

# CIMARRON CORPORATION

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December 21, 2005

Mr. Ken Kalman  
Office of Nuclear Materials Safety and Safeguards  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

Re: Docket No. 70-0925; License No. SNM-928  
Final Status Survey Report for Subarea F

Dear Mr. Kalman:

Cimarron received NRC comments on the review of the Final Status Survey Report (FSSR) for Subarea F of the Cimarron site in a letter dated November 30, 2005. Two concerns were expressed in that letter:

- Averaging methodology for subsurface soils
- Subsurface soils deposited on the surface during drilling activities

In July 1995, Cimarron submitted the Final Status Survey Plan for Phase II Areas. NRC commented on that plan in a letter dated October 31, 1996. Cimarron responded to NRC comments in a report submitted January 28, 1997. That report is incorporated into Condition 10 of license SNM-928. That report states that subsurface sampling had been conducted in several areas within the Phase II Subareas, including Burial Ground #1. That subsurface data had been submitted in previous reports, demonstrated compliance with the criteria, and eliminated the need for further subsurface sampling. It also committed to collecting samples to a depth of four feet at 100 meter intervals along the drainage ways and roadways. These samples were collected and reported in the FSSR for Subarea F.

All subsurface samples collected for the FSSR yielded activities below the decommissioning criteria. Consequently, the use of averaging methodology was unnecessary. Should Cimarron have needed to utilize averaging, the volumetric averaging paper referenced in Condition 27(c) would have been appropriate. Since averaging was not needed, the results of subsurface sampling were portrayed in Figures 4.2 and 4.3 in the same manner as the surface results. These figures demonstrate that every measurement was less than the criteria, as indicated by the green circles on those figures.

Any time work performed at the site results in the disturbance of soils, in released areas as well as in unreleased areas, health physics personnel scan any materials exposed or brought to the surface. This procedure has been in practice for years at the site. NRC inspections have evaluated the control of licensed material, including surveys of material to identify newly-discovered licensed material. Such surveys were conducted every time a soil boring was

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advanced, a monitoring well was installed, or groundwater samples were collected. These records have been available for NRC inspection for years, and demonstrate that the materials brought to the surface do not exceed the decommissioning criteria.

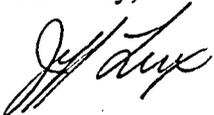
Our evaluation processes have remained consistent with Decommissioning Plan requirements and all other final status surveys submitted and approved for Cimarron. These practices are also consistent with those performed by other licensees who have conducted final status surveys and have continued work subsequent to FSS report submittals. Furthermore, our record of NRC inspections should provide suitable confidence in our health physics program, along with assurance that if "new" licensed material were discovered, it would be controlled in accordance with license requirements. Cimarron does not believe it is appropriate to submit the records of all surveys, and believes the data submitted in the FSSR satisfies the requirements of NUREG-5849, the NRC-approved Decommissioning Plan and Final Status Survey Plan, and demonstrates (along with subsequent surveys conducted by HP personnel) that soils in Subarea F comply with the decommissioning criteria.

In addition, your concern regarding soils exposed during drilling activities has already been addressed. During the Burial Area #1 investigation, Cimarron collected soil samples at one-foot intervals from select borings, as described in the NRC-approved work plan for the investigation. Samples were also collected from numerous other borings within the top five feet and the bottom five feet of the saturated intervals. All these samples were analyzed in the on-site laboratory, and that data was reported in the January 2003 Burial Area #1 Groundwater Assessment Report. All samples yielded uranium activities less than the decommissioning criteria.

Your letter of November 30 states, "Please resubmit the Subarea F FSSR using the appropriate guidance and address the issue of wells installed after soil samples were taken." Cimarron believes the above information demonstrates that there is no need to resubmit the FSSR, as there is no need for averaging using "appropriate guidance", and the issue of wells installed has already been addressed. Cimarron requests that NRC proceed with the review and approval of the Final Status Survey Report, based on this additional information.

If you have any questions or comments, please call me at 405-270-2694 (office) or 405-642-5152 (mobile).

Sincerely,



Jeff Lux  
Project Manager

cc: Blair Spitzberg, NRC Region IV