

U.S. NUCLEAR REGULATORY COMMISSION
OFFICE OF INSPECTION AND ENFORCEMENT
REGION III

Report No. 40-261/79-01

Docket No. 40-261

License No. STA-583

Licensee: Kerr-McGee Chemical Corporation
Kerr-McGee Center
Oklahoma City, OK 73125

Investigation At: West Chicago & Bartlett, IL

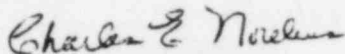
Date of Investigation: December 20, 1979 & January 4, 1980

Investigator:

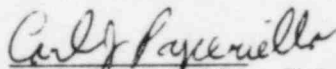

Charles H. Weil

1/28/80
(Date)

Reviewed By:


Charles E. Norelius
Assistant to the Director

2/7/80
(Date)


Carl Paparelli, Chief,
Radiological Protection Section No. 1

2/7/80
(Date)

Investigation Summary: Investigation on December 18-27, 1979 and January 2-4, 1980 (Report No. 40-261/79-01).

Areas Investigated: Unannounced investigation into an allegation that an unsurveyed, steel beam had been removed from the Kerr-McGee facility, West Chicago, IL and installed in a residence during 1976, interview of family providing information and building contractor who installed beam, review of Village Building Department records and licensee property removal records and radiological survey of beam, home and two neighboring properties. The investigation included 8 investigation hours by one NRC investigator.

Results: The allegation was not substantiated and no items of noncompliance were identified.

REASON FOR INVESTIGATION

By letter dated November 2, 1979, Mr. Dean Hansell, Illinois Assistant Attorney General, Environment Control Division, advised the Nuclear Regulatory Commission, Region III office (RIII), of an allegation concerning the removal of a steel beam from the Kerr-McGee Facility, West Chicago, IL. Mr. Hansell had obtained information from [Mr. Charles Wenk, West Chicago, IL] that Mike Auer Construction, Bartlett, IL, had done remodeling work in [Wenk's] home in 1976. As part of the construction Auer had obtained a steel beam from the Kerr-McGee facility and had installed that beam in Wenk's home.

SUMMARY OF FACTS

Investigation initiated to review allegation that an unsurveyed steel beam may have been removed from the premises of the Kerr-McGee West Chicago, IL, plant (formerly known as the Lindsay Light and Chemical Company), and the beam installed during the 1976 remodeling of the residence of [Charles Wenk, West Chicago, IL].

RIII personnel surveyed and wipe tested the beam in question, and found the beam to be free of radioactive contamination.

[Charles and Marianne Wenk] advised they had contracted in January, 1976, with Mike Auer Construction to remodel the basement of their home. The specifications of the remodeling called for installation of a 27' long steel beam. Both of the [Wenks] were aware that Auer would be installing a used beam in their basement. However, neither [Charles nor Marianne Wenk] would provide a specific statement alleging Auer was to have stated the used beam was to have been obtained from the Kerr-McGee West Chicago facility. The [Wenks] were reluctant to make such a statement for fear of libel action against them by Auer.

In written statement provided by Auer, he stated he had informed the [Wenks] the beam would be obtained from the Kerr-McGee West Chicago facility. However, when the time came to install the beam in the [Wenk's] basement the beam from the Kerr-McGee facility was not available. To save time and to complete the [Wenk's] basement on schedule, Auer obtained a used beam from his company stock yard and installed it in the [Wenk's] basement. Auer stated he never informed the [Wenks] the beam came from his stock, rather than from the Kerr-McGee facility. Additionally, Auer stated he never removed any equipment from the Kerr-McGee facility without the equipment first being inspected.

Building Department records of the Village of West Chicago, IL, were reviewed and did not disclose any information identifiable with the remodeling of the basement of the [Wenk] home in January-February, 1976.

Kerr-McGee records indicated material and equipment removed from the West Chicago facility were surveyed and the radiation readings and destinations of the materials and equipment were recorded. Review of these records disclosed six entries for the inclusive period December 15, 1975 thru February 11, 1976, and none of the six entries were listed to Auer. The only entries in the record in Auer's name were during the period September 21-27, 1977.

DETAILS

1. Personnel Contacted

Individuals

Charles Wenk
Marianne Wenk.

Mike Auer, Inc.

