

March 1, 2024

Mr. James Smith  
U.S. Nuclear Regulatory Commission  
11555 Rockville Pike  
Rockville, MD 20852-2738

Ms. Rachel Miller  
Oklahoma Department of Environmental Quality  
707 North Robinson  
Oklahoma City, OK 73101

Re: Docket No. 07000925; License No. SNM-928  
Cimarron Environmental Response Trust  
Notes from February 21, 2024, Project Status Teleconference

Dear Recipients:

Solely as Trustee for the Cimarron Environmental Response Trust (CERT), Environmental Properties Management LLC (EPM) submits herein to the U. S. Nuclear Regulatory Commission (NRC) and the Oklahoma Department of Environmental Quality (DEQ) notes from the Project Status Teleconference conducted February 21, 2024. Notes summarizing the teleconference are attached to this letter.

There is one item addressed in these notes that had been inadvertently left off of the agenda, and therefore was not discussed during the teleconference. I communicated with Christine Pineda, NRC Environmental Assessor, to accurately capture that information. That information is presented in italicized font.

If you have any questions or desire clarification, please call me at (405) 642-5152.

Sincerely,



Jeff Lux  
Project Manager

cc: (electronic copies only)

Stephanie Anderson and Linda Gersey, NRC Region IV  
Paul Davis, Keisha Cornelius, Pam Dizikes, David Cates, and Jonathan Reid, DEQ  
NRC Public Document Room  
vcpsubmittals@deq.ok.gov

NRC – DEQ – EPM Telecon Agenda  
February 21, 2024 – 2:30 Eastern, 1:30 Central

**Attendees:**

| <u>NRC</u>          | <u>DEQ</u>           | <u>EPM</u>    |
|---------------------|----------------------|---------------|
| Jim Smith           | Paul Davis           | Jeff Lux      |
| Lifeng Guo          | Jonathan Reid        | John Hesemann |
| Kevin Hayes         | Christopher Robinson | Matt Crawford |
| Martha Poston-Brown | David Cates          |               |
| Christine Pineda    | Lee Dooley           |               |

**Administrative Issues**

Proposed Scope of Work and Budget for 2024

EPM submitted a proposed scope of work and budget for 2024 on December 27, 2024. The DEQ approved the proposed scope of work and budget in a letter dated February 2, 2024. A letter approving the proposed scope of work and budget from the NRC is in concurrence review.

***The NRC will issue an approval letter when concurrence review is complete.***

Request to Reallocate Funding

EPM submitted a request to reallocate funds between Burns & McDonnell’s tasks on November 15, 2023. The DEQ approved this reallocation in a letter dated November 27, 2023. The NRC issued an approval letter, but it appears it was placed in ADAMS (not publicly available) without being sent to EPM.

***The NRC will send approval to reallocate funds presently.***

Contracting Strategy in Compliance with Trust Agreement Section 3.2.5

Veolia Nuclear Solutions – Federal Services (VNSFS) prepared the design for all water treatment systems and facilities. Because procurement, installation, and startup of the water treatment systems is neither engineering nor architectural services, Section 3.2.5 of the Trust Agreement would require the Trustee to select a contractor by competitive bidding. However, Section 3.2.5 enables the lead agency to grant a waiver from that requirement. EPM believes that adding preparation of a request for bid, obtain and evaluate bids, and then transfer responsibility for procurement and installation would extend the schedule and increase the cost to proceed.

***EPM will prepare a request to waive the requirement for competitive bidding for the procurement, installation, and startup of these critical systems.***

**Decommissioning Issues**

NRC Review of the Environmental Assessment

*The status of the NRC’s response to the State Historic Preservation Office was inadvertently left off the agenda. EPM contacted the NRC to add the status of the NRC’s response in these notes, although this was not discussed during the teleconference. A draft response is undergoing review by NRC environmental assessment management.*

EPM and Burns & McDonnell environmental assessors provided information on the environmental survey of potential bat roosting trees in areas that will be cleared to install

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groundwater remediation infrastructure and facilities in a teleconference with the NRC on February 14<sup>th</sup>. The NRC requested documentation describing the survey. A draft letter-report on the survey is undergoing review by EPM and Burns & McDonnell.

Similarly, EPM and Burns & McDonnell environmental assessors discussed the potential impact of the designation of the Cimarron River as a protected habitat for the Arkansas River shiner and the peppered chub. Although these fish are not present in the river, its designation as a protected habitat requires that impact of the discharge of treated water to the river be evaluated. A draft letter-report providing information on the quantity and quality of the water to be discharged, the planned design of the discharge, and the minimum and average flow rate for the Cimarron river is being prepared by Burns & McDonnell.

***The NRC will respond to the SHPO when the response completes the review process. EPM will submit documentation on both the bat roosting tree survey and on the discharge to the Cimarron River to the NRC, hopefully before the end of February.***

Responses to RAIs for the Safety Evaluation Report

The NRC expressed a concern that the injection of treated water into Injection Trench GWI-BA1-01 could create a sufficient groundwater “mound” to create seeps on the ground surface or discharge into a drainage channel east of the injection trench. EPM submitted a letter addressing this concern the afternoon after the teleconference. The letter included a proposal to conduct and document visual observations of the area of concern on a monthly basis during monthly routine radiological surveys.

The NRC requested information related to issues identified in EPM’s response to NRC RAIs related to radiation protection. A teleconference was planned to discuss those issues, but EPM provided the requested information in a letter dated February 9<sup>th</sup>. The NRC informed EPM that the responses were satisfactory and the teleconference was canceled.

***The NRC will review the responses and notify EPM if the responses are acceptable, or if additional information is needed.***

Revision of the Annual Environmental Monitoring Program

Section 15 of the Radiation Protection Plan describes the environmental monitoring program, which includes the collection of groundwater and surface water samples on an annual basis for analysis of gross alpha and beta, isotopic uranium concentrations, nitrate, and fluoride. Analysis for gross alpha and beta is no longer relevant. Nitrate and fluoride aren’t present in Burial Area #1 (where half of the samples are collected); so analysis for these parameters is only meaningful in the western areas. Because analyzing samples for isotopic uranium mass concentration provides all the data we need to decommission the site, there is no longer a need to analyze samples for both activity concentration and mass concentration.

If EPM could discontinue analyzing samples for gross alpha and beta and isotopic uranium activity concentration from all samples site-wide, and discontinue analysis for nitrate and fluoride for samples collected in Burial Area #1, the cost of laboratory analysis will drop from approximately \$15,000 to approximately \$5,000.

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*EPM will submit a request to modify the annual environmental monitoring program to the NRC and the DEQ by the end of February.*

**Date and Time of Next Teleconference**

March 20, 2024, at 2:30 Eastern, 1:30 Central