

December 19, 2002

Ms. Kelli Sobel
Deputy Director for Administration
Michigan Department of Natural Resources
530 West Allegan Street
Lansing, MI 48933

SUBJECT: EVALUATION OF MICHIGAN DEPARTMENT OF NATURAL RESOURCES'
BAY COUNTY TOBICO MARSH LAND AS STATE GAME AREA FOR
DECOMMISSIONING AND RELATED PURPOSES

Dear Ms. Sobel:

The U. S. Nuclear Regulatory Commission (NRC) staff has reviewed your letter dated September 13, 2002, pertaining to the Michigan Department of Natural Resources' (MDNR's) Site Decommissioning Management Plan (SDMP) site known as Tobico Marsh State Game Area (SGA). The information provided in your letter answered a number of the NRC staff's questions; however, the staff will conduct a more detailed review after submittal of the decommissioning plan (DP) to determine the acceptability of your approach.

Your letter addressed two key issues related to this SDMP site. The first issue, limitations on future land uses deriving from the physical characteristics of the site, included a discussion of Site Physical Limitations, Site Setting and Land Use, Soil Properties, Drainage and [Site] Access, Agricultural Limitations, Commercial Use Limitations, Residential Use Limitations and Recreational Use Limitations. The second issue, "Multiagency Impediments" (institutional controls that may be relied upon, in part to form the basis for the selection of future land-use scenarios), included a discussion of the following: Federal Restrictions Established for the Tobico Marsh Site (National Natural Landmarks Program - Department of the Interior, the United States Army Corps of Engineers), and State of Michigan Restrictions at the Tobico Marsh Site (Michigan State Lands - MDNR, Saginaw Valley Watershed Protection Area - MDNR).

Our understanding of your conclusions on these two issues is:

1. The significant capital costs required to develop the land render it extremely unlikely for agricultural, commercial or residential uses.
2. Site size, extremely poor soil quality, access distance from main roads, substantial engineering challenges to development, and undesirable aesthetics present additional obstacles to these uses.

3. Due to the proximity to the Tobico Marsh SGA and potentially low development costs for recreational use, future recreational use by hunters is the most probable and realistic reuse of the site.
4. The limiting physical characteristics of the site without any institutionally controlled impediments to development, provide a substantial and credible basis for concluding that it is unrealistic to project that the site might be used for residential dwellings or farming for the foreseeable future.
5. The MDNR site could be shown to satisfy the unrestricted use criteria of 10 CFR Part 20.1402 without concern for the potential future dose to a critical member of a residential or subsistence farming exposure group.
6. MDNR intends to maintain ownership of the parcel in question for the foreseeable future, because the MDNR is consolidating its properties instead of liquidating them.
7. The hunter scenario is realistic and this scenario is supported by the MDNR's land management policy.

You have provided substantial information in support of a hunter, fisher, naturalist scenario. This scenario appears to be reasonably credible for this site; however, we need the following additional information submitted in the DP:

1. Describe the soil or cover material at the site with respect to its potential for gardening or crop production. MDNR has addressed the native soil at the site. However, the native soil is not currently present at the site, at least near the land surface, because of the excavation and backfilling that occurred as the result of the historical dumping at this site.
2. Describe the shallow water-bearing unit at the site with respect to its capacity to supply an adequate supply and quality of water for residential use and for irrigation of a garden.
3. Present the potential dose to offsite individuals when radionuclides in the groundwater migrate beyond the site, if the slurry wall leaks during the next 1,000 years.

Ms. Kelli Sobel

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If you have any questions regarding this information, please contact Sam Nalluswami, of my staff, at (301) 415-6694.

Sincerely,

/RA/

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

cc: MDNR Distribution List
Denise Gruben, MDNR

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* see previous concurrence

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