

STATE OF ILLINOIS)  
  ) ss.  
COUNTY OF DU PAGE)

AFFIDAVIT IN SUPPORT OF PETITIONS  
FILED BY CITY OF WEST CHICAGO  
BEFORE NUCLEAR REGULATORY COMMISSION  
REGARDING APPLICATION FOR LICENSE  
AMENDMENT, FILED FEBRUARY 19, 1982

I, Eli Port, being duly sworn, state as follows:

1. That I am a health physicist, certified by the American Board of Health Physics, and have expert knowledge of the effect of unnecessary exposure to radiation upon man and his environment.

2. That I am a consultant to the City of West Chicago on the Kerr-McGee Chemical Corporation facility located in West Chicago, Illinois and referred to as the Site; and specifically, a consultant as to the Decommissioning and Stabilization Plan submitted August 15, 1979 for said facility, (hereinafter referred to as Plan.)

3. That no Environmental Impact Statement has been submitted to me from the Nuclear Regulatory Commission nor Kerr-McGee Chemical Corporation, nor their agents or other representatives in his capacity as the City's consultant, or otherwise, as it relates to the Site, to the said Plan, to the License issued to Kerr-McGee Chemical Corporation as STA-583, or to the application for license amendment dated February 19, 1982 to Kerr-McGee Chemical Corporation.

4. That the Plan requires:

a) the issuance of an Environmental Impact Statement (at §4.4.4; see attached excerpt from Plan);

b) the use of a dust abatement utilizing water fog in the demolition of buildings on the Site, (at §4.4.4; see attached excerpt from Plan);

c) the construction of a lagoon to contain water from the water fog system, (at §4.4.4; see attached excerpt from Plan);

d) the securing of building permits from the City of West Chicago, (at §1.3.3; see attached excerpt from Plan).

5. The Nuclear Regulatory Commission has failed to enforce compliance of the Decommissioning and Stabilization Plan, (P- ), for Kerr-McGee's West Chicago facility submitted August 15, 1979 by its issuance of license amendments to Kerr-McGee Chemical Corporation for building demolition.

6. That said failure occurred in the following activities:

A. Under License Amendment No. 1, issued April 24, 1981:

1) permitting building demolition per §4.4.4 of the Plan prior to the issuance of an Environmental Impact Statement under 42 U.S.C. 4332;

2) permitting demolition without a dust abatement system using water fog in said demolition;

3) permitting building demolition without the construction of a lagoon to contain water utilized in the dust

abatement system;

4) permitting demolition without a building permit from the City of West Chicago;

B. Under License Amendment No. 3 issued September 28, 1981;

1) permitting building demolition per §4.4.4 of the Plan prior to the issuance of an Environmental Impact Statement;

2) permitting building demolition without a dust abatement system using water fog in said demolition, as evidenced by the lack of water consumption noted by the City of West Chicago's records;

3) permitting building demolition without the construction of a lagoon to contain water utilized in the dust abatement system;

4) permitting building demolition without a permit from the City of West Chicago.

7. That said failures to enforce compliance with the Plan and the activities proposed under License Amendment No. 4 may expose the population of the City of West Chicago to unnecessary radiological hazards, including excessive radiation which could produce genetic damage or cancer in the population.

8. That, to my knowledge, the Commission has not incorporated into its consideration of the proposed Kerr-McGee

Plan or License Amendment application a proposed Nuclear Regulatory Commission branch technical position paper, published October 23, 1981, 46 Fed. Reg. 52061, concerning disposal or on-site storage of residual thorium or uranium from past operations. The situation in the City of West Chicago is discussed and characterized in the background paper as Option V which states:

"When concentrations exceed those specified in Option 4, long term disposal will not normally be a viable option under the provisions of 10 CFR 20.302..."

9. That if the License Amendment No. 4 is granted and the activities thereunder permitted to proceed without an Environmental Impact Statement issued pursuant to 42 U.S.C. 4332, the building demolition may have a substantial effect on the citizens of the City of West Chicago and may be inimical to the common defense and security or to the health and safety of the public.

10. That if the License Amendment No. 4 is granted and activities thereunder permitted to proceed and if said activities release radiological material which exceed the statutory limits set by the NRC regarding airborne radiation concentrations, they may be harmful to the citizens of West Chicago inasmuch as excessive radiation could produce genetic damage or cancer in the population.

11. That the Plan and the activities thereunder represent "major federal action" which "significantly affect

the quality of the human environment" and, under 42 U.S.C. §4332, require an Environmental Impact Statement to evaluate the Plan.

