



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

September 6, 2023

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

SUBJECT: REQUEST FOR ADDITIONAL INFORMATION FOR THE ENVIRONMENTAL
ASSESSMENT OF THE DECOMMISSIONING PLAN FOR THE CIMARRON SITE
NEAR CRESCENT, OKLAHOMA (DOCKET NUMBER: 70-925)

Dear Bill Halliburton:

By letter dated October 7, 2022, (Agencywide Documents Access and Management System (ADAMS) ML22284A145), Environmental Properties Management, Inc. (EPM) submitted on behalf of the Cimarron Environmental Response Trust (CERT or licensee) a request for a license amendment approving CERT's proposed revised decommissioning plan. The U.S. Nuclear Regulatory Commission (NRC) accepted the application for detailed technical review, as stated in a letter to EPM dated March 30, 2023 (ML23074A100).

The NRC staff has identified areas where additional information is needed to complete its environmental assessment for review of the proposed decommissioning. Please see the enclosed request for additional information and provide a response within 60 days of receiving this letter. We can also schedule a clarifying call if this would be of help to you in responding to this request.

In accordance with Title 10 of the *Code of Federal Regulations* 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 of NRC's ADAMS. ADAMS is accessible from the NRC website at <http://www.nrc.gov/reading-rm/adams.html>.

B. Halliburton

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If you have any questions concerning this letter, please contact Christine Pineda at Christine.Pineda@nrc.gov or 301-415-6789.

Sincerely,



Signed by Rome, Michelle
on 09/06/23

Michelle Rome, Acting Chief
Environmental Review Materials Branch
Division of Rulemaking, Environmental,
and Financial Support
Office of Nuclear Material Safety
and Safeguards

Docket No. 70-925

Enclosure: As stated
cc: Cimarron Site Service List

B. Halliburton

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DATED: September 6, 2023

DISTRIBUTION:

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ADAMS Accession No.: ML23230B217

OFFICE	NMSS/ERMB	NMSS/ERMB	NMSS/DUWP	OGC	NMSS/ERMB
NAME	CPineda	AWalker-Smith	JSmith	ACoggins	MRome
DATE	8/9/2023	8/10/2023	8/10/2023	8/23/2023	8/15/2023

Cimarron Decommissioning Plan, Revision 3
Request for Additional Information for Environmental Assessment

The purpose of this request for additional information is to obtain additional information and data that is necessary for the U.S. Nuclear Regulatory Commission (NRC) to fulfill its responsibilities under the National Environmental Policy Act of 1969, as amended. The NRC staff will prepare an environmental assessment (EA) pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR) 51.21 and 51.30. The staff will use the guidance in NUREG-1748 ([Environmental Review Guidance for Licensing Actions Associated with Nuclear Material Safety and Safeguards Programs](#)), especially chapter 3, to prepare the EA. To support its environmental reviews, the NRC's regulations in 10 CFR 51.45, "Environmental Reports—General Requirements," and 51.60, "Environmental Reports—Materials Licenses," address the need for a licensee or applicant to submit an environmental report. Chapter 6 of NUREG-1748 provides guidance regarding the contents of an environmental report.

After reviewing the environmental report and decommissioning plan (collectively referred to as the DP) submitted by Environmental Properties Management, Inc., the NRC staff has determined that the following additional information is needed to complete an EA assessing the potential impacts of the revised decommissioning plan. The requested information is consistent with the requirements for an environmental report as detailed in chapter 6 of NUREG-1748.

Building Use (BU)

BU-1: Three water pumps along the northern site border, as well as three buildings on the site—the former MOFF building (and associated cooling plant), former warehouse, and former emergency response building—are all likely eligible for listing on the National Register of Historic Places, as stated in DP section 5.6.8. DP section 1.3.2 states that the emergency response building is now used as an office for CERT employees and contractors, but it is unclear whether this use would continue during the proposed action. Additionally, it is not clear whether the warehouse and MOFF buildings are being used now or whether they would be used for any purpose during the proposed action. Please describe the current and future uses of all three buildings.

Air Quality (AQ)

AQ-1: Table 5-1 in the DP provides estimates of project transportation emissions, information that is needed to assess the impacts of transportation activities as described in NUREG-1748, section 6.4.2. Provide sources or references, assumptions, and any qualifying notes to clarify the data provided in each row of table 5-1. This information is needed because the data for the EA, including the information in this table, need to be understandable and traceable. For example, it is unclear if "paved roads" refers to all traffic on and offsite associated with construction and operation. Similarly, it is unclear what the assumed time span is for "total emissions," and if the total emissions refers to the complete life of the project. Further, please confirm the staff's assumption that all of the emissions sources described in DP section 5.6.6 are captured in table 5-1.

Water Use (WU)

WU-1: NUREG-1748 sections 6.2.1.2, 6.3.4, and 6.4.4 describe the information needed to assess impacts on water resources. Cimarron Environmental Response Trust (CERT) expects to use potable water for sluicing resin from resin vessels, as described in section 5.6.4 of the DP: "... potable water will also be used to sluice resin from resin vessels. This use will be minimal and is not expected to impact users of potable water provided by the Water District." Section 8.3.2 describes the resin vessels as containing 38 ft³ of resin, weighing approximately 750 kg, according to section 13.1.1. How much potable water is anticipated for sluicing the resin from the vessels, and is this a significant quantity relative to the daily load for the supplier, Logan County Rural Water District #2?

