

PDR

WINLEY MILLIGAN City Clerk

A. EUGENE RENNELS Mayor

CHARLES A. BARTSCH, City Treasurer

40-2061



CITY OF WEST CHICAGO

475 Main Street West Chicago, Illinois 60185

DuPage County

Telephone 231-3322

June 28, 1979



United States Nuclear Regulatory Commission
Washington, D. C. 20555

Attention: William A. Nixon
Uranium Fuel Fabrication Section
Fuel Processing & Fabrication Branch
Division of Fuel Cycle and Material Safety

Re: Kerr-McGee Chemical Corporation,
West Chicago, Il 60185, Docket #40-2061

Dear Mr. Nixon:

This will acknowledge receipt of your letter dated June 4, 1979. Needless to say Mayor Rennels of the City of West Chicago was keenly disappointed in both the content and the tone of that letter. It is contrary, in most respects, to our oral conversations with your department and others and is against the spirit of our meetings with yourself and representatives of Kerr-McGee.

From such letter you leave few alternatives for the Mayor of the City of West Chicago excepting to deal with the matter within the powers of his own office. In addition it is most embarrassing for the mayor of a community to be dealing with the media concerning a matter of this nature when he is receiving such little support from the governmental agencies that should be deeply involved in this matter. It seems a rather sad comment that at a public meeting the position of the Nuclear Regulatory Commission concerning this matter was in posture and subsequent to a private meeting with "high level officials" between Kerr-McGee and your office the posture of your department has completely changed.

Within the Pari Materia of the above be advised as follows:

1. It is the opinion of the City of West Chicago that if the United States Government is not responsible for the situation within the City of West Chicago then by all means Kerr-McGee is. Hence forth the City will take that tact and deal individually with Kerr-McGee on a legal, public, and

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publicity basis. We will no longer consider it necessary to deal with your department since your letter denies any responsibility concerning the same.

2. No later than August 1st, 1979 the City of West Chicago will proceed to dig up all of the material that is in the City of West Chicago at various sites and remove it to a public land fill. Since you have denied responsibility for this it seems that in any legal action you will not be able to prevent this action by the City. In the event you wish to file suits against the City of West Chicago to prevent this action you may feel free to do so. I am sure that you will receive a proper defense to this action both legal and otherwise.

Under no condition will the City tolerate becoming a licensed agent. We will not release the government nor Kerr-McGee as far as that situation is concerned.

I am sorry that we must take this stand with your department as well as Kerr-McGee but you leave us no alternative. It is most difficult for a municipality to deal with the powers represented by a large corporate institution, and an agency of it's government which gives so little cooperation to a fellow governmental unit.

Also in view of your new position, any verbal approvals to conduct further testing on public land are hereby terminated. Any testing or sampling will be considered an act of trespass and will only be allowed under appropriate judicial order.

Sincerely,



Harold J. Spelman, Attorney for
the City of West Chicago

cc: Mayor A. Eugene Rennels

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