

Harold J. Spelman and Associates

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'81 DEC 11 P1:40

200 HIGH STREET
P.O. Box 190
WEST CHICAGO, IL 60185

December 10, 1981



Mr. Samuel J. Chilk, Secretary
United States Nuclear Regulatory Commission
Washington, D. C. 20555

Re: In the Matter of Kerr-McGee Chemical Corporation
License No. STA-583, Amendment No. 3

Dear Mr. Chilk:

This response is submitted by the City of West Chicago pursuant to the Commission's request dated November 25, 1981 for any additional arguments or information which would rebut the information submitted by the Kerr-McGee Chemical Corporation in its December 4, 1981 response.

The City reasserts its position that the Office of the Secretary, United States Nuclear Regulatory Commission lacks the legal basis to request information in this manner. The City reserves its right to seek review of the Nuclear Regulatory Commission's procedure to request information prior to its decision granting or denying a hearing.

The City has continually objected to the method in which Kerr-McGee has been approaching a final resolution of the decommissioning of the West Chicago site. Kerr-McGee has taken a piecemeal approach to the stabilization procedure in a fashion which circumvents the intentions of Congress and the regulations of the Nuclear Regulatory Commission. Kerr-McGee has attempted to decommission the West Chicago site, pursuant to its stabilization plan, without having said plan formally approved by the Commission. The Commission has acquiesced to this strategy by approving the Amendments to Kerr-McGee's license without hearings and without scrutinizing the amendment requests. A simple examination of the procedures preferred by Kerr-McGee shows first that the licensee is not conforming with the procedures of the Stabilization Plan, and second, that the licensee is proceeding in a piecemeal fashion by performing activities under the "Plan", without "Plan" approval. In addition, the Commission is permitting such action without an Environmental Impact Statement.

Add: R.L. Fanner - 960A MNDB
R. Page - 396.55

Contrary to the City's assertions in its letter of November 12, 1981, that a water fog system must be used for dust abatement, Kerr-McGee states that,

"There is no requirement that any specific water fog or dust abatement system be used exclusively. Under Amendment No. 1 to License No. STA-583, issued on April 24, 1981, Kerr-McGee is authorized to demolish buildings numbered 1 and 3." (See Appendix A)

A close examination of Kerr-McGee requests for Amendment No. 1 and the Commission's draft of Amendment No. 1 reveals that a dust abatement system is, in fact, required for the razing of buildings.

In License Number STA-583, Amendment No. 1, item 2 states:

"Kerr-McGee shall ensure that the dismantling activities are performed in accordance with applicable provisions of the plan submitted on July 31, 1979 as modified by your letter of August 23, 1979, the provisions in Attachment A of the August 29, 1979 letter referenced above, and your letters of March 28, 1980 and March 25, 1981.."(See Appendix B)

Both the March 28, 1980 and the March 25, 1981 letters as referred to in License Amendment No. 1, require a dust abatement system: 1) According to the March 28, 1980 Kerr-McGee letter:

"Kerr-McGee requests that NRC approve, as early as possible, razing of Building No. 1 at its West Chicago facility prior to final approval of the entire Stabilization Plan. The work would be conducted as described in the Stabilization Plan except for two points:

1. Water used in the dust abatement system will be contained in the North portion of Building No. 3 by use of existing floor trenches and stored in available tanks. Otherwise, the water will be treated as described in the Plan.."(See Appendix C)

2) According to the March 25, 1981 letter from Kerr-McGee, the request was rendered:

"We now request approval to proceed with dismantling

Building No. 3 and its auxiliary structures are identified on the attached property plan. The work would be conducted as described in the Stabilization Plan except for two points:

Water used in the dust abatement system will be contained using existing floor trenches in the area of Building No. 3 and stored in available tanks. Otherwise, the water will be treated as described in the Plan..." (See Appendix D)

Clearly, Amendment No. 1 approved of Kerr-McGee's requests to raze buildings 1 and 3 pursuant to its above-mentioned applications. Both the March 28, 1980 and the March 25, 1981 requests submitted by Kerr-McGee state that Kerr-McGee would perform work as on the demolition in accordance with its Stabilization Plan as submitted on August 15, 1979. Yet, Kerr-McGee is not conducting the decommissioning in total conformity to the Plan. The licensee is selecting the favorable provisions from the Plan and disregarding the others.