Alfred Auer

Village of West Chicago Building Department

Miriam Smith

Kerr-McGee Chemical Corporation

Ivan Denny

2. Background

Lindsay and Company was founded in 1902 and was incorporated in Illinois in 1904. Lindsay originally occupied a building at 161 East Grand Avenue, Chicago, IL, and manufactured incandescent mantles which required thorium nitrate as one of the raw materials. Thorium Nitrate was imported from Germany in a refined state. When World War I eliminated that source of supply, Lindsay began its own processing of monazite sand to extract thorium. With the development of electricity, the demand for mantles declined and with it the need for thorium. As the demand for thorium declined, Lindsay developed refining processes for rare earth chemicals as new uses for these elements were discovered.

In about 1931, Lindsay moved its operations from Chicago to facilities located at 258 Ann Street, West Chicago, IL, and in 1935 the corporate name was changed to Lindsay Light and Chemical Company to reflect the nature of its business.

During World War II, Lindsay furnished thorium and rare earth products to the Manhattan Project and for several years afterward, continued to supply them to the Government. The mantle business was sold by Lindsay on December 31, 1953.

Activities at the Lindsay West Chicago Plant involving thorium were licensed by the Atomic Energy Commission on May 1, 1956, when Source Material License No. R-106 was issued. These activities became subject to 10 CFR Part 20, Standards for Protection Against Radiation,

when that regulation subsequently became effective 30 days after its publication in the Federal Register on January 29, 1957.

In May 1958, the Lindsay plant was acquired by American Potash and Chemical Corporation and became known as the Lindsay Chemical Division of that firm. In 1968, the West Chicago facilities were acquired by Kerr-McGee Corporation when American Potash and Chemical Corporation became a subsidiary of Kerr-McGee. The operation of this plant was terminated prior to the end of 1973. With the exception of a small caretaker crew, all personnel were terminated or transferred. The only activities carried on at the plant since the beginning of 1974 have related to decontamination of the premises, with Mike Auer Construction Company being responsible for equipment removal from August 1975, until September 1977.

3. Scope

This investigation was conducted to review an allegation of Charles Wenk, that an unsurveyed steel beam may have been removed from the premises of the Kerr-McGee facility, 258 Ann Street, West Chicago, IL (formerly the manufacturing plant of the Lindsay Light and Chemical Company), and installed in Wenk's West Chicago home during remodeling in 1976. During the investigation, three persons were interviewed, records of the Village of West Chicago Building Department and RIII files were reviewed.

4. Receipt of Allegation

By letters dated November 2 and 19, 1979, (Exhibits I & II) the Illinois Assistant Attorney General, Environment Control Division, advised RIII of an allegation received from Charles Wenk, West Chicago, concerning the removal of a steel beam from the Kerr-McGee facility, West Chicago, by Mike Auer Construction Company. Wenk stated he had contracted with Mike Auer Construction to have his (Wenk's) West Chicago home remodeled. Auer allegedly informed Wenk that a steel beam to be used in the remodeling was to be obtained by Auer from Kerr-McGee's West Chicago plant.

5. Survey of Residence

On November 2, 1979, the Wenk residence was surveyed by RIII personnel. The results of the survey were reported on December 6, 1979 (Exhibit III). The Wenk residence was found to be free of radiation above background levels. The beam in question was surveyed and wipe tested. The beam was found to be free of any radioactive contamination.

6. Interview of Charles and Marianne Wenk

On December 18 - 19, 1979, and January 2-3, 1980, Marianne Wenk was contacted in order to establish an interview appointment. Subsequently, the appointment was set for January 4, 1980.

On January 4, 1980, Charles and Marianne Wenk were interviewed at their West Chicago, IL, home. The Wenks provided the following information.

In January 1976, they contracted with Mike Auer Construction Company, Bartlett, IL, to remodel the basement of their home. The work was to consist of lowering the basement floor thirty inches to meet the level of the basement dug during previous remodeling in 1972. Besides lowering the floor, a wall was to be removed and an "I" beam (27' long) was to be inserted to bear the load of the house. Auer was to install a used "I" beam. The contract between the Wenks and Auer was signed on January 23, 1976, and the Wenks were billed for the work on February 12, 1976. The Wenks paid Auer on February 14, 1976. The Wenks knew Auer would obtain and install a used beam. However, neither Charles nor Marianne Wenk would make a specific statement, either oral or written, concerning any statement made to them by Auer pertaining to the origin of the beam, especially a statement alleging Auer was to have removed the beam from the Kerr-McGee West Chicago facility. Charles Wenk felt they could not make such a statement for fear of libel action against them by Auer, as the Wenks did not have any written documentation of the exact origin of the materials Auer had used in the construction.

