

P-137  
RETURN TO 396-SS

COVINGTON & BURLING

1201 PENNSYLVANIA AVENUE, N.W.

P. O. BOX 7566

WASHINGTON, D. C. 20044

(202) 662-6000

TELEX: 89-593 (COVING WSH)

TELECOPIER: (202) 662-6288

CABLE: COVING

RICHARD A. MESERVE

DIRECT DIAL NUMBER

(202) 662-5304

40-2061  
rec'd 4/11/88  
VIRGINIA OFFICE  
2000 CORPORATE RIDGE  
MCLENNAN, VIRGINIA 22102  
(703) 741-3860

April 8, 1988



Dr. Jerry J. Swift  
Uranium Fuel Section  
Fuel Cycle Safety Branch  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

Re: Draft Supplement to the Final Environmental  
Statement Related to the Decommissioning of  
the Rare Earths Facility, West Chicago,  
Illinois (NUREG-0904, Supp. No. 1)

Dear Dr. Swift:

Several of those who submitted comments concerning the Draft Supplement urged the NRC staff to address one particular alternative to onsite disposal -- namely, disposal at the low-level radioactive waste facility to be established in Illinois. Kerr-McGee showed in its Supplemental Comments that this alternative is not available from either a legal or a practical perspective. See Kerr-McGee Supplemental Comments, 20-23 (Mar. 10, 1988). I now enclose a portion of an official transcript from a recent public meeting concerning the siting of the low-level radioactive waste facility which confirms the Kerr-McGee comments.

As you will see, an official of the Illinois Department of Nuclear Safety ("IDNS") stated that the low-level radioactive waste facility would not be used for disposal of the West Chicago wastes. Of course, the IDNS is the state agency charged with establishing the low-level radioactive waste facility. The alternative that is urged by some of the comments has thus already been rejected by the responsible state agency.

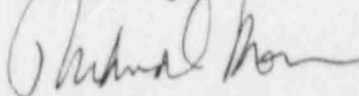
8804190203 880408  
PDR ADDOCK 04002061  
C PDR

29203  
addit info

Dr. Jerry J. Swift  
April 8, 1988  
Page 2

Please feel free to contact me if I can provide any further information.

Sincerely,



Richard A. Meserve

Counsel for Kerr-McGee  
Chemical Corporation

Enclosure

cc: Leland C. Rouse  
Merri Horn  
Steven Tsai  
Stephen H. Lewis

1 BEFORE:

2 ILLINOIS DEPARTMENT OF NUCLEAR SAFETY

3  
4  
5 IN THE MATTER OF:

6 MARTINSVILLE LOW-LEVEL WASTE SITE

7  
8  
9  
10  
11  
12  
13  
14 BE IT REMEMBERED THAT THE HEARING OF THE ILLINOIS  
15 DEPARTMENT OF NUCLEAR SAFETY ON MARCH 24, 1988, AT THE AMERICAN  
16 LEGION HALL, MARTINSVILLE, ILLINOIS, BEFORE SHARON L. HAARMANN,  
17 CERTIFIED SHORTHAND REPORTER OF THE STATE OF ILLINOIS.

18 CSR #84-3251

1 MR. MCDANIEL: MR. KERR, MY NAME IS TOM MC DANIEL.  
2 I'M WITH KERR-MCGEE CHEMICAL CORPORATION, WHICH IS AN OKLAHOMA  
3 BASED COMPANY THAT DOES BUSINESS IN ILLINOIS. WE ARE HERE  
4 PARTICULARLY TO ASK A QUESTION. PERHAPS SOME AMOUNT OF BACKGROUND  
5 TO IDENTIFY OUR INTEREST WOULD BE APPROPRIATE. KERR-MCGEE  
6 CHEMICAL HAS IN YEARS PAST, HAD A FACILITY IN WEST CHICAGO,  
7 ILLINOIS IN DU PAGE COUNTY. THAT FACILITY HAS THORIUM WASTE, AND  
8 WE CURRENTLY HAVE A PLAN WHICH HAS BEEN PENDING BEFORE THE  
9 NUCLEAR REGULATORY COMMISSION SINCE 1979 TO RECAPITULATE OUR  
10 MATERIAL AT OUR SITE IN WEST CHICAGO. SOME OF US APPEARED ON  
11 A PANEL AT A PUBLIC MEETING IN WEST CHICAGO, AT WHICH A  
12 REPRESENTATIVE OF THE DEPARTMENT OF NUCLEAR SAFETY APPEARED  
13 AND STATED AT THAT MEETING THAT IT WAS HIS OPINION THAT OUR  
14 MATERIALS SHOULD BE MOVED IN THAT SITE TO WHEREVER THEY LOCATED  
15 THE LOW-LEVEL RADIOACTIVE SITE. IN ADDITION TO THAT, WE CAME  
16 TO MARTINSVILLE YESTERDAY AND GOT THE MATERIAL THAT I BELIEVE  
17 IS IN EVERYONE'S PACKET, AND WAS AVAILABLE IN THE READING ROOM  
18 OF THE LIBRARY AND WE REVIEWED IT WITH SOME INTEREST,  
19 PARTICULARLY ON PAGE 19 OF THAT MATERIAL WHICH I BELIEVE EVERYONE  
20 WILL PROBABLY HAVE A COPY OF. UNDER THE HEADING "POINTS TO  
21 CONSIDER," IT SAYS, "OFFICIALS CANNOT PROJECT EXACTLY HOW MUCH  
22 AND WHAT KINDS OF WASTE WILL HAVE TO BE MANAGED BY ILLINOIS  
23 FACILITIES BEGINNING IN 1993. BUT SOME MAJOR FACTORS WHICH WILL  
24 HAVE AN IMPACT ARE: 1) THE NEED TO DISPOSE OF CLEANUP WASTES.  
25 FOR EXAMPLE, WHAT WOULD BE DONE WITH 10 MILLION CUBIC FEET OF