In Section 4.4.4 of the Stabilization Plan, Kerr-McGee proposed to utilize fog nozzle construction in its dust abatement system. Under Phase II, page 4.17, section 4.4.4 of the Plan, it states:

"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." (See Appendix E)

License Amendment No. 1 approved of this system by its reference to the March 28, 1980 and March 25, 1981 Kerr-McGee letters. Both of these letters requested the Commission's approval of Section 4.4.4 among other applicable provisions. For Kerr-McGee to deny the City's contention that a dust abatement system is required as it did in its December 4, 1981 reply would be incorrect.

The N.R.C. has been informed that Kerr-McGee is proceeding according to its August 15, 1979 Stabilization Plan. This is evident despite the fact that the N.R.C. has yet to approve of the Plan. In effect, the Commission is permitting the licensee to proceed in its piecemeal approach. According to the August 4, 1981 request by Kerr-McGee for a license amendment to permit dismantling of additional buildings, Kerr-McGee states:

"Kerr-McGee is continuing work at its West Chicago facility under Phase I-A of the Stabilization Plan submitted to NRC on August 15, 1979 and on dismantling of buildings No. 1 and No. 3 by early November, 1981".
(See Appendix F)

It cannot be controverted that the July 31, 1979 plan providing for protective health physics surveillance does not adequately indicate the course of action which Kerr-McGee is to take in dismantling the buildings. The City and its residents have not been properly advised of the methods to be used in stabilizing the site. Because of the potentially adverse environmental effects of the decommissioning, the City and its residents are certainly entitled to due notice and discussion of each and every step.

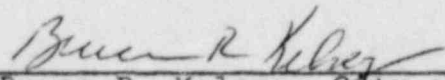
The Commission has granted permission to Kerr-McGee an amendment to License STA-583 without conducting a public hearing. The July 31, 1979 Plan does not contain a specific procedure for the dismantling of the buildings, but refers only to general clean-up provisions preparatory to action under the Stabilization Plan. The request for License Amendment #3 is an attempt to perform under such Plan without public hearing. The Commission must, 1) hold a public hearing to approve the procedures requested by the Licensee, 2) approve the Stabilization Plan, and 3) issue an Environmental Impact Statement.

The attachment submitted by Kerr-McGee has no significance in the pending request for a License Amendment. First, said attachment reflects authorization under the Stabilization Plan, which, as indicated, has not been approved. Second, the data has not been submitted to the public for examination. Third, the attachment deals with License Amendment No. 1, not the pending request.

Despite the contentions of Kerr-McGee in its letter of December 4, 1981, the City's assertions in paragraphs 2 and 3, on pages 3 and 4 of its November 12, 1981 letter are valid.

The City of West Chicago therefore demands a hearing with respect to the request by the Licensee for License Amendment No. 3.

Respectfully submitted,


Bruce R. Kelsey, City of
West Chicago

BRK:jp

Encl.

cc: Mr. John C. Berghoff, Jr.
Mr. J. L. Rainey

SHAW, PITTMAN, POTTS & TROWBRIDGE

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40-2041

December 4, 1981

Mr. Samuel J. Chilk
Secretary
United States Nuclear
Regulatory Commission
Washington, D.C. 20555

In the Matter of Kerr-McGee Chemical Corporation
License No. STA-583, Amendment No. 3

Dear Mr. Chilk:

Your letter of November 25, 1981, requested Kerr-McGee Chemical Corporation to submit information relating to the dust abatement program employed by Kerr-McGee in connection with demolition activities at the West Chicago site. Specifically, you asked for this presentation in the context of the assertions by the City of West Chicago set out in paragraphs numbered 2 and 3 on pages 3 and 4 of the City's letter to you of November 12, 1981.

