratory;
2. Argonne National Laboratory;
3. Niagara Falls Storage Site;
4. Another Formerly Utilized Site Remedial Action Program (FUSRAP) Site;
5. A UMTRCA Title I Site.

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OFFICE							
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Mr. William R. Voigt, Jr.

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OCT 10 1985

For your information and use, a copy of the Final Environmental Statement related to the decommissioning of the Rare Earths Facility, West Chicago, Illinois, is enclosed. This statement contains a description of the Kerr-McGee wastes.

Please inform us if one of these or any other DOE site could be made available for the disposal of the Kerr-McGee wastes.

Sincerely,

Original Signed by  
Richard E. Cunningham

Richard E. Cunningham, Director  
Division of Fuel Cycle and  
Material Safety, NMSS

Enclosure: As stated

cc: Mr. David B. Leclaire

DISTRIBUTION w/o encl.

Docket 40-2061

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WANixon  
VLTharpe  
Region III  
SLewis, ELD  
LPDR  
PDR  
DMAusshardt  
RECunningham  
LCobb, IE

IDENTICAL LETTER SENT TO

Mr. David B. Leclaire  
Director  
Office of Defense Waste and  
Byproduct Management  
DP-12  
Germantown  
U.S. Department of Energy  
Washington, D.C. 20545

\*SEE PREVIOUS CONCURRENCE PAGE

OFFICE	FCUP *	FCUF *	FCUF *	ELD *	FC *	FC
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DATE	9 / 3 / 85	9 / 4 / 85	9 / 4 / 85	9 / 9 / 85	9 / 9 / 85	10 / 10 / 85

Mr. Joseph A. Coleman

-2-

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Sincerely,

Richard E. Cunningham, Director  
Division of Fuel Cycle and  
Material Safety, NMSS

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OFFICE	FCUP	FCUP	FCUP <i>WFC</i>	ELD <i>WFC</i>	FC	FC	
SURNAME	WAnixon	VLTharpe	WTCrow	SLewis	DRChapell	RECunningham	
DATE	9/3/85	9/4/85	9/4/85	9/4/85	9/7/85	1/85	