



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

July 18, 2019

Mr. Bill Halliburton, Administrator
Cimarron Environmental Response Trust
c/o: Environmental Properties
Management, LLC.
9400 Ward Parkway
Kansas City, MO 64114

SUBJECT: REVISION OF SCHEDULE FOR REVIEW OF CIMARRON FACILITY
DECOMMISSIONING PLAN

Dear Mr. Halliburton,

By letter dated February 28, 2019 (ADAMS Accession No. ML19056A513) the U.S. Nuclear Regulatory Commission (NRC) accepted the Cimarron Facility Decommissioning Plan (DP) dated November 2, 2018 (ADAMS Accession No. ML18323A197) for detailed technical review and provided a list of supplemental information required to conduct its review. The letter also included a schedule that the NRC staff developed for the DP review based on conversations with the licensee, the Cimarron Environmental Response Trust (CERT). Since then, several factors have adversely impacted the NRC staff's ability to meet its schedule.

The staff's review schedule assumed CERT submitting a high-quality response to the request for supplemental information by the end of March 2019. However, CERT did not provide the supplemental information until May 7, 2019, indicating that the information needed for the response was more complex to develop than previously anticipated.

In addition, since its DP submittal, the staff has received several requests from CERT that requires timely review and diverts staff's resources from the DP review, including submittals that seek to modify the DP amendment request and may necessitate significant changes to the DP. These other requests are as follows:

- By letter dated April 16, 2019 (ADAMS Accession No. ML19106A169), CERT submitted a proposed scope of work for the assessment of the vertical distribution of uranium in groundwater at the locations of planned groundwater extraction wells in alluvial material for NRC review and approval. During a May 15, 2019, telecon, NRC and CERT agreed that the assessment of the vertical distribution is a characterization activity and can be performed prior to approval of the DP. As characterization activities are used to develop a DP, the staff is concerned that the assessment of the vertical distribution of uranium may necessitate significant revisions of the DP (such as groundwater extraction rates and capture zones).

- By letter dated May 3, 2019, (ADAMS Accession No. ML19126A052) CERT submitted a letter regarding the potential impact of Technetium-99 (Tc-99) on influent, waste, and effluent. This letter stated that a treatability test using site-specific groundwater will be conducted to assess the potential for the ion exchange resin selected for uranium to also remove Tc-99 from the influent groundwater. The NRC staff is concerned that results of this test may significantly impact the DP.
- By email dated May 13, 2019 (ADAMS Accession No. ML19169A196), CERT proposed adding 55 samples for Tc-99 to Cimarron's annual environmental monitoring program. Pending NRC and Oklahoma Department of Environmental Quality review and approval of this proposal, CERT will submit its plan for additional sampling and analysis and include sampling locations and cost estimates. This review was not anticipated and is diverting staff resources from the DP review. Furthermore, the sampling for Tc-99 is also a characterization activity that should have been completed to factor into the DP.
- By letter dated May 24, 2019, (ADAMS Accession No. ML19154A597), for NRC review and approval, CERT submitted its plan for radiological surveys of any subsurface material that is brought to the surface as part of its decommissioning activities. This issue should have been addressed in the DP submittal.
- By letter dated June 7, 2019, (ADAMS Accession No. ML19164A112) CERT submitted additional information regarding its proposal for redefining the licensed area of the site. This includes a proposal to release certain portions of Subareas G and N that are currently under license. The NRC staff notes that the Order transferring License SNM-928 to CERT (Adams Accession No. ML110280485) specifically states, "...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". The request for the NRC staff to revisit this issue at this time will divert resources from the DP review.
- By letter dated June 7, 2019, (ADAMS Accession No. ML19164A069) for NRC review and approval, CERT submitted its plan for the survey of sediments and soils mixture from the 1206 Drainage in Subarea B. The 1206 drainage is unique in that it is the only area where excavation and disposition of the sediment will be performed as a groundwater remediation strategy. The NRC staff was concerned that this strategy could result in contaminated material being placed in Subarea B, which has already been released for unrestricted use. This review adds another complication to the NRC staff's review of the DP.
- By letter dated June 28, 2019, CERT submitted its 2019 Groundwater Evaluation Update (ADAMS Accession No. ML19186A206) for NRC staff review, further increasing the NRC staff's workload.
- During a May 15, 2019, telecon, CERT indicated that in July 2019, it will also be submitting its scope of work for groundwater assessment and batch treatability tests. This work may impact the remedial design and waste disposal options.

The NRC staff is concerned that additional submittals will add to its current overload. In view of the factors cited above, the NRC staff will need to revise the schedule for reviewing your DP amendment request. The NRC staff believes it would be more efficient to first focus on CERT's other, higher priority, requests that may impact the DP (e.g., subsequent changes). The NRC staff will work with CERT to identify and prioritize these requests, along with any other

anticipated future requests, before developing a final schedule for the DP review. I will be contacting you to plan a public meeting in July or August 2019 to discuss the priority of these reviews and anticipate developing a separate schedule for the individual requests as well as the revised schedule for the DP review by September 2019.

In accordance with Title 10 *Code of Federal Regulation* 2.390 (10 CFR) 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 of the NRC's ADAMS. ADAMS is accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>.

If you have any questions concerning this letter, please contact me at 301-415-6664 or via email at Kenneth.Kalman@nrc.gov.

Sincerely,

//RA//

Kenneth Kalman, Project Manager
Materials Decommissioning Branch
Division of Decommissioning, Uranium Recovery
and Waste Programs
Office of Nuclear Material Safety
and Safeguards

Docket No. 70-0925
License No.: SNM-928

cc: Cimarron Site Service List

SUBJECT: THE U.S. NUCLEAR REGULATORY COMMISSION PULL BACK OF
CIMARRON FACILITY DECOMMISSIONING PLAN ACCEPTANCE
DATE: July 18, 2019

ADAMS Accession No.: ML19175A033

***via email**

OFFICE	DUWP	DUWP	DUWP	DUWP
NAME	K. Kalman	S. Achten	B. VonTill	K. Kalman
DATE	7/09/19	7/18/2019	7/18/19	7/18/19

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