The City asserts in the referenced paragraph 2 that the proposed Decommissioning Plan "requires" that a water fog system be used for dust abatement; that this is not being done; that the water consumption on the site is insufficient to supply a water fog system; and that if such a system is not used and dust is created, airborne disposal of radioactive material could expose the public to danger.

The City is in error. There is no requirement that any specific water fog or dust abatement system be used exclusively. Under Amendment No. 1 to License No. STA-583, issued on April 24, 1981, Kerr-McGee is authorized to demolish buildings numbered 1 and 3.

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Appendix A

SHAW, PITTMAN, POTTS & TROWBRIDGE

Mr. Samuel J. Chilk

December 4, 1981

Page two

In this process, detailed engineered procedures for discrete portions of the work are prepared to guide demolition progress prior to the commencement of dismantling activities. Copies of certain of these procedures are attached hereto as Attachment 1. In its letter of August 4, 1981, requesting authorization to dismantle buildings 2B, 4, 5, 6, 7, and 8 and their auxiliary structures, which are the subject of Amendment No. 3, Kerr-McGee stated that the "dismantling work would be carried out in the same manner as presently being done on Buildings No. 1 and No. 3." Detailed engineering procedures will be followed for dismantlings under Amendment No. 3.

The structured demolition guidelines and procedures minimize potential radioactive airborne particulate generation. Prior to demolition, the entire area to be dismantled is thoroughly cleaned by vacuuming or other methods. Depending on the character and location of the building, fine water mist sprays may be used to dampen material prior to and during demolition, or a standard "fire-fighting" type foam may be applied to brick and masonry surfaces prior to demolition, to contain dust and radioactive particulates. Following demolition, the areas are cleaned using dry flocc cleaning compounds and water mist sprays to control dust.

Contrary to the City's assertion, there has not been an insufficient supply of water to the site for the abatement control systems employed because large uses of water to control dust have not been required. Similarly, there has not been any "airborne disposal" of radiological material. Eight perimeter air particulate sampling stations were established prior to the commencement of the demolition program. The data from those sampling stations for the period beginning January 1981, prior to the commencement of demolition, and ending in October 1981, are set out in Attachment 2. These data demonstrate there has been no detectable increase in airborne radioactivity to unrestricted areas from the demolition program.

In the referenced paragraph 3, the City asserts that the Decommissioning Plan requires that a lagoon be constructed to contain the water utilized in the dust abatement program; that no lagoon has been constructed; and, that if no lagoon is utilized, radioactive material may be discharged into the City's sewer system.

Contrary to the City's assertion, the proposed Decommissioning Plan does not establish any such requirements because it has not

Mr. Samuel J. Chilk
December 4, 1981
Page three

yet been approved. Moreover, when Kerr-McGee requested authority in Amendment 1 to dismantle buildings 1 and 3, Kerr-McGee specifically advised on March 25, 1981, that "Water used in the dust abatement system will be contained using existing floor trenches in the area of building No. 3 and stored in available tanks." Similarly, water used for dust control in the dismantling of buildings 2B, 4, 5, 6, 7, and 8 and the auxiliary structures, to the extent there is any runoff, will be routed through existing trenches on the site to an existing poured concrete storage vault. Discharges, if any, from this vault to the sewer system will be monitored and maintained within regulatory limits. There was little or no runoff to the trenches from the dismantling of buildings 1 and 3 because of the extensive use of strict dismantling procedures, cleaning, and the use of fine water mists and foam, all of which reduced the use of water. The Kerr-McGee water monitoring data, contained in Attachment 3 hereto, show no detectable increase in radioactivity due to the dust abatement program, in the sump located in building No. 14 from which releases, if any, to the sewer system would have occurred, since the demolition program was commenced on May 18, 1981.