Ecological Resources (ECO)

ECO-1: NUREG -1748 section 6.3.5 states that an ER should provide information regarding the aquatic ecological resources at and near the proposed site, including biological, hydrological, and chemical characteristics. The DP does not describe the aquatic ecology of the Cimarron River at the site location and does not describe the ecology of the two natural ponds and immediately surrounding vegetation (such as wetlands vegetation). Please provide information about the aquatic environment associated with the Cimarron site, including an assessment of the potential impacts from the activities proposed in the DP.

ECO-2: The NRC staff used the U.S. Fish and Wildlife Service's Environmental Conservation Online System Information for Planning and Conservation tool to obtain a current list of Federally proposed, threatened, and endangered species that may be present on the site and could be affected by project activities. These species include the tricolored bat, which roosts, forages, and travels through a variety of forested and wooded habitats. Please describe CERT's plans for vegetation removal associated with the proposed project, including but not limited to removals to accommodate the groundwater treatment infrastructure and the wastewater discharge outfall at the Cimarron River. For any planned tree removals, include the tree locations, species, maturity, and quantity.

ECO-3a: NUREG-1748 section 6.3.5 states that an ER should provide information regarding the distribution and seasonal patterns of species, including local flight patterns and travel corridors, breeding and nesting areas, wintering areas, and other similar ecological aspects of the site. The piping plover, red knot, and whooping crane are Endangered Species Act threatened or endangered shorebirds that could be present along the Cimarron River or around wet areas of the site. Please indicate whether any of these birds have been observed or are known to be present on the site or along the river shoreline during certain times of the year.

ECO-3b: Migratory birds are protected under the Migratory Bird Treaty Act, and bald and golden eagles are protected under the Bald and Golden Eagle Protection Act. Indicate whether there have been observations of migratory birds or eagles at the site or if you know these birds to be present at certain times of the year.

Chemical Management (CM)

CM-1: NUREG-1748 section 6.2.1.2 specifies information that should be provided to describe the proposed action, including the identification of chemicals that will be used, as well as the

proposed storage, handling, and disposal activities. Describe anticipated uses of pest management or maintenance chemicals, such as solvents and herbicides, during all phases of the project.

Waste Management (WM)

WM-1: NUREG-1748 section 6.4.13 specifies information that should be provided to assess waste management impacts, including waste types and quantities and the disposal plans for all wastes. Provide the name of the municipal solid waste or construction and demolition waste landfill that would be used. Also, provide estimates of the yearly amounts of solid non-hazardous waste that would be disposed of at a municipal solid waste or construction and demolition waste landfill.

Permits and Approvals (PER)

PER-1: As indicated in section 5.6.4 of the DP, CERT plans to discharge some of the treated groundwater to the Cimarron River through an outfall in accordance with an OPDES permit. As indicated in section 5.6.5 of the DP, CERT also plans to obtain a permit from the Army Corps of Engineers under section 404 of the Clean Water Act (CWA). Under CWA section 401 (see <https://www.epa.gov/cwa-401/overview-cwa-section-401-certification>), a federal agency may not issue a permit or license to conduct any activity that may result in a discharge into waters of the U.S. unless a section 401 water quality certification is issued, or certification is waived. See <https://www.deq.ok.gov/water-quality-division/watershed-planning/water-quality-certification/>. Please indicate whether the State of Oklahoma has issued a certification or waiver to CERT for the proposed activities that would affect waters of the U.S. If no waiver or certification has yet been issued, please request that the OK Department of Environmental Quality issue a waiver or certification and provide a copy of the request in your response to this letter.

PER-2: As noted in DP section 5.6.13, CERT previously held a Nationwide Permit 12 for construction of the treated wastewater discharge outfall in the Cimarron River floodplain. That permit expired in 2017 and the DP indicates that CERT will need a new permit. Describe the status of coordination with the Army Corps of Engineers regarding the issuance of an updated permit. Please provide any updated figures that will be used in the permit application.

PER-3: As noted in DP section 5.6.13, CERT will need to apply for a new Floodplain Development Permit from Logan County. Describe the status of coordination and any communication with Logan County regarding the application for this permit. Please provide any available updated figures that will be used in the permit application.

PER-4: NUREG-1748 section 6.1.3 states that an ER should provide information regarding approvals and authorizations needed for the proposed action, including the current status and any potential problems that may arise. DP section 5.6.13 states that a determination of the need for an air permit “will be conducted” but that CERT assumes no permit will be needed. Based on the information in DP table 5-1 and section 5.6.6, it appears that the air permit application would include information about emissions from construction equipment, vehicles, and generators. If there are other possible air emissions that CERT plans to evaluate when determining the need for an air permit application, please provide information about those other types of emissions.

Cumulative Impacts (CU)

CU-1: NUREG-1748 section 6.2.3 states that an ER should provide information on past, present, and reasonably foreseeable future actions that could result in cumulative impacts when combined with the proposed action. Provide a discussion on present and reasonably foreseeable future actions in the area that could have impacts overlapping in time or place with the impacts from this proposed action. For example, please provide information as to whether there are currently operating, or planned construction of, commercial or industrial facilities that could have overlapping effects on traffic, groundwater resources, the Cimarron River, or other resources.