

PAUL NETZEL
Mayor

ALICE MINAGA
City Clerk

A. MILTON SAUER
City Treasurer



P.O. Box 488
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J. DONALD FOSTER
City Administrator

February 26, 1990

Judge John H. Frye III
Atomic Safety and License Board
United States Nuclear Regulatory Commission
Washington D.C. 20555

Dear Judge Frye:

The Atomic Safety and Licensing Board of the Nuclear Regulatory Commission has approved the construction by the Kerr-McGee Company of a low-level radioactive waste site within West Chicago, DuPage County, Illinois. This decision was made despite objections of the State of Illinois, and the City of West Chicago.

The West Chicago City Council authorized filing an administrative appeal of the Atomic Safety and Licensing Board's decision with the Atomic Safety and Licensing Appeal Board. Resolution No. 956, which authorized the appeal and reaffirmed the City's position against construction of this low-level waste site in West Chicago, is attached.

The citizens of West Chicago ask you to review the decision which will allow one half million cubic yards of low-level radioactive waste to remain forever in a densely populated residential area. We ask for your support in opposing implementation of this decision which will leave a permanent black mark on the City of West Chicago, County of DuPage, and State of Illinois.

Thank you for any help your office can provide to our citizens in defeating this proposed action.

Very truly yours,

J. Donald Foster
City Administrator

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RESOLUTION NO. 956

WHEREAS, the Nuclear Regulatory Commission Atomic Safety and Licensing Board has made an initial decision relative to the decommissioning of the Kerr-McGee facility in West Chicago; and,

WHEREAS, the Atomic Safety and Licensing Board has ordered the Nuclear Regulatory Commission staff to issue a license to Kerr-McGee for permanent above ground disposal at the West Chicago site; and,

WHEREAS, the City of West Chicago, a municipal corporation, by and through its elected officials and on behalf of the residents of West Chicago has consistently objected to the efforts of Kerr-McGee Corporation to permanently dispose of this radioactive material within the limits of the City of West Chicago; and,

WHEREAS, such objections have been made to the Nuclear Regulatory Commission, members of the Congress of the United States, the Illinois General Assembly, the Executive Branch of the government of the State of Illinois, the President of the United States and the Kerr-McGee Corporation; and,

WHEREAS, the Nuclear Regulatory Commission staff has totally ignored the objections and pleas of the City of West Chicago and its citizens.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of West Chicago, Illinois, in regular session assembled as follows:

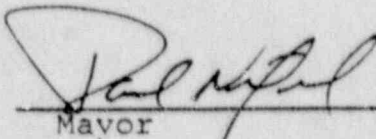
1. The initial decision of the Nuclear Regulatory Commission Atomic Safety and Licensing Board (ASLBP No. 83-495-01-ML) dated February 13, 1990, is not in the best interest of the State of Illinois, County of DuPage, City of West Chicago and their residents and is contrary to the stated position of the City of West Chicago, the State of Illinois, and the United States House of Representatives.
2. The decision of the Atomic Safety and Licensing Board has both a short term and long term negative effect upon the residents of the State of Illinois, County of DuPage and City of West Chicago as it relates to their health, safety, and economic viability.
3. The City of West Chicago, by and through its officers and staff, shall take any and all steps necessary to appeal to the Atomic Safety and Licensing Appeal Board for an administrative review of the decision of the Atomic Safety and Licensing Board.

RESOLUTION NO. 956

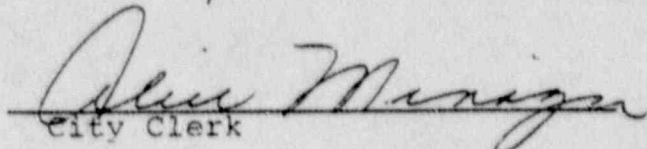
4. In the opinion of the corporate officials of the City of West Chicago, the implementation of any plan to permanently dispose of this waste in the City of West Chicago is a national disgrace. The officers and staff of the City are directed to take any and all steps to preclude such action.
5. Copies of this resolution shall be forwarded to the President of the United States, the Illinois Delegation to the Congress of the United States, the individual commissioners of the Nuclear Regulatory Commission, the Governor of the State of Illinois, the Attorney General of the State of Illinois, the Director of the United States Environmental Protection Agency, the Illinois Environmental Protection Agency, the Illinois Department of Nuclear Safety, and local district members of the Senate and House of Representatives of the State of Illinois.

ADOPTED this 20th day of February, 1990.

AYES: -8-
NAYS: -0-
ABSENT: -0-
ABSTAIN: -0-



Mayor



City Clerk

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the Matter of

KERR-MCGEE CHEMICAL CORPORATION

(West Chicago Rare Earths Facility)

Docket No.(s) 40-2061-ML

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing LR MEMO DTD 03/05/90 have been served upon the following persons by U.S. mail, first class, except as otherwise noted and in accordance with the requirements of 10 CFR Sec. 2.712.

Administrative Judge
Thomas S. Moore, Chairman
Atomic Safety and Licensing Appeal
Board
U.S. Nuclear Regulatory Commission
Washington, DC 20555

Administrative Judge
Howard A. Wilber, Chairman
Atomic Safety and Licensing Appeal
Board
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Washington, DC 20555

Administrative Judge
Jerry R. Kline
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
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Administrative Judge
Christine N. Kohl
Atomic Safety and Licensing Appeal
Board
U.S. Nuclear Regulatory Commission
Washington, DC 20555

Administrative Judge
John H. Frye, III, Chairman
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
Washington, DC 20555

Administrative Judge
James H. Carpenter
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
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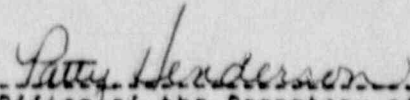
Docket No. (s) 40-2061-ML
LB MEMO DTD 03/05/90

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Oklahoma City, OK 73125

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Department of Nuclear Safety
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Springfield, IL 62704

Douglas J. Rathe, Esq.
Assistant Attorney General
Office of the Attorney General
100 West Randolph Street - 12th Floor
Chicago, IL 60601

Dated at Rockville, Md. this
6 day of March 1990


Office of the Secretary of the Commission