12. That without an Environmental Impact Statement, your affiant is unable to fully ascertain the effects on the City of West Chicago and its citizens of the granting of the application for License Amendment No. 4 or of the activities thereunder.

13. That the Plan and the activities thereunder will be inimical to the common defense and security or to the health and safety of the public, specifically the citizens of West Chicago.

14. That if the Site and the materials, wastes and buildings are permitted to remain, undisturbed, there will exist major federal action which significantly affects the quality of the human environment of the citizens of the City of West Chicago and will be inimical to the common defense, and security or to the health and safety of the public.

15. That the above facts are within the actual and personal knowledge of your affiant and if called to testify as a witness I could testify competently as to the truth of said facts.

16. FURTHER AFFIANT SAYETH NOT.

Eli C Port  
ELI PORT

I, Eli Port, on oath depose and say that I have read the above and foregoing affidavit by me subscribed, and that the facts stated therein are true to the best of my knowledge, information and belief.

Eli C Port  
ELI PORT

Subscribed and Sworn to  
before me this 23rd  
day of April, 1982.

James Stewart  
Notary Public

#### 4.4.4 PHASE II - BUILDING DEMOLITION AND WASTE CONTAINMENT

This section describes tasks associated with total building demolition, disposal of rubble and contaminated soil, construction of containment, Areas 1, 2 and 3, and placement of waste materials in these areas. These are the tasks required prior to backfill of the Factory Site, clay cover of the Disposal Site, topsoil placement, and landscaping and revegetating of the entire property.

##### Factory Site:

Demolition of the Factory Site will be accomplished in the following manner:

##### Dust Abatement:

A dust abatement system using fog nozzles will be constructed. A portion of the floor of the north end of Building No. 9 will be removed and a lagoon will be dug. This lagoon will be lined with a double plastic liner to contain water and preclude percolation. The fog nozzle system will be a pressure fed, gravity flow drainage and filtration system. The fog nozzle system will be employed in demolition of portions of buildings which are the most radioactive and prone to generate dust. Water will be neutralized to precipitate contaminants, and filtered. Water will meet release requirements for radiational chemical pollution.

##### Building Demolition:

Building and foundations will be demolished starting at the north end of the Site and moving south (Figure 4.2).

- a) Low specific activity and clean rubble will be separated.
- b) Clean rubble will be hauled to a local landfill for disposal.
- c) Low specific activity rubble will be hauled to the Disposal Site and systematically placed in Area 3 (Figure 4.4).

##### Excavation:

- a) All surface and subsurface earth which has levels of contamination in excess of thresholds outlined in Section 7.6 will be stripped and transported to the Disposal Site for burial.

has therefore not delegated to the State certain NRC responsibilities. While some of the Illinois provisions do not apply to a facility licensed by the NRC, this Plan will require certain approvals and permits by these Illinois agencies.

### 1.3.3 CITY OF WEST CHICAGO

The City of West Chicago is located in Du Page County, Illinois. The City and the County have authority to issue various licenses and permits which will be required to implement this Plan.

### 1.4 STATUS OF REVIEW AND ACTION BY STATE AND LOCAL AGENCIES

The Illinois agencies and the City of West Chicago have reviewed and commented on prior plans submitted to the NRC by Kerr-McGee in 1975 and 1978.

In 1976, as a result of a meeting involving the Illinois EPA, Kerr-McGee drilled five wells on the Disposal Site and conducted hydrology tests. The Illinois EPA has focused on nonradioactive contamination of underground water by wastes remaining on the Disposal Site. In 1979, Kerr-McGee agreed with the Illinois EPA to place metallic low specific activity material on a ten-foot clay liner and to remove all organic materials offsite.

In the spring of 1979, the City of West Chicago and the Illinois agencies submitted detailed comments to the NRC on the 1978 Kerr-McGee plan. Various meetings were held with city and state agencies during the preparation of this Plan, and a July 30, 1979 draft of this Plan was discussed with the Illinois EPA, DPH and Illinois State Geological Survey, and with the Office of the Illinois Attorney General, during the week of July 30, 1979.

A copy of the July 30, 1979 draft of this Plan was delivered to the Mayor of West Chicago during the week of July 30, 1979. Kerr-McGee representatives described the Plan at a meeting of the City Council of West Chicago on August 6, 1979, and at a public meeting held at the West Chicago high school, which is near the Factory Site, on August 8, 1979. At the public