

January 19, 2005

Mr. Kurt M. Haas
General Manager
Big Rock Point Plant
Consumers Energy Company
10269 US-31 North
Charlevoix, MI 49720

**SUBJECT: APPROVAL OF PROPOSED REVISION TO DISPOSAL PROCEDURES IN
ACCORDANCE WITH 10 CFR 20.2002 (TAC NO. L52096)**

Dear Mr. Haas:

By letter dated September 14, 2004, you requested that the U. S. Nuclear Regulatory Commission (NRC) approve a revision to your existing authorization to dispose of demolition debris originating from decommissioning activities at Big Rock Point Plant at a licensed landfill in accordance with the provisions of 10 CFR 20.2002. Specifically, you requested authority to dispose of some waste, primarily structural steel, contaminated with polychlorobiphenyl (PCB) in a landfill licensed by Michigan and the U. S. Environmental Protection Agency (EPA). We have completed our review of your request and enclose our safety evaluation. We determined that your proposed disposal of demolition debris in a State of Michigan landfill is acceptable.

In accordance with the provisions of 10 CFR 30.11 and 70.17, "the Commission may, upon application by an interested person or upon its own initiative, grant such exemptions from the requirements of the regulations . . . as it determines are authorized by law and will not endanger life or property or the common defense and security and are otherwise in the public interest." To the extent that the material authorized for disposal in this 20.2002 authorization is otherwise licensable, the staff concludes that the material is exempt from further AEA and NRC licensing requirements. The enclosed safety evaluation report concludes that the exemptions are authorized by law and will not endanger life or property or the common defense and security and are otherwise in the public interest. The staff also evaluated the environmental impacts of the exemptions and determined that granting these exemptions would not result in any significant impacts. For this action, an Environmental Assessment and Finding of No Significant Impact were prepared and published in the Federal Register (70FR3072).

B/68

K. Haas

Page -2-

Accordingly, pursuant to 10 CFR 30.11 and 70.17, the exemptions are granted and effective immediately.

Sincerely,

/RA/

Daniel M. Gillen, Deputy Director
Decommissioning Directorate
Division of Waste Management and
Environmental Protection
Office of Nuclear Material Safety
and Safeguards

Docket No. 50-155

Enclosures: 1. Safety Evaluation
2. Environmental Assessment

cc w/encs: See next page

Accordingly, pursuant to 10 CFR 30.11 and 70.17, the exemptions are granted and effective immediately.

Sincerely,

/RA/

Daniel M. Gillen, Deputy Director
Decommissioning Directorate
Division of Waste Management and
Environmental Protection
Office of Nuclear Material Safety
and Safeguards

Docket No. 50-155

- Enclosures: 1. Safety Evaluation
- 2. Environmental Assessment

cc w/encs: See next page

DISTRIEUTION:

DCD r/f DWMEP r/f Wsnell, RIII

ML050100035

*See previous concurrence

OFFICE	DD	DD	OGC*	DWMEP*
NAME	JShepherd	CCraig	DSmith	DGillen
DATE	01/ /05	01/11/05	12/22/04	01/19/05

OFFICIAL RECORD COPY

Big Rock Point Plant

cc:

Mr. Thomas A. McNish, Secretary
Consumers Energy Company
212 West Michigan Avenue
Jackson, MI 49201

David A. Mikelonis, Esquire
Consumers Energy Company
212 West Michigan Avenue
Jackson, MI 49201

Ms. Jane E. Brannon, County Clerk
County Building Annex
203 Antrim Street
Charlevoix, MI 49720

Office of the Governor
Room 1 - Capitol Building
Lansing, MI 48913

Regional Administrator, Region III
U.S. Nuclear Regulatory Commission
801 Warrenville Road
Lisle, IL 60532-4351

Michigan Department of Environmental
Quality
Drinking Water and Radiological
Protection Division
3423 N. Martin Luther King Jr. Blvd.
P.O. Box 30630
Lansing, MI 48909-8130

Michigan Department of Attorney General
Special Litigation Division
630 Law Building
P.O. Box 30212
Lansing, MI 48909

Mr. John W. Campbell, Executive Director
Eastern U.P. Regional Planning
& Development Commission
524 Ashmun Street
P. O. Box 520
Sault Ste. Marie, MI 49783

Lake Michigan Federation
Attn: T. Cabala, Director
425 W. Western Avenue
Muskegon, MI 49440

Mr. Robert A. Fenech
Senior Vice President
Nuclear, Fossil Operations
Consumers Energy Company
212 W. Michigan Ave.
Jackson, MI 49201

Waste Management, Inc.-Midwest
Attn: Jamie Jones, Waste Approval Manager
48797 Alpha Dr. Suite 150
Wixom, MI 48393

Waste Management, Inc.-Midwest
Attn: Chad Crawford, Site Manager
11375 Sherman Road
Frederic, MI 49733

Environmental Quality Company
Attn: Scott Maris, Vice President Regulatory
Affairs
36255 Michigan, Ave.
Wayne, MI 48184

Environmental Quality Company
Attn: David Lusk, President
36255 Michigan, Ave.
Wayne, MI 48184

Environmental Quality Company
Attn: Kerry Durnen, Director of Operations of
Wayne Disposal
Wayne Disposal, Inc.
49350 N I-94 Service Rd.
Belleville, MI 48111