

June 13, 2001

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

SUBJECT: REPORT OF MEETING HELD TO DISCUSS EXTENSION TO
DECOMMISSIONING PLAN SUBMISSION DATE FOR THE SCA SERVICES
(HARTLEY & HARTLEY LANDFILL) SITE, BAY COUNTY, MI

Dear Mr. Mazor:

On May 30, 2001, the U.S. Nuclear Regulatory Commission staff met with representatives of the Waste Management, Inc., to discuss extension to decommissioning plan (DP) submission date for the SCA Services (Hartley & Hartley Landfill) Site Decommissioning Management Plan (SDMP) site in Bay County, MI. A report of this meeting is enclosed.

In addition, we reviewed Mr. James Forney's May 24, 2001, partial response to our May 2, 2001, letter containing comments regarding extension to the DP submission date. Mr. Forney's concerns were discussed at this meeting and you agreed to provide a schedule to submit the DP on or before June 18, 2001. This letter also serves as a response to Mr. Forney's May 24, 2001, letter.

If you have any questions concerning this report, please contact me at (301) 415-6694.

Sincerely,

/RA/

M. (Sam) Nalluswami, Project Manager
Facilities Decommissioning Section
Decommissioning Branch
Division of Waste Management
Office of Nuclear Material Safety
and Safeguards

Enclosure: Meeting Report

cc: T. Bertram, MDEQ
D. Minnar, MDEQ
D. Gruben, MDNR

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

MEETING REPORT

DATE: May 30, 2001

TIME: 10:30 a.m. - 12:00 noon.

PLACE: U. S. Nuclear Regulatory Commission (NRC)
11545 Rockville Pike
Rockville, MD 20852
Room T-8A1

PURPOSE: To discuss extension to the decommissioning plan (DP) submission date for the SCA Services (Hartley & Hartley Landfill) Site Decommissioning Management Plan (SDMP) site in Bay County, Michigan.

ATTENDEES: See Attachment A.

BACKGROUND:

The SCA Services SDMP site, located in Bay County, Michigan, is part of the former Hartley & Hartley Landfill. Part of the 235 acre landfill site is contaminated with thorium that came from magnesium-thorium alloy production at a defunct former licensee. The contaminated soil is covered with a clay cap and encapsulated with slurry walls. The current NRC license (SUC-1565) is for possession only. In accordance with condition 11A of the license, the DP was due to be submitted to the NRC no later than October 1, 2000.

DISCUSSION

The SCA Services staff explained its understanding of the processes related to the DP and the installation of a leachate extraction system (LES). SCA believed that a license amendment allowing the operation of a LES would preclude SCA from submitting a DP. This incorrect interpretation, in part, was based on discussions held with NRC staff in the 1998/1999 time frame and definitions of decommissioning activities, such as principal, ancillary, and others. The concern was that the operation of a LES was thought to be considered by the NRC as a "principal" activity. As discussed in NRC's May 2, 2001, letter, the operation of the LES would be incidental to the decommissioning of the site and not a principal activity as defined in the regulations. However, the installation of an LES would require a license amendment. Likewise, the approval of a DP and similar actions would also require license amendments. It appears that the two related but different issues, such as submission of a DP and completion of decommissioning, were not clearly understood. It was pointed out by the NRC staff that even though both are time related issues, they are different. The NRC staff corrected this interpretation by noting that the installation and operation of a LES will require a license amendment because the current license is for possession only, and that the operation of an LES is an ancillary activity that could involve handling of radioactively contaminated water. It was emphasized that based on the current license condition, SCA Services must submit a schedule for submission of its DP. The DP, when submitted should include a proposed schedule to complete decommissioning. If the proposed schedule to complete decommissioning would exceed two years after DP approval, justification for an alternate

Enclosure

schedule should be included. The difference between submission of a DP and the completion of decommissioning was discussed in detail.

The NRC staff requested that the linkage between DP, the remedial investigation/feasibility study (RI/FS), and the remedial action plan (RAP) be clearly discussed in the DP submission schedule.

Under the timeliness rule, SCA is responsible for submitting a DP with the understanding that there may be a need for periodic amendments to accommodate conditions that cannot be identified at the time of DP submission. The DP must identify any interaction of RI/FS-driven requirements to the decommissioning process as potential impacts on NRC-related technical and regulatory issues and the decommissioning schedule. It was explained that the DP needs to be comprehensive in scope including descriptions of the proposed leachate system, radiological issues, gaseous and liquid effluents, etc. The details should also address sampling liquid and sediments, health physics, groundwater and mixed wastes, if any.

In addressing the installation of the LES, SCA should provide the justification for its use (i.e., whether the LES is required in response RI/FS-prescribed remedies for chemicals, or radiological considerations, or possibly for both in addressing the potential presence of mixed waste in leachates). The license amendment request for installation and operation of the LES should include the design basis, installation, operation, waste management, effluent discharges, maintenance, waste storage, personnel radiation protection, and contingencies. The objective being to ensure that the amendment incorporates as much flexibility as is possible, thereby, minimizing the need for additional future license amendments. SCA was encouraged to contact NRC staff to address these aspects in greater detail during the preparation of the related sections of the amendment request.

ACTIONS

SCA will send a letter on or before June 18, 2001, with the rationale and description of proposed site activities including a schedule to submit a DP.

ATTACHMENT:

Meeting Attendees

MEETING ATTENDEES

Topic: Decommissioning Plan Submission Date for the SCA Services SDMP Site

Date: May 30, 2001

| NAME | AFFILIATION | PHONE NUMBER |
|--------------------|---------------------------|--------------|
| Bob Nelson | NRC/NMSS/DWM | 301-415-7298 |
| Mark Thaggard | NRC/NMSS/EPAB | 301-415-6718 |
| Charlotte Abrams | NRC/NMSS/EPAB | 301-415-7293 |
| Phil Mazor | SCA Services/Waste Mgmt | 616-688-5777 |
| Jim Forney | SCA Services/Waste Mgmt | 517-381-0177 |
| Katie Moertl | Quarles & Brady/Waste Mgt | 414-277-5577 |
| Sam Nalluswami | NRC/NMSS/DWM | 301-415-6694 |
| Jean-Claude Dehmel | NRC/NMSS/DWM | 301-415-6619 |
| Veronica Rodriguez | NRC/Summer Intern | 301-415-7633 |
| Corey McDaniel | EOP Group/Dow Consultant | 202-833-8940 |
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AN:

TEMPLATE: NMSS/RGN-001

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|------|---------------|---------------|-----------|---------|--------|
| OFC | DCB | DCB | DCB | DCB | |
| NAME | S. Nalluswami | C. Burkhalter | R.Nelson | | |
| DATE | 6/ 13 /01 | 6/13/01 | 6/ 13 /01 | 6 / /01 | 6/ /01 |

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