

**U.S. NUCLEAR REGULATORY COMMISSION OBSERVATIONS ON
FMRI CLOSURE PLAN FOR PONDS 6 AND 7**

1. Section 1.1 of the Plan states that Ponds 6 & 7 are not required for decommissioning of the site. This is not consistent with FMRI representations over the last decade about operation of the waste water treatment system. E.G. Sections 2.2.3, 2.4, 4.2.8, 4.4.1.3, of the January 2003 Decommissioning Plan (03 DP); Section III.M.1 of the July 2003 Disclosure Statement; and the Joint Authorization to Discharge Under the National Pollutant Discharge Elimination System and the Oklahoma Pollutant Discharge Elimination System, Permit No. OK0001643, effective as of May, 1997, as extended by the OKDEQ by letter dated May 2, 2002.
2. Section 2.1 is consistent with Section 3.5 of the 03 DP.
3. Section 2.2 is consistent with Section 3.7 of the 03 DP.
4. Section 2.3 is consistent with Section 3.6 of the 03 DP.
5. There is a difference in the reported depths of Ponds 6 and 7 between the Closure Plan and Table 2 of Appendix 15-1 of the 03 DP (7'-9' vs. 3').
6. There is no mention of radioactive surveys prior to filling in the ponds. In Tables 8 and 9 of the 1993 Remediation Assessment, uranium and thorium are identified in Ponds 6 and 7. As stated in Section 3.1 of the Plan, these ponds receive effluent from the wastewater treatment system that receives ground water from the interceptor trench that collects ground water from throughout the site. In several reports to NRC from 2005 onward, FMRI identified elevated concentrations of uranium in MW-74 that is adjacent to the interceptor trench. Therefore it is possible additional radioactive material has reached the ponds through the wastewater treatment system. Table 2.2.3 of the November 19, 2007 submittal by FMRI (Penn E&R) to ODEQ, "Pre-Closure Sampling and Analysis Report for Pond Nos. 6 and 7," reports gross alpha concentrations.
 - 6.1. Because these ponds are within the NRC-licensed area of the site and are impacted by radioactive material, FMRI must conduct radiological surveys of the ponds, as used, to demonstrate compliance with release criteria prior to license termination. Licensee surveys, and NRC confirmatory surveys, should occur before backfilling the ponds.
 - 6.2. Section 8.3.2 of the 03 DP states backfill for the ponds will be "below criteria." FMRI has not proposed concentration criteria for release for unrestricted use.
7. Section 5: Moving potentially radiologically contaminated material around the site is permitted. However, to demonstrate the site meets release criteria for license termination, the dose contributions from all residual radioactivity, as defined in 10 CFR 20.1003, must be included. Acceptable sampling schemes for contaminated areas are given in NRC guidance, e.g. NUREG-1575.
8. Section 6. By letter to NRC from AF Dohmann, dated May 25, 2004, former Pond 4 was the sanitary lagoon, constructed in 1957. That pond was removed from service when Pond 3 was constructed over it in 1979, and the site was connected to the city sewer system. The term "Post-closure maintenance" does not appear in the 03 DP. ODEQ may find reference to specific sections of the DP useful.

Enclosure