In October 1979, the Wenks read an article in the Chicago Tribune. The article dealt with radioactive "hot spots" in West Chicago. The article was accompanied by a map of the "hot spots" and they felt their home was located within one of the areas outlined on the map. Charles Wenk telephoned the Illinois Attorney General's office, Chicago, to obtain additional information. Wenk was referred to the Department of Energy's Argonne National Laboratory, and was subsequently referred to RIII. Marianne Wenk telephoned RIII on November 1, 1979, and RIII personnel surveyed the Wenk home on November 2, 1979 (reference paragraph five and Exhibit III of this report). The Wenks were satisfied with the RIII survey results, and they considered the matter closed until December 6, 1979, when an article entitled, "Probe of Radioactive West Chicago Firm Asked," appeared in the Chicago Sun Times. The Wenks advised they had not spoken to anyone from the Sun Times, and were surprised to read about themselves in the Sun Times. Due to the article in the Sun Times and the fear of being sued for libel by Mike Auer, both Charles and Marianne Wenk would not commit themselves to a definitive statement alleging Auer had informed them the "I" beam for their basement had been obtained from the Kerr-McGee West Chicago facility.

7. Village of West Chicago Building Department Files Review

On December 20, 1979, the records of the Village of West Chicago, IL, Building Department were reviewed with the assistance of Miriam Smith, Clerk. This review disclosed only two applications for building permits on file for the Wenk residence. One application, dated June 7, 1972, was for the remodeling of a back porch into a room. The second application was in 1973 for the construction of a garage. No other building permit applications were on file for the Wenk address.

8. Interview of Representative of Mike Auer Construction

On December 20, 1979, Alfred Auer, doing business as Mike Auer, Inc., Bartlett, IL, was interviewed. Auer advised as follows. He had intended to procure an "I" beam from the Kerr-McGee plant, West Chicago, and to use that beam in the January 1976 remodeling of the Wenk home. However, at the point in time when the beam was needed at the Wenk residence, the beam was not available at the Kerr-McGee plant. Rather than wait for the beam to be removed, Auer decided to substitute a beam he had in his stock. He could not specifically recall where he had originally obtained the beam he had in stock, but was absolutely certain it did not come from the Kerr-McGee plant.

Auer advised he had informed the Wens prior to starting the remodeling that the "I" beam to be used in the construction in their home would come from the Lindsay Light (Kerr-McGee) plant. However, he never advised the Wens the beam came from his stock yard, rather than from the Lindsay Light plant.

Additionally, Auer advised he never removed any equipment from the plant without the equipment first being surveyed and the removal of the equipment being entered into the log book.

A typed transcript of a signed statement obtained from Auer concerning the matter is attached as Exhibit IV.

9. RIII Files Review

On December 27, 1979, the RIII files were reviewed. This review disclosed the files contained a reproduced copy of licensee records of the radiation readings for equipment and materials removed from the Kerr-McGee plant during the period November 1975 thru September 1977. A review of this record revealed six entries during the inclusive period December 15 1975 thru February 11, 1976. None of the six listings were made in Auer's name.

The only entries in the licensee's record of radiation surveys of material sold to Auer were made in September 1977. The entries listed to Auer were:

September 21, 1977 - 1 Michigan front end loader

September 26, 1977 - 2 fork lift trucks

September 27, 1977 - Shelving and misc. parts
1 fork lift
Office furniture

10. Telephone Contact With Licensee Personnel

On January 8, 1980, Mr. Ivan Denny, Project Officer, Kerr-McGee Chemical Company, was telephonically contacted and apprised of the allegation and the results of this investigation.

Attachments: Exhibits I-IV



WILLIAM J. SCOTT

ATTORNEY GENERAL
STATE OF ILLINOIS
160 NORTH LA SALLE STREET
CHICAGO 60601

TELEPHONE
793-2800

November 2, 1979

Mr. Burt Davis, Director
Directorate of Inspection
& Enforcement - Region III
United States Nuclear Regulatory
Commission
Glen Ellyn, Illinois 60137

Re: Kerr McGee Corporation

Dear Mr. Davis:

This will confirm our phone conversation of November 1, 1979. [Mr. Charles Wenk, Jr. of 135 Sophia Street, West Chicago has informed our office that a steel beam installed in his home was obtained from the Kerr McGee factory site in West Chicago several years ago. He further informed us that the contractor installing the beam, a Mr. Mike Auer, obtained other material from the factory site for use in his construction work.