1 THORIUM WASTE FROM INDUSTRIAL OPERATIONS IN WEST CHICAGO?"  
2 WE HAVE BELIEF THAT THAT SPECIFICALLY REFERS TO OUR FACILITY  
3 AT WEST CHICAGO. WE BELIEVE AN ACCURATE NUMBER IS 13 MILLION  
4 CUBIC FEET. THE INFORMATION ALSO CONTAINED IN THIS PAMPHLET  
5 INDICATES THAT MATERIAL TAKEN TO ALL LOW-LEVEL RADIOACTIVE  
6 WASTE SITES, THE THREE IN THE UNITED STATES, LAST YEAR WAS ABOUT  
7 TWO MILLION CUBIC FEET IN VOLUME. THEREFORE, THE AMOUNT OF  
8 MATERIAL THAT WE HAVE IS ABOUT SIX TIMES THAT PRODUCED IF TAKEN  
9 TO LOW-LEVEL RADIOACTIVE WASTE SITES ALL ACROSS THE UNITED STATES.  
10 OUR QUESTION IS, IN LIGHT OF THE INFORMATION THAT YOU HAVE PUBLISHED  
11 IT IS YOUR INTENTION NOW TO BRING THE THORIUM MILL TAILINGS  
12 FROM OUR SITE AT WEST CHICAGO TO MARTINSVILLE IF IT IS SELECTED  
13 AS A SITE?

14 MR. KERR: THE PAMPHLET HE REFERRED TO IS PUBLISHED AND  
15 WAS WRITTEN BY THE LEAGUE OF WOMEN VOTERS OF ILLINOIS. I CAN  
16 STATE UNEQUIVOCALLY THAT MILL TAILINGS ARE NOT LOW-LEVEL RADIO-  
17 ACTIVE WASTE BY DEFINITION, AND THEREFORE, WILL NOT BE BROUGHT  
18 TO THIS FACILITY OR CO LOCATED WITH THIS FACILITY.

19 MR. MCDANIEL: MAY I ASK AN ADDITIONAL QUESTION. I  
20 WAS AWARE THAT THE MATERIAL WAS PRINTED BY THE LEAGUE OF WOMEN  
21 VOTERS. ARE YOU IMPLYING THAT YOU DO NOT STAND BY THE MATERIAL  
22 THAT'S PRINTED, OR IS THERE SOME IMPLICATION THERE? I DON'T  
23 UNDERSTAND. IS THIS ACCURATE, AND DO YOU SPONSOR THIS INFORMATION?

24 MR. KERR: YES, THAT WAS WRITTEN SOME TIME AGO WHEN A  
25 DECISION PROBABLY HADN'T BEEN MADE, AND THOSE WERE ONE OF THE

1 THINGS IT WENT BY. THE THORIUM MILL TAILINGS AT KERR-MCGEE  
2 WILL NOT GO TO THE LOW-LEVEL RADIOACTIVE WASTE SITE IN ILLINOIS.  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

## 1 CERTIFIED SHORTHAND REPORTER'S CERTIFICATION

2 I, SHARON L. HAARMANN, CERTIFIED SHORTHAND REPORTER  
3 AND NOTARY PUBLIC OF THE STATE OF ILLINOIS, DO HEREBY CERTIFY  
4 THAT THE FOREGOING IS A TRUE, CORRECT AND PARTIAL EXCERPT  
5 OF PROCEEDINGS CONDUCTED BEFORE THE ILLINOIS DEPARTMENT OF  
6 NUCLEAR SAFETY, MARTINSVILLE, ILLINOIS ON MARCH 24, 1988 AT  
7 7:00 P.M. CONCERNING THE MARTINSVILLE LOW-LEVEL WASTE SITE.

8 DATED AT MATTOON, ILLINOIS, THIS 25TH DAY OF  
9 MARCH, A.D., 1988 AND GIVEN UNDER MY HAND AND SEAL.

10  
11 Sharon L. Haarmann RSR  
12 SHARON L. HAARMANN, REPORTER  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25