

Cimarron Monthly Status Teleconference Notes
May 25, 2022

Attendees:

NRC - HQ

Jim Smith

Ian Irvin

Robert Evans

Angela Coggins

Christine Pineda

DEQ

Paul Davis

Pam Dizikes

Mike Broderick

EPM (or Contractors to the Trust)

Bill Halliburton

Jeff Lux

Red font indicates action items resulting from the discussion.

Support to DOJ re: FOIA Request

The DOJ contacted EPM regarding a FOIA request made in April 2021, which was received by both the NRC and the DOJ. The NRC had been unable to locate the requested information, and EPM sent the files to the NRC, and the NRC then responded to the FOIA request in May 2021. Presumably at least partially due to the displacements associated with COVID-19, the DOJ had not yet responded to the FOIA request. EPM provided the DOJ the same files that had been provided to the NRC, so the DOJ could respond to the FOIA request.

No further action is needed.

Trust Agreement Section 3.2.4

Section 3.2.4 of the Environmental Response Trust Agreement (Cimarron), herein referred to as the “Trust Agreement”, stipulates notification requirements based on the anticipated expenditure of 25%, 50%, and 75% of the Federal Environmental Cost Account (the Federal Account).

Section 3.2.4 requires that remediation work cease upon notification that 75% of the Federal Account has been exhausted. EPM had already obtained concurrence that the “initial value” of the Federal Account for the purposes of Section 3.2.4 notification be the combined value of the Federal Account and the Standby Trust at the time the decommissioning plan is approved.

On March 15, 2022, EPM submitted a letter to the NRC and the DEQ explaining that if remediation must cease upon expenditure of 75% of the Federal Account, it will not be possible to achieve license termination. The letter explains that the decommissioning cost estimate will be updated and included in *Facility Decommissioning Plan – Rev 3* (the D-Plan), and requested a meeting with the NRC and the DEQ regarding the issues presented by the anticipated inadequacy of funding to complete decommissioning.

During a recent conversation with Rob Yalen (DOJ), the subject was brought up, and Mr. Yalen said that he and other DOJ personnel need to meet with us to discuss potential ways to address issues presented by Section 3.2.4, and that representatives of the NRC and the DEQ, as beneficiaries of the Trust, need to be included in those discussions.

The NRC and the DEQ will communicate with the DOJ. EPM will arrange a teleconference with the DOJ, the NRC, and the DEQ to discuss potential means to address these issues at the direction of the NRC and the DEQ after their discussion with Mr. Yalen.

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License Amendment Request for Redefinition of the Licensed Area

The redefinition of the licensed area had originally been addressed in the 2015 *Facility Decommissioning Plan* and the 2018 *Facility Decommissioning Plan – Rev 1*. The NRC requested EPM to remove that request from the decommissioning plan and submit a separate license amendment request (LAR) for the redefinition of the licensed area.

EPM submitted the LAR in November 2019, with two subsequent addenda in February and March 2020. A cultural resources survey was needed for the Environmental Assessment; that survey was performed in 2020, and reported in June 2020. It was then determined that the requirement to dispose of biomass as LLRW required the removal of treatment for nitrate, and the groundwater remediation infrastructure changed enough that the LAR was retracted, and a new LAR to redefine the licensed area was submitted in May 2021, based on the anticipated revised infrastructure.

Now the scope of remediation has been further reduced, and the May 2021 LAR no longer reflects the planned groundwater remediation infrastructure. EPM would prefer to retract the May 2021 LAR and add the definition of the licensed area to D-Plan Section 6, “Revisions to the License”. This would enable both the decommissioning plan and the redefinition of the licensed area to be addressed together, and two separate submittals would not need to be revised should adjustments to the D-Plan based on RAIs be required.

Jim Smith will communicate with Christine Pineda and Ron Burrows and will provide feedback on whether to submit another LAR or to combine this LAR in the D-Plan.

Annual Environmental Sampling and NRC Inspection

The annual environmental monitoring sampling event is scheduled for July 11 – 15. The NRC inspection is scheduled for July 13 – 14. Jay Maisler (RSO), Chuck Beatty (QAC), and Dane Watson (Enercon PM for the CERT) plan to attend the inspection.

Jeff Lux will email Robert Evans the applicable procedures related to groundwater sampling.

NRC Clarification of Comments

The NRC responded to EPM’s request for clarification of NRC comments stemming the pre-application audit of the draft D-Plan in a letter dated May 18, 2022. EPM will be able to revise the D-Plan in accordance with all of these comments, but there is one issue of concern.

Enclosure 2 to the NRC’s letter states that the NRC will require the CERT “to maintain isolation and control of any former area associated with the license, and that the final dose assessment reflect contributions from the entire original site, including subareas previously released. The NRC referenced two letters dated 2002 and 2004, during which time the licensee (Cimarron Corporation) committed to retaining ownership of and maintaining control over the entire then-licensed site.

When the license was transferred to the CERT, the NRC agreed to the provisions of the Consent Decree and Environmental Settlement Agreement and the Trust Agreement (which is specific to the Cimarron site). Those documents both direct the CERT to provide for the disposition of

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property that complies with Federal and State remediation criteria. Consequently, approximately 300 acres of the former licensed site have been sold and the CERT no longer maintains any controls over those areas. The NRC approved the sale of those properties without addressing any concern regarding maintaining control over those areas.

The potential dose associated with those areas would be far less than the residual dose remaining in areas where the concentration of licensed material in soil and groundwater is far less than in those areas which will remain under license.

EPM will submit a letter to the NRC addressing the exclusion of those portions of the formerly-licensed area which have been divested with the approval of the NRC from controls or evaluation of residual dose upon license termination.

Schedule for Submission of the Decommissioning Plan

EPM met with representatives from Burns & McDonnell, Enercon, and VNS-Federal Services to discuss the sequence of activities needed to complete the revision of the D-Plan. The critical path to submission is as follows:

- Revision of the groundwater flow model to address injection of treated water between the two BA1 extraction trenches. The groundwater flow model will provide the anticipated injection rate and the increased extraction rates from the two extraction trenches.
- Recalculation of the duration of remediation based on the revised injection and extraction rates.
- Revision of resin loading and U-235 accumulation estimates.
- Final revision of the D-Plan text.
- Q-review and print production.

The schedule developed by Burns & McDonnell indicates that the D-Plan should be issued in September 2022.

EPM will proceed with the revision of the decommissioning plan.

Next Monthly Status Teleconference

The next Cimarron monthly project status teleconference will be conducted at 2:30 Eastern Time, 1:30 Central Time, on Wednesday, June 22, 2022.