There have been twenty-nine site visits in 1981 by NRC inspectors who have observed the utilization of the fire-fighting foam for dust and particulate control and examined the dismantling procedures and the air particulate and storm sewer and surface water data. A list of the NRC inspection visits is set out in Attachment 4 hereto. This dismantling program is being carefully conducted and monitored by Kerr-McGee and NRC Staff to assure that it is being executed in accordance with procedures and in a safe manner.

The assertions of the City in paragraphs 2 and 3 on pages 3 and 4 of its November 12, 1981, letter are devoid of merit.

Respectfully,

Gerald Charnoff per jsm

Gerald Charnoff
John B. Rhineland
Shaw, Pittman, Potts & Trowbridge

John C. Berghoff, Jr. per jsm
John C. Berghoff, Jr.
Chadwell, Kayser, Ruggles,
McGee & Hastings

Counsel for Kerr-McGee

Attachments

cc: Harold J. Spelman, Esq.



NUCLEAR REGULATORY COMMISSION
WASHINGTON, D. C. 20555

APR - 4 1981

Docket 40-206*
License No. STA-583, Amendment No. 1

Kerr-McGee Chemical Corporation
ATTN: Mr. W. J. Shelley, Vice President
Nuclear Licensing and Regulation
Kerr-McGee Center
Oklahoma City, Oklahoma 73125

Gentlemen:

In accordance with your requests of March 28, 1980, and March 25, 1981, and pursuant to Title 10, Code of Federal Regulations, Part 40, Source Material License No. STA-583 is hereby amended to authorize dismantling buildings 1, 3, 3A, 3B, 3C, 3D, 3E and 3F at the West Chicago Site subject to the following conditions:

1. Kerr-McGee shall provide, during the dismantling operation, radiological health physics surveillance in accordance with the plan approved by James G. Keppler, Director, Region III, Office of Inspection and Enforcement, by letter dated August 29, 1979. In reference to this plan, Kerr-McGee will, where appropriate, perform the health physics surveillance functions formerly assigned to Chem Nuclear Systems, Inc. personnel. All applicable provisions of the Chem Nuclear Rad Con Policy and Safety Manual, as identified in your letter of August 23, 1979, shall be followed.
2. Kerr-McGee shall ensure that the dismantling activities are performed in accordance with applicable provisions of the plan submitted on July 31, 1979 as modified by your letter of August 23, 1979, the provisions in Attachment A of the August 29, 1979 letter referenced above, and your letters of March 28, 1980 and March 25, 1981.
3. Kerr-McGee shall promptly notify the Region III Office of Inspection and Enforcement if the people now serving in the positions of Project Manager, Health Physicist or Project Superintendent, as described in Attachment "A" to your letter of March 24, 1981, are changed.

All other conditions of this license shall remain unchanged. The added conditions

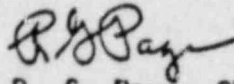
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Appendix B

APR 24 1981

were discussed and agreed upon with your Mr. W. J. Shelley and Mr. W. A. Nixon of my staff on April 22, 1981.

FOR THE NUCLEAR REGULATORY COMMISSION



R. G. Page, Chief
Uranium Fuel Licensing Branch
Division of Fuel Cycle and
Material Safety



KERR-McGEE CHEMICAL CORPORATION

KERR-McGEE CENTER • OKLAHOMA CITY, OKLAHOMA 73125

March 28, 1980

Mr. William A. Nixon
Uranium Fuel Fabrication Section
Fuel Processing & Fabrication Branch
Division of Fuel Cycle and
Material Safety
U. S. Nuclear Regulatory Commission
Washington, D.C. 20555

Re: License No. STA-583
Docket No. 40-2061

Dear Mr. Nixon:

Kerr-McGee is proceeding with work at its West Chicago facility under Phase I-A of the Stabilization Plan submitted to NRC on August 15, 1979. As of this time Phase I-A work has been completed in Building No. 1 of the facility. This building is now ready to be razed.

