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Docket*

STATE OF MICHIGAN

DEPARTMENT OF NATURAL RESOURCES
LANSING

JENNIFER M. GRANHOLM
GOVERNOR

K. L. COOL
DIRECTOR

September 18, 2003

Mr. Daniel M. Gillen, Chief
Decommissioning Branch
Division of Waste Management
Office of Nuclear Material Safety and Safeguards
U. S. Nuclear Regulatory Commission
Mail Stop T-7F27
Washington, DC 20555

SUBJECT: Michigan DNR – Tobico Marsh SGA Site Decommissioning Plan Acceptance
Review, Acknowledgment of Comments, Conference Call and Plan for Response
License SUC – 1581

Dear Mr. Gillen:

In response to your letter dated August 8, 2003, the Michigan Department of Natural Resources (MDNR) reviewed with our consultant the Nuclear Regulatory Commission's (NRC's) more than 37 comments on our Decommissioning Plan (DP). The comments generally fell into three categories: 1) the NRC did not find the required DP Checklist information in a particular section of the document, 2) the NRC requires more detail for a particular topic addressed, 3) the requested information, although required for certain other licensees and decommissioning scenarios, does not apply to the MDNR's Tobico Marsh SGA Site and the conservative assumptions used to propose this particular unrestricted closure.

The NRC and MDNR held a conference call on August 28, 2003 to discuss the NRC's concerns and to gain further clarification of the Acceptance Review Comments. During that conference call, MDNR committed to address numbers one and two above by providing more detail in a re-submitted DP. Specifically, number one would be addressed by providing an annotated checklist that references the page number(s) where each piece of information could be found in the DP. Where appropriate, the checklist would also note that a particular item was not applicable to the Tobico Marsh SGA site.

Also during the conference call, the NRC committed to revisiting five of the comments to determine their relevance to this location (item number three above) and to provide clarification for the exact information desired. Apparently, ~~one of the original commenters is no longer working on this site for the NRC.~~ The NRC's currently assigned physicist agreed to hold conversations with MDNR's contracted physicist during the week of September 8, to foster an understanding of the questioned items relating to their discipline. To address the NRC's specific question 5j, a statistical summary of the Th-230/Th-232 ratio was e-mailed to the NRC's physicist and project manager on August 28, 2003.

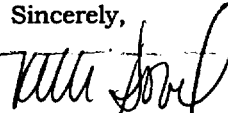
Your August 8, 2003 letter requests an updated DP within 45 days. We discussed this due date during the conference call and both parties agreed that this deadline would be extended commensurate with the time it takes to receive a response from NRC staff on the five issues to be revisited, and the subsequent time it would take MDNR to edit the DP. It is the MDNR's desire to have an updated DP to the NRC by the end of October 2003, but we also want definitive clarification on the five points. As you know, it is our sincerest hope that our obligations with regard to this site be defined and resolved as quickly as possible. We assume that the 45 day requirement will be suspended and that a mutually agreeable deadline will be formally set once all issues have been clarified by the NRC.

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Your letter dated August 8 characterizes our submittal as "incomplete," "not responsive," and as having "deficiencies." Although we believe that we submitted a complete document that demonstrates that this location poses no risk to present and future populations and environs, we will improve the content and readability of our submittal to leave no questions regarding our assertions. On the positive side, we were heartened to see that the NRC had no comments on Section 5 of the DP that contains the DCGL and statements regarding the future uses of the site.

If you have any further questions, please feel free to contact me or our Project Manager, Denise Gruben, at 517-335-4036.

Sincerely,



Kelli Sobel
Administrative Services Deputy
517-373-2425

cc: Mr. Sam Nalluswami, USNRC
Ms. Claudia Craig, USNRC
Mr. Gene Bonnano, USNRC
Ms. Sharon Feldman, MDAG