



**UNITED STATES  
NUCLEAR REGULATORY COMMISSION**

REGION III  
2443 WARRENVILLE ROAD, SUITE 210  
LISLE, IL 60532-4352

March 27, 2012

Mr. Jay Steinberg, President  
FTL Custodial Trust  
35 East Wacker Drive  
Suite 1550  
Chicago, IL 60601

**SUBJECT: UNITED STATES NUCLEAR REGULATORY COMMISSION ACCEPTANCE  
CONCLUSION FOR THE UNRESTRICTED USE OF THE FORMER MICHIGAN  
CHEMICAL COMPANY— BRECKENRIDGE DISPOSAL SITE,  
BRECKENRIDGE, MICHIGAN**

Dear Mr. Steinberg:

On January 3, 2012, the U. S. Nuclear Regulatory Commission (NRC) completed its review of your contractor's Final Status Survey Report (FSSR) for the former Michigan Chemical Company's Breckenridge Disposal Site (also known as NWI Breckenridge). This site is located near Breckenridge, Michigan, and once operated under the authority of U.S. Atomic Energy Commission (AEC) License Number SMB-00833, which was terminated in 1971. The FSSR is available for review in the NRC's Agencywide Document Access and Management system (ADAMS) using Accession Number ML12004A051.

The site remediation, and the final status surveys (FSS), were performed and documented in accordance with the NRC-approved work plan, "Remedial Work Plan, Waste Excavation and Site Restoration for the Breckenridge Disposal Site," Revision 0 (ML100280041); and "Re-Evaluation of Breckenridge DCGLs, Gamma Scan Sensitivity, Gamma Scan Action Levels, and Development of Area Factors," Revision 1 (ML110260149). During the site remediation phase of the project, a total of 4,107 cubic yards of radioactive waste was shipped off site for disposal.

Based on the NRC's evaluation of the FSSR, combined with the NRC's independent and confirmatory surveys, and 25 NRC on-site inspections, we concluded that the site radiological levels are consistent with the provisions of 10 CFR Part 20, "Standards for Protection against Radiation," Section 20.1402, "Radiological Criteria for Unrestricted Use." As such, we consider the site acceptable for unrestricted use. The NRC involvement with this site is now considered ended, and no further actions regarding this project are planned unless new information is identified that would alter our conclusion. A Safety Evaluation Report (SER) documenting our review of the remediation activities, FSSs, and the FSSR is enclosed. A Federal Register Notice (77 FR 18270) will be published on March 27, 2012 to notice the acceptability of the Breckenridge Disposal Site for unrestricted use.

J. Steinberg

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In accordance with Title 10 of the Code of Federal Regulations (CFR) 2.390 of the NRC's "Rules of Practice," a copy of this letter and its enclosure will be available electronically for public inspection in ADAMS, accessible from the NRC website at <http://www.nrc.gov/reading-rm/adams.html>.

We appreciate your cooperation and if you have any questions, please do not hesitate to contact the RIII/DNMS/MCID Acting Branch Chief, Aaron T. McCraw at (630) 829-9650 or Gene Bonano at (630) 829-9826.

Sincerely,

*/RA/*

Cynthia D. Pederson,  
Acting Regional Administrator

Docket No.: 040-06264 (Terminated)  
License No.: SMB-00833 (Terminated)

Enclosure:  
Safety Evaluation Report

cc w/encl: R. Skowronek, Michigan Department of  
Environmental Quality (MDEQ)  
S. Cornelius, State of Michigan, MDEQ  
J. Keon, Pine River Superfund Citizen Task Force  
M. Borrello, Pine River Superfund Citizen Task Force  
D. Long, Bethany Township Supervisor  
T. O'Neill, Foley & Lardner LLP  
A. Palmer, Director, HP & Radiological Engineering,  
EnergySolutions  
D. Heidlauf, Environ International Corp.

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cc w/encl: R. Skowronek, Michigan Department of Environmental Quality (MDEQ)  
S. Cornelius, State of Michigan, MDEQ  
J. Keon, Pine River Superfund Citizen Task Force  
M. Borrello, Pine River Superfund Citizen Task Force  
D. Long, Bethany Township Supervisor  
T. O'Neill, Foley & Lardner LLP  
A. Palmer, Director, HP & Radiological Engineering, EnergySolutions  
D. Heidlauf, Environ International Corp.

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