

Cimarron Environmental Response Trust
Status Report in Lieu of Monthly Teleconference
October 18, 2022

Environmental Properties Management (EPM) submits this report on the status of activities performed for the Cimarron Environmental Response Trust (the CERT) to the US Nuclear Regulatory Commission (NRC) and the Oklahoma Department of Environmental Quality (DEQ) in lieu of a monthly teleconference.

Action items are provided in bold red italicized font.

ADMINISTRATIVE ISSUES

Proposed Budget for 2023

EPM has sent requests for schedules and cost estimates to its primary contractors (Burns & McDonnell Engineering Company, Veolia Nuclear Solutions – Federal Services, and Enercon Services) based on an assumed scope of work which may be performed from January 1, 2023, through March 31, 2024. The scope of work was based on the following schedule assumptions:

- The NRC will accept the DP for detailed technical review by the end of the year.
- The NRC will conduct its technical review of the DP and issue RAIs by the end of April 2023.
- EPM will respond to RAIs by the end of June 2023. Upon responding to RAIs, contractors will begin advancing design drawings and specifications to issue for bid.
- Upon receipt of responses to RAIs, the NRC will begin preparation of a draft Environmental Assessment (EA) and Safety Evaluation Report (SER). The draft EA and SER will not be completed prior to the end of March 2024.
- After the NRC approves or comments on EPM's responses to RAIs:
 - Burns & McDonnell and VNS–Federal Services will prepare bid packages for the fabrication, construction, and installation of groundwater remediation infrastructure and water treatment facilities by the end of 2023.
 - Burns & McDonnell, VNS-Federal Services, and Enercon Services will begin preparation of operating procedures and radiation protection procedures. Procedures will not be finalized until design drawings and specifications have been advanced to issue-for-bid status.
- Bid packages will be issued to bidders, bidders will issue (and contractors will respond to) requests for information/clarification, and bidders will submit bids by the end of March 2024.

EPM has requested its contractors to provide final (after EPM review and comment) by the end of October so the proposed scope of work and budget for 2023 through March 2024 can be submitted for NRC and DEQ review before Thanksgiving.

Standby Trust Fund Statements

The NRC is the sole beneficiary of the Standby Trust Fund, and US Bank (Trustee of the Standby Trust Fund) has been sending monthly statements to Ken Kalman, the former NRC Project Manager. James Smith, who took Ken's place as Project Manager, has not been receiving those statements. EPM provided a copy of the June 30, 2022, statement to Mr. Smith, and contacted US Bank to inform them that future monthly statements should be addressed to Mr. Smith.

No further action is required.

LICENSING ISSUES

Annual Environmental Monitoring Program

EPM sent an Excel file which tabulates the analytical results from the 2022 annual environmental monitoring sampling program. EPM also sent an Excel file containing the comprehensive analytical data, which was updated to include all data obtained through the 3rd quarter redox sampling event and the environmental monitoring sampling program. Both files were sent via email on September 23, 2022.

No further action is required.

DECOMMISSIONING ISSUES

Facility Decommissioning Plan – Rev 3

EPM *informally* submitted Facility Decommissioning Plan – Rev 3 (the D-Plan) via the file sharing capability of Microsoft Office 365 on October 10, 2022. EPM sent an email describing the files that could be downloaded by NRC and DEQ. The table of contents did not include the new Section 6 figures, and Figure 3-5 was accidentally misnumbered as Figure 3-6 in the table of contents. That was corrected in the D-Plan text, and that file replaced the original file in the Microsoft Office 365 folder. Mr. Smith notified EPM that the acceptance review of the D-Plan would not begin until the D-Plan files were all uploaded to NRC's Agencywide Documents Access and Management System (ADAMS).

EPM *formally* submitted the D-Plan via the NRC's electronic information submission process on October 12, 2022. Few of the files that were made available via Microsoft 365 complied with the NRC criteria for electronic submission of files for uploading to ADAMS. Converting those files to comply with the NRC criteria results in significantly larger files. For instance, all 55 figures were provided in a file containing 1234 megabytes (MB) via Microsoft 265, but the ADAMS uploadable versions required 306 MB.