In addition to taking complete radiological measurements at the [Wenk] residence, which I understand you are doing, the Attorney General's Office requests the following be done:

1. The material taken from the Kerr McGee site used by Mr. Auer should be located and measured. You have already been provided with his last known address.
2. All of the materials removed from the Kerr McGee site within recent years should be identified, located and measured.

These requests are necessary in order to ensure that no member of the public is being needlessly exposed to radioactivity.

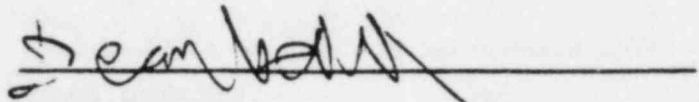
If you have any further questions, do not hesitate to contact me.

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Exhibit I

page 1 of 2

NOV 7 1979

Very truly yours,

A handwritten signature in dark ink, appearing to read "Dean Hansell", is written over a horizontal line.

DEAN HANSELL
Assistant Attorney General
Environmental Control Division
188 West Randolph Street
Suite 2315
Chicago, Illinois 60601
312/793-2491

DH:lab

cc: William Crow
Harold Spellman, Esq.
Glenn McGee, Esq.



WILLIAM J. SCOTT

ATTORNEY GENERAL
STATE OF ILLINOIS
180 NORTH LA SALLE STREET
CHICAGO 60601

TELEPHONE
793-2800

November 19, 1979

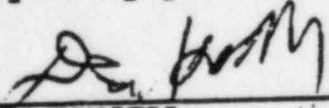
A. B. Davis, Chief
Fuel Facility & Materials
Safety Branch
U.S. Nuclear Regulatory
Commission, Region III
799 Roosevelt Road
Glen Ellyn, Illinois 60137

Dear Burt:

I am in receipt of your letter dated November 13, 1979 regarding the transfer of material from the Kerr McGee site by Mr. Mike Auer and others. In your letter you indicate that the steel beam installed at the Wenk residence did not come from the Kerr McGee site. Our office is in no position to judge whether or not that beam was removed from the Kerr McGee site. However, Mr. Auer did inform Mr. Wenk that the beam was acquired from that site and evidently did not charge Mr. Wenk for the beam. In addition, Mr. Wenk informs me that the beam was not installed in the Wenk residence until 1976. The enclosed record bears this out.

In view of the negative alpha and beta-gamma readings you report on the steel beam, it is probably not a concern. However, if the beam was acquired from the Kerr McGee site but not indicated on the Records of Transfer there is some question about the accuracy of those records.

Very truly yours,


DEAN HANSELL
Assistant Attorney General
Environmental Control Division
188 West Randolph Street
Suite 2315
Chicago, Illinois 60601
312/7932491

DE/jg

cc: Charles Wenk
Glenn McGee, Esq.
Harold Spellman, Esq.

NOV 21 1979

Exhibit II



UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION III
799 ROOSEVELT ROAD
GLEN ELLYN, ILLINOIS 60137

DEC 6 1979

MEMORANDUM FOR: Region III Files

THRU: *CJP* C. J. Paperiello, Chief, Materials Radiological
Protection Section No. 1

FROM: R. E. Burgin, Radiation Specialist

SUBJECT: ALPHA SURVEY OF HOMES IN WEST CHICAGO, ILLINOIS

Mrs. Charles Wenk, 135 Sophia St., West Chicago, Illinois (312/231-3793) called RIII on November 1, 1979, to request that an NRC inspector come to her home to survey an I-beam purchased for her basement. The beam purportedly came from the Kerr-McGee site in West Chicago.

On November 2, 1979, I drove to the Wenk residence and talked to Mrs. Wenk. She stated that the beam in question had been purchased in 1973 thru Mr. Mike Auer, a former employee of Kerr-McGee.

I surveyed the Wenk home and the exposed beam (using Eberline PAC-ISAGA, #000713, calibrated 7/29/79). All readings were background levels (<100 cpm). Six swipes were taken along the exposed beam and counted at the RIII lab for gross beta-gamma and gross alpha. All smears showed up clean.

I contacted Mr. Auer concerning the actual location of the beam prior to delivery to Mrs. Wenk. Mr. Auer stated the beam had come from his own stock, and not from the Kerr-McGee plan (Mr. Auer stated he wasn't even employed by Kerr-McGee until 1976).

