

July 12, 2023

Mr. James Smith  
U.S. Nuclear Regulatory Commission  
11555 Rockville Pike  
Rockville, MD 20852-2738

Ms. Rachel Miller  
Oklahoma Department of Environmental Quality  
707 North Robinson  
Oklahoma City, OK 73101

Re: Docket No. 07000925; License No. SNM-928  
Cimarron Environmental Response Trust  
Revision of License Amendment Requests in Section 6 of Decommissioning Plan – Rev 3

Dear Sir/Madam:

Solely as Trustee for the Cimarron Environmental Response Trust (CERT), Environmental Properties Management LLC (EPM) submits herein a proposed revision of the wording of a license amendment request contained in Section 6.7.2 of *Facility Decommissioning Plan – Rev 3* (D-Plan).

License Condition 27(b)

During a June 27 presentation on regulatory and licensing issues related to the D-Plan, it was observed that the requested revision of License Condition 27(b) does not sufficiently address the needed change to post-remediation groundwater monitoring requirements.

The last paragraph in D-Plan Section 6.7.2, “License Condition 27(b)”, is as follows:

*EPM requests that License Condition 27(b) be amended to read, “The release criteria for groundwater at the Cimarron Site is 6.7 Bq/L (180 pCi/L) for total uranium and 3,790 pCi/L for Tc-99.” NRC will not terminate Radioactive Material License SNM-928 until the licensee demonstrates that the total uranium concentration in all wells have been below the groundwater release criteria for eight consecutive calendar quarters.*

The text preceding this proposed amended condition explains that this requirement should apply to only those monitor wells identified in the post-remediation monitoring program outlined in D-Plan Section 8.8, “Post-Remediation Groundwater Monitoring”. However, as written, it is not clear that this license condition applies to all post-remediation monitor wells, and it could be interpreted as applying to all 200-plus monitor wells that are on the site.

In addition, in a letter dated April 22, 2013 (ML20171A868), the NRC stated, “... NRC staff requests that the post-remediation monitoring plan leading to license termination includes four

calendar quarters of monitoring for Tc-99 to be collected, shortly before requesting license termination, to confirm that previous concentrations have remained below NRC's DCL." As proposed in D-Plan Section 6.7.2, the requested change to License Condition 27(b) does not distinguish between the four quarters of monitoring needed for Tc-99 and the eight quarters of monitoring needed for uranium.

In addition, the locations at which Tc-99 is present at elevated concentrations in groundwater are not near the locations at which uranium exceeds the release criterion for uranium in groundwater. Table 8-8 of the D-Plan provides a list of those locations at which groundwater samples should be collected for uranium or Tc-99 analysis during post-remediation monitoring.

Consequently, EPM requests that paragraph in D-Plan Section 6.7.2 be amended as follows:

EPM requests that License Condition 27(b) be amended to read, "The release criteria for groundwater at the Cimarron Site is 6.7 Bq/L (180 pCi/L) for total uranium and 3,790 pCi/L for Tc-99." NRC will not terminate Radioactive Material License SNM-928 until the following requirements are met:

- A) The concentration of uranium in the post-remediation monitor wells listed for uranium analysis in Table 8.8 of Facility Decommissioning Plan – Rev 3 remains below 180 pCi/L for eight consecutive calendar quarters.
- B) The concentration of Tc-99 in the post-remediation monitor wells listed for Tc-99 analysis in Table 8.8 of Facility Decommissioning Plan – Rev 3 remains below 3,790 pCi/L for four consecutive calendar quarters.

This wording makes it clear that the requirements for post-remediation monitoring for uranium are different than the requirements for post-remediation monitoring for Tc-99.

### License Condition 23

Also, it was noted that the last sentence in the first paragraph of D-Plan Section 6.5, "License Condition 23 – On-Site Disposal", states, "That portion of the former Subarea N (on which Burial Area #4 is located) has been released for unrestricted use, so this authorization is no longer needed." However, Subarea N has not been released from the license; the NRC has concurred that Subarea N is releasable for unrestricted use, but has not released it from the license.

When license SNM-928 was transferred to the CERT, the February 16, 2011, license transfer order (ML110270371) stated, "Final status surveys and confirmatory surveys have confirmed that Subareas G and N are releasable for unrestricted use, but NRC has determined that these areas should not be released until groundwater remediation is complete."


In addition, this paragraph does not make it clear that the on-site disposal (in Subarea N) permitted by this license condition was completed long ago (cover was placed on the last disposal trench in 2001). Permission to dispose of uranium-contaminated soil in an on-site disposal cell is no longer needed.

The last sentence in the first paragraph of D-Plan Section 6.5 should be replaced with two sentences reading, "The disposal of soil contaminated with low-enriched uranium in an on-site disposal cell authorized by this license condition was completed long ago. The NRC has confirmed that Subarea N (within which Burial Area #4 is located) is releasable for unrestricted use, so this authorization is no longer needed."

EPM requests the NRC's acceptance of the above-proposed changes to D-Plan Sections 6.5 and 6.7.2. Should the NRC accept these proposed changes, the proposed changes will be incorporated into the final version of the D-Plan.

If you have any questions or desire clarification, please call me at (405) 642-5152 or via email at [jlux@envpm.com](mailto:jlux@envpm.com).

Sincerely,



Jeff Lux  
Project Manager

cc: (electronic copies only)  
Stephanie Anderson, NRC Region IV  
Linda Gersey, NRC Region IV  
Paul Davis, DEQ  
Keisha Cornelius, DEQ  
NRC Public Document Room