Kerr-McGee requests that NRC approve, as early as possible, razing of Building No. 1 at its West Chicago facility prior to final approval of the entire Stabilization plan. The work would be conducted as described in the Stabilization Plan except for two points:

1. Water used in the dust abatement system will be contained in the North portion of Building No. 3 by use of existing floor trenches and stored in available tanks. Otherwise, the water will be treated as described in the Plan.
2. Building rubble that is designated in the Stabilization Plan to be contained at the Disposal Site would be stored in other factory buildings and the floor would remain in place to control erosion. Following approval of a Stabilization Plan, the floor will be removed and all material stored in the factory buildings will be disposed of in accordance with the Stabilization Plan.

The Company requests approval to proceed with razing Building No. 1 for three reasons:

1. This would provide an opportunity for both Kerr-McGee and NRC to evaluate proposed demolition procedures by actual demonstration on one building.
2. The wooden roof structure has deteriorated and to attempt to minimize future structural failure, as has been experienced in other areas of the factory, the building should be taken down as soon as possible.

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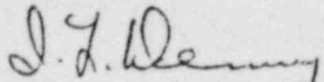
Appendix C

3. Proceeding with this work now would not prejudice review of any of the disposal alternatives under consideration by the NRC.

The Company's plan to make this request was made known on February 14, 1980 at St. Charles, Illinois when we met with the various agencies.

We are ready to discuss this request with you at any time.

Sincerely,



I. L. Denny
Manager-Special Projects

ILD/vig

cc: Nicholas J. Beskid, ANL
Thomas E. Cavanagh, Ill. EPA
Ping C. Chee, ANL
Bill Franz, U.S. EPA Region V
James P. Gibbs, Ill. State Water Survey
Dean Hansell, Ill. Attorney General
Larry Jensen, U.S. EPA
Thomas M. Johnson, Ill. State Geological Survey
C. J. Paperiello, NRC Region III
Anne Rapkin, Ill. Attorney General
A. Eugene Rennels, Mayor
Luis Saguinsin, ANL
Harold J. Spelman, City Attorney
Milton Zukor, Ill. Department of Public Health

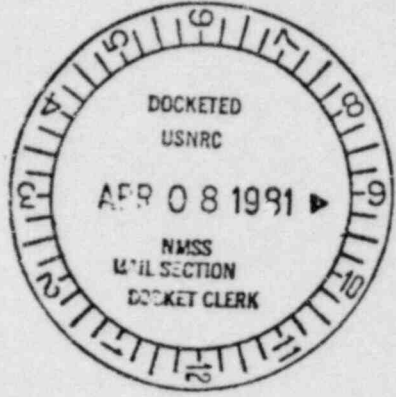
40-2061



KERR-McGEE CORPORATION
KERR-McGEE CENTER • OKLAHOMA CITY, OKLAHOMA 73125

CERTIFIED MAIL -- RETURN RECEIPT REQUESTED

March 25, 1981



Mr. William A. Nixon
Uranium Fuel Licensing Branch
U.S. Nuclear Regulatory Commission
Washington, DC 20555

Re: License No. STA-583
Docket No. 40-2061

Dear Mr. Nixon:

Kerr-McGee is continuing work at its West Chicago facility under Phase I-A of the Stabilization Plan submitted to NRC on August 15, 1979. On March 28, 1980, Kerr-McGee submitted a letter requesting approval to dismantle Building No. 1. This request is still under review.

We now request approval to proceed with dismantling Building No. 3 and its auxiliary structures are identified on the attached property plan. The work would be conducted as described in the Stabilization Plan except for two points:

1. Water used in the dust abatement system will be contained using existing floor trenches in the area of Building No. 3 and stored in available tanks. Otherwise, the water will be treated as described in the Plan.
2. Building rubble that is designated in the Stabilization Plan to be contained at the Disposal Site would be stored in other factory buildings and the floor would remain in place to control erosion. Following approval of a Stabilization Plan, the floor will be removed and all material stored in factory buildings will be disposed of in accordance with the Stabilization Plan.

