

NOV 0 9 1984

DISTRIBUION:

- NMSS R/F
- FCUP R/F
- DACool
- VLTharpe
- WTCrow

Docket File 40-8724 ✓

Mr. Daniel Schultz  
 Groundwater Quality Division  
 Michigan Department of Natural Resources  
 State Office Building  
 411-J E. Genessee  
 Saginaw, MI 48607

Dear Mr. Schultz:

In response to your inquiry concerning appropriate wording for a marker and deed restriction which could be used at the SCA landfill site in Kawkawin, Michigan, I have enclosed copies of the draft legends for a granite marker and deed restriction which were used at the Velsicol Chemical Corporation site in St. Louis, Michigan. These documents are rather specific for a chemical plant, but the general type of warning would be appropriate for the landfill. I hope these are of use in your preparation of warnings for SCA and for the Michigan DNR sites.

Sincerely,

**DONALD A. COOL**

Donald A. Cool, Ph.D.  
 Uranium Process Licensing Section  
 Uranium Fuel Licensing Branch  
 Division of Fuel Cycle and  
 Material Safety, NMSS

Enclosure: As stated  
 cc: M. Schumacker, RIII

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OFFICE ▶	FCUP	FCUE	FCUP			
SURNAME ▶	DACool	VLTharpe	WTCrow			
DATE ▶	11/6/84	11/9/84	11/11/84			

GRANITE MARKER

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WARNING

DO NOT ENTER

THIS FENCED AREA WAS THE SITE OF A CHEMICAL  
PLANT. THE GROUND CONTAINS CHEMICALS WHICH MAY  
BE TOXIC OR HAZARDOUS AND ALSO CONTAINS LOW LEVEL  
RADIOACTIVE MATERIAL. THE AREA HAS BEEN CAPPED AND SECURED.

TRESPASSING IS STRICTLY PROHIBITED

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To be recorded with the Register of Deeds, Gratiot  
County Michigan:

MEMORANDUM OF RESTRICTIONS ON USE

This memorandum is executed and recorded with respect to the real property legally described in Exhibit A hereto (hereafter "the Site") pursuant to the terms of a Consent Judgment entered \_\_\_\_\_, 1982 in the matter entitled United States v. Velsicol Chemical Corporation, No. \_\_\_\_\_ in the United States District Court for the Eastern District of Michigan, Northern Division. The restrictions hereafter set forth shall apply to any and all use of the Site after the date hereof, shall run with the land and be binding upon all subsequent holders of any right, title, easement, or any other interest in the Site.

The Site was the previous location of a chemical plant. The ground at the Site contains chemicals which may be toxic or hazardous and also contains low level radioactive material. The Site has been capped and secured.

The Consent Judgment prohibits any excavation or construction at the Site, except as necessary to maintain the security of the cap and of the Site, and forbids any use of the Site which may impair the integrity of the cap

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or other security measures. Further, no incursion may be made into the cap without prior notice to the Nuclear Regulatory Commission or its successor agency.

The owner of the Site, the United States Environmental Protection Agency ("EPA") and the State of Michigan, Department of Natural Resources ("Michigan") may hereafter agree to permit such excavation, construction or other activity at the Site as does not impair the integrity of the cap or other security measures in effect. The owner shall provide EPA and Michigan at least forty-five (45) days advance notice by registered mail of its desire to make any such excavation or construction, or to carry out such other activities. Failing such agreement the owner may petition the Court in the above captioned proceeding for an order permitting such excavation, construction or other activity upon a showing that the integrity of the cap and other security measures will not be impaired and there will be no increased hazard to health or the environment as a result of such excavation, construction or other activity. Upon such agreement or order an amended restriction may be recorded reflecting the activity allowed.

No conveyance of title, easement, or other interest in the Site may be consummated without provision for continued maintenance of the remedial measures required by the above described Consent Judgment. The owner must notify EPA and Michigan by registered mail, at least forty-five (45) days

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\_\_\_\_\_ prior to any conveyance, of its intent to convey any interest in the Site and of the provision made for continued maintenance of such remedial measures.

IN WITNESS WHEREOF Velsicol Chemical Corporation, as fee owner of the Site, has executed this Memorandum of Restrictions on Use this \_\_\_\_\_ day of \_\_\_\_\_, 1982.

Velsicol Chemical Corporation

By \_\_\_\_\_