

SEP 14 1981

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MEMORANDUM FOR: Files, Docket 40-2061
FROM: W. A. Nixon
Uranium Process Licensing Section
Uranium Fuel Licensing Branch
Division of Fuel Cycle and
Material Safety
SUBJECT: ENVIRONMENTAL IMPACT REVIEW OF KERR-MCGEE
WEST CHICAGO

A meeting was held with representatives of Kerr-McGee Chemical Company on July 16, 1981 to discuss whether an EIA or an EIS should be prepared to support licensing action for the Kerr-McGee West Chicago site.

Attendees at the meeting are listed on the attachment to this note.

Mr. Cunningham opened the meeting with a statement of the possible advantages of using an EIA to support renewal of the Kerr-McGee license. The EIA would describe the impacts of decommissioning and safe storage of wastes under license at the West Chicago site. Alternative site would not be analysed, and the Kerr-McGee request for disposal, that is transfer of the site to State or Federal ownership, would be deferred. At some future date when real alternatives exist, for example, when Illinois establishes a low-level waste burial ground, the question of disposal would be addressed through preparation of an EIS.

If this route were used, no additional information on alternative sites would be required. The problem of identifying possible sites that, on the basis of current information, may appear to be superior to the West Chicago site for disposal of waste (but not necessarily for storage under license) but which would really not be available for use because of public opposition, would not occur.

Mr. Charnoff was opposed to the publication of an EIA because, in his opinion, NRC would lose to any intervenor on procedural grounds. Kerr-McGee believes the EIS route should be used. Comments of the draft EIS may indicate that only the West Chicago site is available for waste storage.

After discussion with staff and ELD representatives, it was decided the EIS would be published. The EIS will address the Kerr-McGee proposal for the stabilization of waste on site with the intention, in the future, of

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transfer of the site to State or Federal control. One of the alternatives to this action will be stabilization on site under license with deferral of considerations of permanent disposal. Other alternatives will include consideration of other sites.

Kerr-McGee was informed of the conclusion to publish an EIS and the meeting was concluded.

Original Signed By:
W. A. Nixon

W. A. Nixon
Uranium Process Licensing Section
Uranium Fuel Licensing Branch
Division of Fuel Cycle and
Material Safety

Enclosure: As stated

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URNAME ▶	WANixon:rd	LTyson	WTCrow	RGRage	RECunningham	
DATE ▶	7/23/81	7/23/81	8/14/81	7/ /81	7/ /81	

Attendees at the Meeting

NRC Attendees

R. E. Cunningham
R. Fonner
S. A. Treby
W. T. Crow
W. A. Nixon

Kerr-McGee Attendees

J. Rainey
G. Rice
J. Charnoff
J. Rhinelanders
I. Denny
J. C. Berghoff

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Docket No. 40-2061
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Kerr-McGee Corporation
ATTN: Mr. W. J. Shelley, Vice President
Nuclear Licensing and Regulation
Environment and Health Management Division
Kerr-McGee Center
Oklahoma City, Oklahoma 73125

Gentlemen:

The Law Engineering Testing Company's "Interim Report - Hydrologic Studies West Chicago Thorium Plant," dated February 16, 1981 (transmitted to us April 16, 1981), should be sent to the Service List of interested parties who are receiving all documentation concerning Kerr-McGee West Chicago. We've enclosed a copy of the most recent List, and will appreciate your making distribution of the report.

Please send an additional 12 copies to us for our internal use.

Sincerely,

/s/

William A. Nixon
Uranium Process Licensing Section
Uranium Fuel Licensing Branch

Enclosure:
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April 8, 1981



Mr. William A. Nixon
Deputy Section Leader
Uranium Processing Licensing Section
Uranium Fuel Licensing Branch
Nuclear Regulatory Commission
7915 Eastern Avenue, Room 402
Silver Spring, Maryland 20901

Dear Mr. Nixon:

Subsequent to the filing by Kerr-McGee of the Stabilization Plan (License STA-583) for its West Chicago Rare Earth Facility, the State of Illinois and the City of West Chicago commenced lawsuits in state court alleging violations of various state and local laws and seeking injunctive relief and monetary damages. Kerr-McGee removed the cases to the federal court in Chicago, which subsequently dismissed both cases on the grounds that the state and local laws and regulations were preempted by federal law. The cases are now on appeal before the Court of Appeals for the Seventh Circuit.

It may be appropriate for the draft EIS being prepared by the NRC to refer briefly to this litigation.

Respectfully,

John B. Rhineland
John B. Rhineland

JBR:kak

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