

June 6, 2003

Mr. Ben Baker
Project Manager
The Dow Chemical Company
9008 Bldg., Office 154
4520 East Ashman
Midland, MI 48674

SUBJECT: CLARIFICATION TO MARCH 17, 2003 LETTER, TO NRC REGARDING
REQUEST FOR ADDITIONAL INFORMATION ON THE LICENSE
AMENDMENT REQUEST FOR THE REVISED SUPPLEMENT TO THE
DECOMMISSIONING PLAN, BAY CITY SITE, MI (TAC# L60463)

Dear Mr. Baker:

I am responding to The Dow Chemical Company's (TDCC's) March 17, 2003 letter, that provided a partial response to the Nuclear Regulatory Commission's request for additional information (RAI) dated December 26, 2002, on the Supplement to the previously approved Decommissioning Plan (DP) for NRC License STB-527. TDCC provided a response to RAI #2 and 17b in the March 17, 2003 letter, and on June 3, 2003, provided clarification to the March 17, 2003, response to RAI #17b.

March 17, 2003, Response to RAI #2 (Future Land Use Scenario):

TDCC is proposing that the applicable future land use scenario for the site is recreational. Currently, the site is zoned industrial which may require excavation thereby bringing the contaminated soil to the surface. According to verbal information from the Michigan Department of Environmental Quality, there might be marina development in this area which may also require excavation. In our feedback to TDCC on the conceptual plan for subsurface remediation (letter of May 29, 2001), we indicated that a basis for the conceptual plan is that excavation of the subsurface material would be unlikely. Therefore, TDCC needs to justify its assumptions that there would be no excavation at the site. If a zoning change is needed for this site, concurrence from the local zoning board would be required.

March 17, 2003, Response to RAI #17b (Groundwater Radium Concentration):

On Page 10 of the enclosure to March 17, 2003 letter, TDCC proposed to use the "average of the total radium concentration in the groundwater, at the 95% confidence level, to demonstrate compliance with the Site Decommissioning Management Plan's Action Plan Criteria - National Primary Drinking Water Standards (NPDWS) as reference."

In the June 3, 2003 clarification letter, TDCC's proposal referred to the spatial average of all onsite monitoring wells, where the concentration assigned to each well was the annual average from four quarterly samples. Compliance with this average would be demonstrated by TDCC at the 95% confidence level using Equation 8-13 from NUREG/CR-5849. Additional tests would be that the spatial average of the monitoring well results from each round of quarterly sampling is less than the NPDWS standard. TDCC agreed to perform both averaging tests. The NRC

Mr. Ben Baker

2

finds these to be an acceptable means of demonstrating compliance with the groundwater standard. However, as stated in 17b of the RAI, if TDCC is unable to demonstrate that the groundwater standard has been met, a plan for remediating the groundwater will need to be developed and provided to the NRC for review (Refer to RAI 17b).

Other RAIs dated December 26, 2002:

A satisfactory response to the other parts of the RAI is also needed prior to the approval of the Supplement to the DP. If you prefer to meet with the NRC staff to discuss the RAI and your response, a meeting can be arranged. Following receipt of the satisfactory response to the RAI, we will continue our evaluation of your amendment request.

Other Related Issues:

NRC's December 26, 2002 letter, also requested a decommissioning funding plan with an updated cost estimate and information to update the previous environmental assessment for the site. Please respond to these issues also.

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

Sincerely,

/RA/

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

cc: Liane S. Smith, MDEQ
Joseph Haas, MDEQ

Docket No.: 040-00017
License No.: STB-527

Mr. Ben Baker

finds these to be an acceptable means of demonstrating compliance with the groundwater standard. However, as stated in 17b of the RAI, if TDCC is unable to demonstrate that the groundwater standard has been met, a plan for remediating the groundwater will need to be developed and provided to the NRC for review (Refer to RAI 17b).

Other RAIs dated December 26, 2002:

A satisfactory response to other parts of the RAI is also needed prior to the approval of the Supplement to the DP. If you prefer to meet with the NRC staff to discuss the RAI and your response, a meeting can be arranged. Following receipt of the satisfactory response to the RAI, we will continue our evaluation of your amendment request.

Other Related Issues:

NRC's December 26, 2002 letter, also requested a decommissioning funding plan with an updated cost estimate and information to update the previous environmental assessment for the site. Please respond to these issues also.

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

Sincerely,

/RA/

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

cc: Liane S. Smith, MDEQ
Joseph Haas, MDEQ

Docket No.: 040-00017
License No.: STB-527

AN:

TEMPLATE: NMSS/RGN-001

DISTRIBUTION:

File Center NMSS r/f C.Miller E.Kulzer, RIII D.Gillen M.Rothschild

DOCUMENT NAME: C:\ORPCheckout\FileNET\ML031620122.WPD *See previous concurrence

| | | | | | |
|------|--------------|--------------|-----------|------------|----------|
| OFC | DCB* | DCB* | DCB* | EPAB* | DCB |
| NAME | S.Nalluswami | C.Burkhalter | D.Schmidt | M.Thaggard | C.Craig |
| DATE | 6/ 6 /03 | 6/ 6 /03 | 6/ 05 /03 | 6/ 6 /03 | 6/ 6 /03 |

OFFICIAL RECORD COPY