The Company requests approval to proceed with dismantling of this building for the following reasons:

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Appendix D

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Mr. William A. Nixon

Page Two

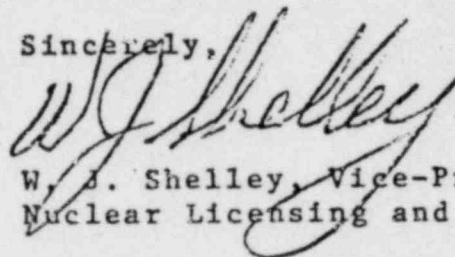
March 25, 1981

- Approximately two years ago, a portion of Building No. 3 collapsed and allowed debris to fall into the street.
- The building has continued to deteriorate and another collapse is possible.
- A Structural Engineer from Region III, NRC inspected the building recently and was concerned about its poor condition.
- In a meeting with Carl Paperiello and others at the Glen Ellyn NRC office on March 18, 1981, we were encouraged to proceed with seeking approval to dismantle Building No. 3 in the near future for safety reasons.
- Proceeding with this work now would not prejudice review of any of the disposal alternatives under consideration by NRC.

In view of the condition and the need to work through Building No. 3 in order to work on Building No. 1, we would proceed to remove Building No. 3 prior to Building No. 1 provided that your office approves this action.

Please let me know if you have additional questions.

Sincerely,



W. J. Shelley, Vice-President
Nuclear Licensing and Regulation

WJS/ses

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.

40-2061
PDR COPY

RETURN TO
D. CRAMER
39655

1981 SEP 25
KERR-MCGEE CORPORATION
KERR-MCGEE CENTER • OKLAHOMA CITY, OKLAHOMA 73125

OFFICE OF THE SECRETARY
D.C.

August 4, 1981

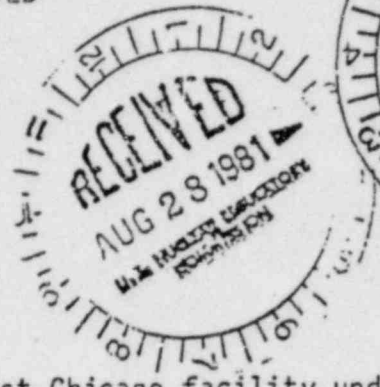
ENVIRONMENT AND HEALTH MANAGEMENT DIVISION

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Mr. William A. Nixon
Uranium Fuel Licensing Branch
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

RE: License No. STA-583
Docket No. 40-2061

Dear Mr. Nixon:



Kerr-McGee is continuing work at its West Chicago facility under Phase I-A of the Stabilization Plan submitted to NRC on August 15, 1979 and on dismantling of buildings No. 1 and No. 3 under NRC approval letter of April 24, 1981. We presently project completion of the dismantling work on buildings No. 1 and No. 3 by early November, 1981.

We now request approval to be granted to commence dismantling additional buildings and structures at the facility. The buildings and structures we now request approval to dismantle are identified as Buildings 2B, 4, 5, 6, 7, 8, including auxiliary structures and the water tower. The buildings are identified in the shaded area on the attached property plan. The dismantling work would be carried out in the same manner as presently being done on Buildings No. 1 and No. 3.

Dismantling of the requested buildings and structures will be accomplished without exhausting controlled site material storage space in Buildings 2, 9 and 21. In addition, the anticipated license approval for an incineration system for organic materials will further release controlled storage.

The company requests approval for the dismantling of these structures by September 1, 1981, so that the engineering work can be carried out before the dismantling of Buildings No. 1 and No. 3 is completed. This will allow progress to continue on an uninterrupted schedule.

Please let me know if you have additional questions.

Sincerely,
W. J. Shelley
W. J. Shelley, Vice President
Nuclear Licensing and Regulation

RECEIVED
AUG 14 08:34
U.S. NUCLEAR REGULATORY COMMISSION
URANIUM FUEL LICENSING BRANCH

WJS/cas

Enclosure

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APPENDIX E