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## DEPARTMENT OF NATURAL RESOURCES

STEVENS T MASON BUILDING, PO BOX 30028, LANSING MI 48909-7528

WEBSITE: [www.dnr.state.mi.us](http://www.dnr.state.mi.us)

K. L. COOL, Director

July 3, 2000

Mr. Bruce L. Jorgensen  
Chief Decommissioning Branch  
United States Nuclear Regulatory Commission, Region III  
801 Warrenville Road  
Lisle, Illinois 60532-4351

Subject: NRC Inspection Report 040-09015/2000001(DNMS)  
May 18, 2000  
Docket No. 040-09015  
License No. SUC-01581  
Tobico Marsh Site, (state-owned portion of the Hartley & Hartley site)  
Kawkawlin, Michigan

Dear Mr. Jorgensen:

The Michigan Department of Natural Resources (MDNR) has reviewed the above referenced inspection report authored by Mr. Ed Kulzer of your office and has the following comments. While no violations of the Nuclear Regulatory Commission (NRC) requirements were noted in the May 18, 2000 inspection report, an additional, and it would seem gratuitous, comment was made regarding the Characterization Survey field investigation methods. To summarize, a concern was expressed regarding the number of borings being placed through the cap and landfill cell, which is known to contain drums of waste materials (spent solvents, oils and other materials). The comment went on to address the need for monitoring of landfill leachate within and outside of the landfill.

This particular item was discussed at length during the MDNR/NRC meeting on August 24, 1999, with Ms. Sherry Lewis (Project Engineer, Decommissioning Branch, Division of Waste Management, Office of Nuclear Material Safety and Safeguards) and others (sign-in sheet attached) at the NRC offices in Rockville, Maryland. The purpose of the meeting was to present the MDNR's plans for characterizing the site. At that meeting, Mr. Kulzer raised this very concern regarding encountering drums with the drilling equipment. He was advocating taking the entire clay and soil cap off the site for characterization of waste underneath. During the August 24 meeting, the majority of the NRC staff present acknowledged and understood the hazardous nature of the waste below the clay cap and the MDNR's reasons for not removing the cap for site characterization activities. Accordingly, the majority of the NRC staff present concurred with the proposed methodology and agreed that incurring these avoidable potential risks associated with removing the landfill cap at this stage of the decommission process (site characterization) was not prudent.

At that August 24, 1999, meeting, the MDNR presented pictures and information depicting the site in the 1960s (prior to cap installation) with numerous drums in various states of

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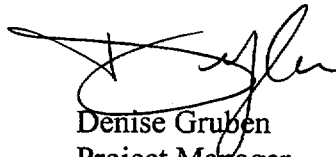
July 3, 2000

decomposition. Furthermore, historical analytical data from monitoring wells within the landfill leachate indicate waste materials (not in drums) already exist within the landfill cell prior to the characterization work. The MDNR proposed, and the NRC agreed, that using direct-push drilling techniques for the difficult task of collecting required radiological data within the landfill cell, would substantially reduce the potential risk of chemical/radiological exposure for the site workers, the surrounding environment and the community. In her September 29, 1999 summary of the August 24<sup>th</sup> meeting, Ms. Sherry Lewis condenses that discussion in items 2-4. The emphasis of Ms. Lewis's summary was to "drill an adequate number of holes to characterize the radiological hazards on the site without undue non-radiological risk to workers." Furthermore, she noted that we "may need to increase the number of boreholes to reflect the inability to perform scans." (Emphasis added.) Now that this field effort has been completed we can report that the direct-push techniques employed did reduce worker exposure to the chemical wastes and made it possible to radiologically evaluate materials below the groundwater levels within the landfill cell.

To acknowledge Mr. Kulzer's recommendation, please note that the chemical monitoring of groundwater within and outside of the landfill has occurred and is scheduled for future field efforts by those parties responsible for the placement of chemical wastes at the Tobico Marsh Site (state-owned portion of the Hartley & Hartley site).

In accordance with my discussion with Ms. Sherry Lewis, we request that a copy of this letter be placed in the NRC Public Electronic Reading Room (PERR), as well as any other location where the May 18, 2000 NRC Inspection Report (040-09015/2000001(DNMS)) has come to reside.

Sincerely,



Denise Gruben  
Project Manager  
Office of Legal Services  
517-335-4036

Attachment

cc: **Mr. Ed Kulzer, NRC**  
Mr. Sam Nalluswami, NRC  
Mr. Gary Finkbeiner, MDAG  
Mr. Christopher D. Dobyns, MDAG  
Mr. David Minnaar, MDEQ  
Mr. Larry Elmleaf, MDEQ  
Mr. Tim Bertram, MDEQ

SIGN-IN SHEET FOR AUGUST 24, 1999 MEETING  
BETWEEN NRC AND MDNR

<u>NAME</u>	<u>AFFILIATION</u>	<u>PHONE</u>
1. Sherry Lewis	NRC/NMSS	(301) 415-6619
2. Denise Gruben	MDNR	517-335-4036
3. Cole T. Jacobson	HLA	(248) 489-8042
4. Steve Marcelli	Cabrera Services	(860) 532-1234
5. Stephen McGuire	NRC/RES	301-415-6204
6. PATRICIA A. SANTIAGO	NMSS/DWM	301-415-7269
7. Eric Pogue	NMSS/DWM	301-415-6064
8. ED KULZER	NRC Region 3	630 829 9875
9. PETER LEE	NRC RIII	630 824 9870
10. Richard S. Clement	NRC RIII	301-415-6625
11. Dominick Orlando	NRC/DWM	301-415-6749
12. Mark Thaggard	NRC/DWM	301-415-6718
13. Tim Harris	NRC/DWM	301-415-6613
14. Chris McKenney	NRC/DWM	301-415-6663
15. Bob SCARANIC (by phone)	MDNR	517-335-8204
16. Russ Rotta (by phone)	"	"
17. Tim Johnson	NRC/DWM	301-415-7244