

June 30, 2005

Mr. Jeff Lux, Project Manager
Kerr-McGee, SE&A Division
Kerr-McGee Center
P.O. Box 25861 Rock Road
Oklahoma City, OK 73125

SUBJECT: ISSUANCE OF AMENDMENT NO. 18 TO MATERIALS LICENSE
NO. SNM-1999, CUSHING REFINERY SITE, OKLAHOMA

Dear Mr. Lux:

The U.S. Nuclear Regulatory Commission (NRC) is issuing the enclosed Amendment No. 18 to Materials License No. SNM-1999 for the Cushing Refinery Site. This amendment is in response to your application dated January 24, 2005. In that letter, you requested the Decommissioning Plan (DP) for the Cushing Refinery Site in Oklahoma be amended to add Section 6.7 entitled, *Activities Subsequent to Final Status Survey*. The NRC issued a Request for Additional Information (RAI) on March 1, 2005, concerning the proposed Section 6.7 of the DP. Kerr-McGee (KMG) responded with additional information on March 15, 2005.

Section 6.7 identifies the management of activities by KMG that may need to be undertaken following completion of a Final Status Survey (FSS), but prior to release of the site from the license. The new Section 6.7 contains a description of the types of activities that may be undertaken following completion of the FSS, how KMG will minimize the impact of these activities on the results of the FSS, and the data that KMG will prepare for any activities where soil is disturbed following completion of an FSS.

The types of activities that may be undertaken following completion of a FSS include excavation for utility repairs, soil investigation activities required for remediation of hydrocarbon contamination, disking surficial soils and applying fertilizer to maintain vegetative cover on decommissioned areas, excavating and moving hydrocarbon-contaminated soil, and planting trees to fulfill requirements governing the hydrocarbon contamination cleanup.

KMG commits to monitor these activities under the existing Radiation Protection Program and to survey all disturbed areas, excavations, and excavated material in accordance with the methodology described in Section 6.4.3.4 of the DP. KMG also commits to preparing data in accordance with the survey methodologies described in the DP for each Sector where soil disturbance occurs as a supporting data for the FSS, and will process material exceeding the decommissioning criteria in accordance with Section 3.4 of the DP. If additional decommissioning activities become necessary, a supplement to the appropriate FSS Report(s) will be prepared in accordance with the DP and submitted to the NRC.

NRC has reviewed Section 6.7 and the additional information submitted by KMG in response to NRC's RAI and finds the descriptions and the activities to be acceptable and consistent with the approved DP submitted by KMG on August 22, 2000.

The following revision to Materials License No. SNM-1999 is included in Amendment No. 18.

J. Lux

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License Condition 11.N contains a new first paragraph that reads:

The licensee is authorized to remediate the Cushing Refinery Site in accordance with methods and criteria prescribed in the licensee's Site Decommissioning Plan, submitted by letter dated August 22, 2000, and amended by letters dated January 24, 2005, and March 15, 2005.

All other conditions of the license will remain the same. The revised License No. SNM-1999, which incorporates Amendment No. 18 is enclosed.

The NRC performed an Environmental Assessment of the remediation and removal of radioactive contamination to allow release of the Cushing Refinery Site for unrestricted release. NRC made a "Finding of No Significant Impact" (FONSI), which was published in the Federal Register on August 23, 1999 (64 FR 245982). The staff reviewed the information submitted in your January 25, 2005 and March 15, 2005, letters and has concluded that the scope and type of operation in the license amendment was included in the previous analysis and does not alter the previous FONSI. No further environmental review is required under Part 10 of the Code of Federal Regulations (10 CFR) Section 51.

If you have any questions or comments related to these changes, please contact me at daw@nrc.gov or at (301) 415-6677.

Sincerely,

/RA/

Derek A. Widmayer, Project Manager
Decommissioning Directorate
Division of Waste Management
and Environmental Protection
Office of Nuclear Material Safety
and Safeguards

Docket No. 70-3073
License No. SNM-1999

Enclosure: License Amendment No. 18

cc w/encl: Kerr-McGee distribution list

July 5, 2005

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J. Lux

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/RA/

Derek A. Widmayer, Project Manager
Decommissioning Directorate
Division of Waste Management
and Environmental Protection
Office of Nuclear Material Safety
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Docket No. 70-3073
License No. SNM-1999

Enclosure: License Amendment No. 18

cc w/encl: Kerr-McGee distribution list

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