



STATE OF ILLINOIS
DEPARTMENT OF NUCLEAR SAFETY

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TERRY R. LASH
DIRECTOR

June 9, 1989

The Honorable Lando W. Zech, Jr., Chairman
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

RE: Supplement to the Final Environmental Statement for the Rare Earths
Facility, West Chicago, DuPage County, IL (54 FR 18054, April 26, 1989;
54 FR 18331, April 28, 1989)

Dear Chairman Zech:

Enclosed are the comments of the Illinois Department of Nuclear Safety and the Illinois Environmental Protection Agency on the above-referenced document. Our comments on the Draft Supplement were submitted to you by Governor James R. Thompson on September 29, 1987. While the NRC Staff has made changes in the Final Supplement based on our comments and the comments of others, the NRC Staff has not changed its conclusion that the NRC should approve Kerr-McGee's proposal to dispose of the mill tailings on-site in West Chicago, Illinois. For reasons stated in our enclosed comments, we believe the action recommended by the NRC Staff would be contrary to applicable law and regulations and extremely bad policy.

Our greatest concern is the acknowledged failure of the Proposed Action to meet the goal of permanently isolating the wastes without active maintenance. Not only will contaminants continue to leach into the groundwater, we do not believe it has been shown that the disposal cell will be able to retain its integrity without active maintenance. Moreover, the West Chicago site is within an urban area, and the geologic conditions are known not to contribute to immobilization and isolation of contaminants from groundwater sources. Thus, the required active maintenance may very well magnify with time. Further exacerbating our concern is the fact that, under the monitoring plan proposed by Kerr-McGee and found acceptable by the NRC Staff, Kerr-McGee would maintain the disposal cell for two five-year periods after completion of the cell and then either the State or federal government would have to maintain the cell for the following 990 years. The eventual determination of whether this 990-year maintenance responsibility eventually rests with the State or the federal government remains uncomfortably undecided. We obviously reject the notion that this 990-year maintenance responsibility should rest with the State.

The Honorable Lando W. Zech

June 9, 1989

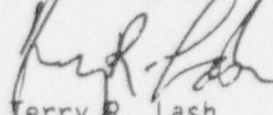
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A second concern is that the Proposed Action was not properly reached within the context of the process established by the National Environmental Policy Act. We believe that the selection of the studied alternatives was biased, leading to selection of the Proposed Action. For example, the environmental impact statement uses an unsupported assumption regarding disbursement of wastes during transportation that significantly distorts the comparison of costs and benefits of the proposed action against those of alternatives which involve rail transport of the wastes. The use of a different assumption would dramatically alter the comparison and provide, in our view, a much more realistic analysis.

The Supplement to the Final Environmental Statement is inadequate in numerous respects. The NRC Staff must withdraw the statement and revise it to comply with the requirements of the National Environmental Policy Act. We believe that a fully corrected statement would support the State of Illinois's position that the waste be removed from West Chicago and disposed at a properly selected site.

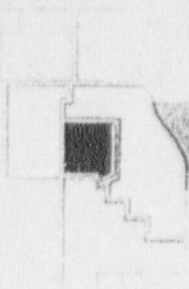
Copies of our comments are being provided to the U.S. Environmental Protection Agency and the Council on Environmental Quality. Copies of the transmittal letters to Deputy Administrator Habicht and Chairman Designate Deland are enclosed for your information.

Very truly yours,



Terry R. Lash
Director

TRL/vh
Encs.



**DUPAGE COUNTY
REGIONAL PLANNING COMMISSION**

DUPAGE CENTER 421 NORTH COUNTY FARM ROAD WHEATON, ILL. 60157 312-682-7230
DALIP BAMMI, DIRECTOR

June 8, 1989

Ms. Deborah Washington
Project Review Officer
Northeastern Illinois Planning Commission
400 West Madison Street
Chicago, IL 60606

Handwritten: JAB, DW, JUN 16 1989, 7/8/9/10/11/12/1/2/3/4/5/6

RE: NIPC PROJECT: #89-A-003

Dear Ms. Washington:

We have reviewed the notice of the U.S. Nuclear Regulatory Commission on the Supplement to the Environmental Assessment relative to the Rare Earth Facility (Kerr-McGee) in West Chicago. It is our understanding that the City of West Chicago has objected to the permanent disposal of hazardous wastes at this site and has submitted documentation to support their decision based on environmental concerns and consistency with local land use plans.

The proposed project is not consistent with the policies of the DuPage County Regional Planning Commission.

Sincerely,

Handwritten signature of Dalip Bammi
Dalip Bammi
Director

DB:DJF:mr

cc: Paul Netzel, Mayor, City of West Chicago
Don Foster, Manager, City of West Chicago
Paul Tague, Planning Director, City of West Chicago

DOCKET NO. 40-2061
CONTROL NO. 25664
DATE OF DOC. June 22, 1989
DATE RCVD. June 27, 1989
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FCAF _____ LPDR _____
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