I phoned Mrs. Wenk on November 6, 1979, to report our smear results. Her son took the message that the beam was clean, and that it was now understood that the beam had not come from the Kerr-McGee site.

Mrs. Wenk's concern was apparently heightened by a Chicago Tribune article (October 29, 1979) pin-pointing "radioactive hotspots" in West Chicago. The article concerned a survey performed by Argonne National Laboratory for the NRC in September 1978. The levels reported for Mrs. Wenk's neighborhood were in the range of 100 micro-rem/hr (10 mr/year). I surveyed Mrs. Wenk's yard and two others in the neighborhood (121, 127, and 135 Sophia St.). I also explained that such small levels could not be seen on a portable survey meter. I believe Mrs. Wenk was satisfied with the results of all surveys and smears taken.

Robert E. Burgin

Robert E. Burgin
Radiation Specialist

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Bartlett, Illinois
20 December 1979, 1725

I, Alfred Auer, Doing Business As Mike Auer, Incl, hereby make the following statement, voluntarily, to Charles H. Weil, who has identified himself as an Investigator with the U. S. Nuclear Regulatory Commission. I make this statement freely with no threats or promises of reward having been made to me. I have asked Mr. Weil to assist me in this statement.

On January 23, 1976, I contracted with Charles Wenk, 135 Sophia Street, West Chicago, Illinois to remove an old stone wall in his home, and to replace that wall with one made of concrete.

The specifications called for using one, 27 foot long 'I' beam. I had originally planned to obtain the beam from the old Lindsay Light Company Plant, which I had contracted, with its owner at that time - Kerr McGee, to demolish. The removal of the beam from its place in the Lindsay Plant had not been finished, when I need a beam at the Wenk home. Rather than wait for the beam to be taken from the Lindsay Plant, I decided to use an 'I' beam I had in my stock. The beam used in the Wenk house came from my stock, and not from the Kerr-McGee owned Lindsay Light Plant.

When contracting with Wenk for the remodeling of his house, I told him I would be getting the beam from the Lindsay Light Plant owned by Kerr-McGee. I never told him, or his wife, that the 'I' beam came from my stock, and not from the Lindsay Plant. The Wenks have never asked me about the origin of the 'I' beam used in remodeling there home. The job at the Wenk home was completed about 12 February 1976.

I never removed any equipment from the Lindsay Light Plant which were not inspected prior to the removal from the plant property. All of the equipment I removed after having them inspected by Roy McClean, a Kerr-McGee employee, were logged-out by McClean.

/s/Mike Auer Construction Company by
Mike Auer

I have read the foregoing statement, consisting of two handwritten pages. I have made necessary corrections and have initialed them. I have signed my name to both pages. This statement is the truth to the best of my knowledge.

WITNESSED: /s/Charles H. Weil

Signed: /s/Alfred A. Auer
/s/Mike Auer

Date: December 20, 1979

Exhibit IV

page 1 of 1

K-M Files

DEC 6 1979

MEMORANDUM FOR: Charles Norelius, Assistant to the Director

FROM: A. B. Davis, Chief, Fuel Facility and Materials
Safety Branch

SUBJECT: CONFLICTS WITH STATEMENTS FROM INDIVIDUALS RELATING
TO KERR-McGEE

At the end of October, we received a request from Mr. Charles Wenk of West Chicago to survey a steel beam in his house which he said came from Kerr-McGee's facility in West Chicago.

On November 2, 1979, a Region III inspector visited the Wenk residence and surveyed the beam. No radioactivity was found. At that time the inspector was told that the beam was installed in the Wenk home in 1973 and the beam did not come from Kerr-McGee. The inspector's memorandum to files is enclosed.

In a letter dated November 19, 1979, the Illinois Attorney General's office claimed that the beam did come from Kerr Mc-Gee and Mr. Wenk said it was installed in 1976.

The issue in this case is whether or not material was removed from the Kerr-McGee site from 1975 to the present without our knowledge. In view of the State of Illinois' concern in this area, it appears that this matter should be investigated.

A. B. Davis, Chief,
Fuel Facility and Materials
Safety Branch

Enclosure: As Stated

OFFICE	RIII	RIII				
SURNAME	Paperiello/bl	Davis				
DATE	12/4/79					

8204230301

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1979

Photographs

February 1980