The accession numbers for and the content of the 25 files in ADAMS that constitute the entire D-Plan submittal are:

1. ML22284A145 – Letter of Submittal
2. ML22284A150 – D-Plan Text
3. ML22285A091 – D-Plan Figures – Sections 1 thru 5
4. ML22285A100 – D-Plan Figures – Sections 6 thru 10
5. ML22285A109 – D-Plan Tables
6. ML22285A135 – D-Plan Appendix A – Geotechnical Investigation Report
7. ML22285A139 – D-Plan Appendix B – SWP3 and General Permit – Part 1 of 2
8. ML22285A144 – D-Plan Appendix B – SWP3 and General Permit – Part 2 of 2
9. ML22285A151 – D-Plan Appendix C – Ecological Resources
10. ML22285A153 – D-Plan Appendix D – Noise Level Report
11. ML22285A165 – D-Plan Appendix E – Historical and Cultural Resources
12. ML22285A166 – D-Plan Appendix F – Visual and Scenic Resources
13. ML22285A169 – D-Plan Appendix G – Floodplain Development
14. ML22285A189 – D-Plan Appendix H – Exemption from U-235 Limit
15. ML22285A208 – D-Plan Appendices I-1 & I-2 – Remediation Infrastructure Design
16. ML22285A210 – D-Plan Appendices I-3 & I-4 – Remediation Infrastructure Design
17. ML22285A211 – D-Plan Appendices I-5 & I-6 – Remediation Infrastructure Design
18. ML22286A217 – D-Plan Appendix J – Groundwater Treatment System Design
19. ML22286A235 – D-Plan Appendix K – Basis of Design Text and Attachments 1-4
20. ML22286A225 – D-Plan Appendix K – Basis of Design Attachments 5-15
21. ML22286A227 – D-Plan Appendix L – Groundwater Flow Model Report
22. ML22286A230 – D-Plan Appendix M – Radiation Protection Plan
23. ML22286A244 – D-Plan Appendix N – Criticality and Uranium Loading Calculations
24. ML22286A246 – D-Plan Appendix O – Quality Assurance Program Plan
25. ML22286A247 – D-Plan Appendix P – Certification Statement

It is believed that all 25 files will be made available to the public, and all 25 files will be given a single “package” accession number of ML22286A041.

The NRC will initiate the acceptance review of the D-Plan.

Uranium Daughters in Groundwater

On June 24, 2022, EPM submitted a letter and data which EPM believes demonstrates that the three beta-emitting daughters of uranium are not present in groundwater, or if present, not in detectable concentrations. The letter also states that it is assumed that those daughters are expected to be present in the resin as the uranium decays over the several months during which the resin accumulates resin. The NRC has not responded to this, and EPM assumes that the NRC agrees with the conclusions reached in the letter.

EPM requests NRC review and comment or concurrence with those conclusions.

Issues Related to Divested Property

On July 25, 2022, EPM submitted a letter addressing several issues related to requirements to maintain isolation and control over property that was divested between 2015 and 2017. The NRC has indicated that the letter is still being reviewed by the NRC's legal team, and a response will be issued once NRC management concurs with the legal department's resolution of the issues.

Proposal to Abandon Select Monitor Wells

On September 8, EPM submitted a proposal to abandon five monitor wells located near the Cimarron River. EPM included the abandonment of those monitor wells in the proposed scope of work for 2023 that EPM sent to its contractors.

EPM requests NRC and DEQ review and comment or approval to abandon the wells.

Process Building Area Remediation

The Process Building Area (PBA) was divested in 2015, and groundwater samples from the monitor wells which remain in the PBA were collected through 2017. The CERT retained responsibility for the remediation groundwater in a portion of the PBA in the Purchase and Sale Agreement executed for the sale of this property. The concentrations of uranium and nitrate had been declining for years, and uranium concentrations in all three wells had dropped below the State Criterion. Nitrate concentrations had declined, but were slightly over the State Criterion in 2017.

Groundwater samples are being collected in Burial Area #1 for the 4th quarter redox sampling event. While the Enercon sampling crew is on site, EPM has added the collection of groundwater samples from the three monitor wells in the PBA. These groundwater samples will be analyzed for nitrate. These are the last monitor wells that were installed by the licensee that are not on property owned by the CERT. The CERT will be relieved of any responsibility to conduct future maintenance, investigation, or remediation on this property. Abandonment of these monitor wells was included in the proposed scope of work for 2023 that EPM provided to its contractors.

If the concentration of nitrate is below or very near the State Criterion for the PBA, EPM may propose to abandon these three monitor wells in 2023.