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RECORD #42

TITLE: Contaminated Soil At Big Rock Point

FICHE: 67814-283

L. J. Cunningham



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D. C. 20555

APR 11 1985

MEMORANDUM FOR: C. J. Paperiello, Chief
Emergency Preparedness and Radiological
Protection Branch, RIII

FROM: Frank J. Congel, Chief
Radiological Assessment Branch, NRR

SUBJECT: CONTAMINATED SOIL AT BIG ROCK POINT

This is in response to your memorandum of March 14, 1985, in which you asked that we review the matter of the contaminated soil at Big Rock Point with regard to the need for the licensee, Consumers Power Company, to request permission under 10 CFR 20.302 to dispose of the material by leaving it in place. We have considered the information provided with your memorandum and conclude the following:

- 1) The licensee has licensed material, byproduct material, in a location and form where it is not secure (e.g., against the weather). Even though the NRC might find, after review of the circumstances, that leaving the material in place is satisfactory with regard to the public health and safety and with regard to environmental impacts, the licensee cannot unilaterally make such a determination. The licensee must do something about the disposition of the material; the choices are either to excavate the material, package it and ship it to a licensed burial ground or to request pursuant to 10 CFR 20.302 approval of a procedure to dispose of it in some other manner, e.g., by leaving it in place.
- 2) Including the estimated total quantity of radioactivity as released effluent in their second half 1984 effluent report does not relieve the licensee of responsibility for the proper disposition of the licensed material, the majority of which remains in place in the soil. Even though weathering and leaching may deliver some of the radioactivity to Lake Michigan within seven years, some will remain in the soil at the location of the leak; it continues to be licensed material for which the licensee is responsible.
- 3) For purposes of determining compliance with 10 CFR 20.105 and 20.106, the licensee is responsible for accounting for releases of radio-nuclides to the environment, e.g., to Lake Michigan, in the time periods in which they actually occur.

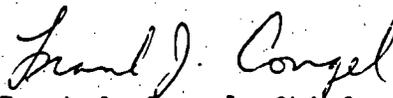
C. Paperiello

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- 4) Section 30.14, Exempt Concentrations, is not applicable to these circumstances; the licensee was not given specific authorization to introduce the byproduct material into the soil. Our applicable regulations, 10 CFR 20, do not provide lower limits to concentrations and quantities for which licensees are responsible.

If there are further questions on this, please contact me.



Frank J. Congel, Chief
Radiological Assessment Branch
Division of Systems Integration

cc: R. Bernero
D. Muller
W. Gammill
L. J. Cunningham
D. Collins (RII)
R. Emch