

Mich.

September 4, 1984

Michigan Department of Natural Resources
ATTN: Mr. Daniel Schultz
Water Quality Specialist
411 J. E. Genessee
Saginaw, MI 48607

Dear Mr. Schultz:

Attached are the radiological survey data compiled so far for Mr. Hartley's property promised during our meeting of August 22, 1984, and a copy of Branch Technical Position (BTP) applicable to uranium and thorium soil contamination. The second copy of the attachment is to give to Mr. Hartley pursuant to his request to you in an earlier meeting.

Please note that the ORAU data show direct radiation levels on the contaminated area that are considerably above the 6 to 8 microrentgen per hour hour ($\mu R/hr$) seen as normal background for the area. ORAU soil samples (locations 101 and 102) also show near-surface thorium-232 concentrations well above the 10 picocuries per gram (pCi/g) level deemed acceptable for unrestricted land use by the BTP. Two NRC soil samples (84-295 and 84-296) indicated similar results. Additional samples taken on August 22, 1984 are yet to be analyzed by ORAU.

If you or Mr. Hartley have any questions concerning this information, please contact me at (312) 790-5514.

Sincerely,

M. Schumacher

M. C. Schumacher, Chief
Independent Measurements and
Environmental Protection Section

Attachments: As stated

cc w/attach:
D. A. Cool, NMSS
J. M. Hennigan, Michigan
Department of Public Health

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DEPARTMENT OF
ATTORNEY GENERAL

MEMORANDUM

September 10, 1984

TO: John Shauver
Environmental Enforcement Division
Department of Natural Resources

FROM: Thomas F. Schimpf
Assistant Attorney General
Environmental Protection Division

*Get agreement
on this as early as
possible*

Re: SCA Services - Hartley and Hartley Negotiations

I spoke with Dan Schultz late Friday, September 7, 1984. He reported that he had spoken earlier with the SCA representative from Boston.

He reported that SCA would be willing to live with much of our August 22, 1984 draft agreement. There were, of course, some changes:

- (a) The completion date, specified in paragraph 10, should be contingent on the signing date. In particular, they said that if it cannot be signed by October 1, 1984, they would be unable to complete the work by December 31, 1984.
- (b) While they are willing to live with the oral shutdown order from the DNR on-site representative, they want a proviso that the oral order must be followed by a writing signed by the Director himself.
- (c) There appears to be some confusion about the need for paragraph 15. They seem to think that paragraph 15 means that we do not approve of their proposed containment measures. Dan will be talking with them to explain that paragraph 5 gives SCA approval of the proposed containment measures. Paragraph 15 means simply that the DNR has the final right to determine when construction is completed.
- (d) Lastly, and what is the true stumbling block, SCA does not want paragraph 20. The SCA representative pointed out that they will be willing to live with the 30-year monitoring of paragraph 19, as long as paragraph 20 goes. Dan is going to talk with him some more today to clarify the matter.

SEP 13 1984

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John Shaiver
September 10, 1984
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Jim Truchan's answer to my question about the statutory justification with this agreement is to call it a "modification" of the original site closure order. I don't quite know about that. Putting that approach to the side for a moment, could this be properly termed a "closure order," as was the original Hartley and Hartley agreement?

TFS/mz

cc: Stewart H. Freeman
Robert Teoh
George Bruchmann
Roland Lifkus✓