

December 27, 2000

Mr. Phillip M. Mazor
Remedial Project Manager
Waste Management, Inc.
700 56th Avenue
Zeeland, MI 49464

SUBJECT: NOTICE OF VIOLATION

Dear Mr. Mazor:

This refers to a review of records associated with your Nuclear Regulatory Commission License No. SUC-1565. The purpose of this review was to determine your compliance with the decommissioning requirements in 10 CFR 40.42. At the conclusion of the review, the findings were discussed with you by Mr. Sam Nalluswami of my staff in a telephone conversation on November 3, 2000. During this conversation, the status of your decommissioning plan was discussed and it was determined that the date by which it was required to be submitted had passed without the plan being submitted. You indicated that, during the past year, you have been negotiating a consent order and a remedial action plan for the Hartley and Hartley site with the State of Michigan and failed to realize that the decommissioning plan was due to be submitted to the NRC.

In accordance with Condition 11.A of your license dated September 7, 1999, a decommissioning plan was due to be submitted to the NRC no later than October 1, 2000. Based on the failure to submit the decommissioning plan by the due date, the NRC has determined that a violation of NRC requirements occurred. The violation was evaluated in accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions" (Enforcement Policy), NUREG-1600, dated May 1, 2000. The current Enforcement Policy is included on the NRC's website at <http://www.nrc.gov/OE/>. The violation is cited in the enclosed Notice of Violation (Notice) and the circumstances surrounding it are described above.

In a letter dated November 3, 2000, you requested an extension of the due date for submitting the decommissioning plan to October 1, 2001. We are currently reviewing your request. The NRC has concluded that information regarding the reason for the violation and the corrective action taken is already adequately addressed in your November 3, 2000, letter. However, the corrective actions taken or you plan to take to prevent recurrence have not been adequately addressed. Therefore, you are required to respond to this letter and should follow the instructions specified in the enclosed Notice when preparing your response. The NRC will use your response, in part, to determine whether further enforcement action is necessary to ensure compliance with regulatory requirements.

During a phone conversation with Mr. Sam Nalluswami of my staff on December 15, 2000, you agreed to participate in a meeting here at NRC headquarters scheduled for January 18, 2001, to discuss your proposed extension request. We look forward to this opportunity to discuss in more detail your plans for developing the decommissioning plan. Before the meeting on January 18, 2001, please review Appendix A (Acceptance Review Checklist) of the Standard Review Plan (NUREG-1727) as it applies to your specific site.

In accordance with 10 CFR 2.790 of the NRC's "Rules of Practice," a copy of this letter and your response (if you are providing one at this point) will be made available electronically for public inspection in the NRC Public Document Room or from the Publicly Available Records (PARS) component of NRC's document system (ADAMS). ADAMS is accessible from the NRC Web site at <http://www.nrc.gov/NRC/ADAMS/index.html> (the Public Electronic Reading Room). To the extent possible, your response should not include any personal privacy, proprietary, or safeguards information so that it can be made available to the Public without redaction.

Sincerely,

/RA/ R Nelson for

Larry W. Camper, Chief
Decommissioning Branch
Division of Waste Management
Office of Nuclear Material Safety
and Safeguards

Docket No.40-9022
License No. SUC-1565

Enclosure: Notice of Violation

cc w/o encl: T. Bertram, MDEQ
D. Minnar, MDEQ
D. Gruben, MDNR

NOTICE OF VIOLATION

SCA Services
Zeeland, MI

Docket No. 40-9022
License No. SUC-1565

During an NRC review of records on November 3, 2000, a violation of NRC requirements was identified. In accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions," NUREG-1600, the violation is listed below:

Condition 11.A of License SUC-1565, dated September 7, 1999, requires, in part, that the licensee submit, by license amendment request, no later than October 1, 2000, a Decommissioning Plan for the SCA site, meeting the requirements of 10 CFR 40.42(g)(4).

Contrary to the above, as of November 3, 2000, the licensee failed to submit, by license amendment request, a Decommissioning Plan for the SCA site by the required date of October 1, 2000.

This is a Severity Level IV violation (Supplement VI).

Pursuant to the provisions of 10 CFR 2.201, SCA Services is hereby required to submit a written statement or explanation to the U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, DC 20555 with a copy to the Chief, Decommissioning Branch, Division of Waste Management, NMSS, within 30 days of the date of the letter transmitting this Notice of Violation (Notice). This reply should be clearly marked as a "Reply to a Notice of Violation" and should include for each violation the corrective steps that will be taken to avoid further violations. Your response may reference or include previous docketed correspondence, if the correspondence adequately addresses the required response. Where good cause is shown, consideration will be given to extending the response time.

If you contest this enforcement action, you should also provide a copy of your response, with the basis for your denial, to the Director, Office of Enforcement, United States Nuclear Regulatory Commission, Washington, DC 20555-0001.

Because your response will be made available electronically for public inspection in the NRC Public Document Room or from the Publicly Available Records (PARS) component of NRC's document system (ADAMS), to the extent possible, it should not include any personal privacy, proprietary, or safeguards information so that it can be made available to the public without redaction. ADAMS is accessible from the NRC Web site at <http://www.nrc.gov/NRC/ADAMS/index.html> (the Public Electronic Reading Room).

Enclosure

If personal privacy or proprietary information is necessary to provide an acceptable response, then please provide a bracketed copy of your response that identifies the information that should be protected and a redacted copy of your response that deletes such information. If you request withholding of such material, you must specifically identify the portions of your response that you seek to have withheld and provide in detail the bases for your claim of withholding (e.g., explain why the disclosure of information will create an unwarranted invasion of personal privacy or provide the information required by 10 CFR 2.790(b) to support a request for withholding confidential commercial or financial information). If safeguards information is necessary to provide an acceptable response, please provide the level of protection described in 10 CFR 73.21.

In accordance with 10 CFR 19.11, you may be required to post this Notice within two working days.

Dated this ____ day of December 2000.

Dec. 27, 2000

Mr. Mazor

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Sincerely,
/RA/ R Nelson for
Larry W. Camper, Chief
Decommissioning Branch
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Docket No.40-9022

License No. SUC-1565

Enclosure: Notice of Violation

cc w/o encl: T. Bertram, MDEQ

D. Minnar, MDEQ

D. Gruben, MDNR

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