



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

July 19, 2016

Mr. Robert Compernelle
President, FMRI
FMRI, Inc.
Number 10 Tantalum Place
Muskogee, OK 74403

SUBJECT: NRC STAFF EVALUATION OF FMRI RESPONSE TO CONDITIONS 5B and 5E
OF FORBEARANCE AGREEMENT DATED AUGUST 17, 2015

Dear Mr. Compernelle:

In previous communications provided to the U. S. Nuclear Regulatory Commission (NRC), FMRI provided responses to conditions 5B and 5E of the August 17, 2015 Forbearance Agreement (FA).

Condition 5B of the August 17, 2015 FA states:

B. FMRI shall submit to the NRC by March 31, 2016 a Final Status Survey Plan that demonstrates compliance with the radiological criteria for license termination. The Decommissioning Plan's Final Status Survey Plan design was identified as deficient in the NRC's SER on the July 24, 2003 Decommissioning Plan (ADAMS Accession No. ML033250083).

Condition 5E of the August 17, 2015 FA states:

E. Within 6 months from the signature of the Forbearance Agreement, FMRI shall submit evidence to DOJ, NRC, and ODEQ of its efforts to solicit bids for establishment of a contract for the shipment and disposal of CaF material.

Condition 5B

Consistent with condition 5B, FMRI submitted a response dated March 31, 2016 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML16095A237) that addressed the Final Status Survey Plan (FSSP) for buildings and surface soil.

Relevant to the site's FSSP, a submission dated February 25, 2011 (ADAMS Accession No. ML110610417) was provided in response to License Condition 54 of SMB-911 that contains details for the FSSP for subsurface soils and groundwater. That submission was acknowledged by the NRC in correspondence dated March 2, 2011 (ADAMS Accession No. ML110600584). Additional details regarding a FSSP are provided in FMRI's 2003 Decommissioning Plan (DP) (see ADAMS Accession No. ML030270032). NRC staff initially found the FSSP in the 2003 DP

insufficient as documented in the resulting Safety Evaluation Report (SER) (ADAMS Accession No. ML033250083). License conditions proposed in that SER led to License Condition 54 of SMB-911 and Condition 5B of the FA. All of these submissions now have to be considered for a comprehensive assessment of the site's FSSP.

As verbally communicated to the NRC via teleconference and later by correspondence dated June 24, 2016 (ADAMS Accession No. ML16180A192), FMRI requested that the NRC suspend its review of the FSSP submittal and allow FMRI the opportunity to resubmit the FSSP documents after the NRC has reviewed and reached agreement with FMRI regarding the DCGLs proposed in response to Condition 5A of the FA. The most recent DCGL submittal in response to Condition 5A was submitted by FMRI in correspondence dated June 10, 2016 and is currently being evaluated by the NRC. For this reason, the NRC will suspend review of the FSSP submitted in response to condition 5B. However, based only on a brief preliminary review, the NRC offers a few observations:

- 1) There appears to be some confusion with respect to proposed analytical methods for soil vs. water in the most recent FSSP submittal regarding surface soil. NRC staff refer FMRI to Section 14.4.11 of the 2003 DP with regards to soil analytical methods.
- 2) For surface soil, FMRI states that surface soil extends from the surface to one meter below the surface. NRC staff noted that the RESRAD modeling performed to establish the DCGLs assumed a surface contaminated layer of 0.85 meters. FMRI should consider whether consistency between modeling and survey planning is a reasonable expectation.
- 3) Because the DCGLs are not well established (i.e., FMRI proposes to apply an unknown fraction of the DCGLs to each media: soil, groundwater, and buildings, so that, when summed, they do not exceed 25 mrem/y), calculation of the "relative shift" and data requirements for the FSSP is problematic. NRC staff suggest making an educated estimate as to what fractions of the dose/DCGLs would be applied while acknowledging that the divisions and data requirements will be reevaluated once remediation approaches completion.
- 4) To reduce confusion on both the licensee's and NRC's behalf, NRC staff suggest that FMRI consolidate all the FSSP documents and provide a revised Chapter 14 of the DP with all pertinent information for the next submittal.

Condition 5E

FMRI initially submitted a response to Condition 5E dated February 16, 2016 (ADAMS Accession No. ML16056A012). NRC staff evaluated that submission and found it unacceptable as noted in correspondence dated February 18, 2016, and by letter dated March 30, 2016 (ADAMS Accession No. ML16069A084). Subsequent to a teleconference to discuss the NRC's findings, FMRI submitted a request for extension of the due date of Condition 5E while updating their original submittal (ADAMS Accession No. ML16105A392).

With regards to the most recent submittal under Condition 5E of the FA, the NRC finds this submittal adequately addresses the requirements of Condition 5E even though it exceeded the time constraint in the FA. The NRC will consider Condition 5E to have been fulfilled at this point with no repercussions with respect to the timing of an adequate submission.

R. Compernelle

3

In accordance with 10 CFR 2.390 of the NRC's "Agency Rules of Practice and Procedure," a copy of this letter will be available electronically for public inspection in the NRC Public Document Room or from the Publicly Available Records component ADAMS. ADAMS is accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>.

Please contact Mr. Greg Chapman if you have any questions concerning the above. He can be reached at (301) 415-8718 or via e-mail at Gregory.Chapman@nrc.gov.

Sincerely,

/RA/

Matthew Meyer, Acting Chief
Materials Decommissioning Branch
Division of Decommissioning, Uranium
Recovery, and Waste Programs
Office of Nuclear Material Safety
and Safeguards

Docket No. 40-7580
License No. SMB-911

Enclosure

cc: Christina England, NRC/OGC
Pam Dizikes, Oklahoma Department of
Environmental Quality
Richard Gladstein, Department of Justice

In accordance with 10 CFR 2.390 of the NRC's "Agency Rules of Practice and Procedure," a copy of this letter will be available electronically for public inspection in the NRC Public Document Room or from the Publicly Available Records component ADAMS. ADAMS is accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>.

Please contact Mr. Greg Chapman if you have any questions concerning the above. He can be reached at (301) 415-8718 or via e-mail at Gregory.Chapman@nrc.gov.

Sincerely,

/RA/

Matthew Meyer, Acting Chief
Materials Decommissioning Branch
Division of Decommissioning, Uranium
Recovery, and Waste Programs
Office of Nuclear Material Safety
and Safeguards

Docket No. 40-7580
License No. SMB-911

Enclosure

cc: Christina England, NRC/OGC
Pam Dizikes, Oklahoma Department of
Environmental Quality
Richard Gladstein, Department of Justice

DISTRIBUTION:
G. Slapper, RIV

ML16182A043

OFC	DUWP	DUWP	OGC	DUWP
NAME	GChapman	CHolston	CEngland	MMeyer
DATE	6/21/16	7/12/16	7/11/2016	7/19/16

OFFICIAL RECORD COPY