

NRC – DEQ – EPM Project Status Meeting Notes
August 21, 2024 – 2:30 Eastern, 1:30 Central

Attendees:

NRC

Jim Smith
Christine Pineda

DEQ

Paul Davis
Jon Reid
Rachel Miller
Courtney Redmond
David Cates
Kelly Dixon

EPM

Jeff Lux
John Hesemann

Administrative Issues

Q2 2024 Financial Statement

When preparing the financial statement for the 2nd quarter of 2024, personnel in the Accounting and Finance Department notified Mr. Hesemann and Mr. Lux that a number of Burns & McDonnell and EPM invoices for work performed in October and November of 2023 had not been paid until late in the 1st quarter of 2024. Those expenditures were not accrued to 2023, and had not been included in the financial statement for the 1st quarter of 2024.

Those invoices totaled nearly \$700,000, and counting those expenditures against the approved budget for 2024 would make it impossible to complete the approved scope of work for 2024 within the approved budget. After accruing those expenditures to 2023, the total expenditures will not exceed the approved budget for any of the three Trust accounts. Consequently, EPM directed the Accounting and Finance Department to prepare corrected financial statements beginning with the 4th quarter of 2024 for submission to the beneficiaries of the trust. In an August 7, 2024, email, EPM notified the beneficiaries of this situation and how EPM planned to respond to it.

The financial statements for the 4th quarter of 2023 and the 1st and 2nd quarters of 2024 were submitted to the NRC and the DEQ on August 15, 2024.

No further action is required.

Semi-Annual Projection of Administrative Expenses

Section 2.4.5 of the Cimarron Trust Agreement states that "... the Cimarron Trustee shall provide the NRC and the State of Oklahoma with an update of anticipated future Administrative Costs of the Cimarron Trust." The proposed budget for 2024 included \$10,000 for legal support in Budget Task 1 – Administration. Retaining Stinson LLP to assist EPM in the development of contracts and contractual terms and conditions for construction will require approximately \$50,000.

In addition, it appears that the process of bringing personnel up to speed on documentation policies and requirements, and on the roles and functions of the Trustee Project Manager requires more time than had been anticipated when the proposed budget for 2024 was submitted to the NRC and the DEQ.

EPM will submit an update of anticipated future administrative costs to the NRC and the DEQ by August 22, 2024. EPM will monitor administrative costs and will notify the NRC and the DEQ if it appears that the approved funding for Task 1 Administration may not be adequate.

Planning for Construction – the Process

General Contractor

Requests for Bid (RFBs) have been issued to bidders; bids are due September 16, 2024. EPM will evaluate bids and select a GC; approval of the GC and funding for the advancement of designs will be submitted to the NRC and the DEQ in mid-October.

Two aspects of this contract include advancing the design for the pre-engineered metal building (PEMB) and the control system. EPM will request approval of contractor selection and funding for only the design so EPM can issue a limited notice to proceed with only the design as soon as approval is obtained. Advancing the design will enable subcontractors to advance the design to issue for construction by the end of the year.

Funding for construction will be included in the proposed budget for 2025.

Injection Skids

RFBs have been issued to bidders; bids are due September 10, 2024. EPM will evaluate bids and select a contractor; approval of the contractor selection and funding for the design portion will be submitted to the NRC and the DEQ in mid-October.

EPM will request approval of funding for only the design so EPM can issue a limited notice to proceed with only the design as soon as approval is obtained. Advancing the design will enable the contractor to advance the design to issue for construction by the end of the year.

Funding for fabrication of the injection systems will be included in the proposed budget for 2025.

Driller

An RFB will be issued to bidders by September 6, 2024. Bids should be received by September 20, 2024. EPM will evaluate bids and select a contractor; approval of the contractor selection and funding for well abandonment will be submitted to the NRC and the DEQ in mid-October.

EPM will request approval of funding for only the abandonment of wells so EPM can authorize the driller to abandon monitor wells before the GC mobilizes to begin construction.

VNS – Federal Services' (VNSFS) Scope of Work

VNSFS has submitted draft RFBs to EPM for review for the fabrication, testing, and delivery of:

- IX Treatment Skids
- Filter Skids
- Resin Vessels
- Resin Processing System
- Vertical Blender

NRC – DEQ – EPM Project Status Meeting Notes
August 21, 2024 – 2:30 Eastern, 1:30 Central

VNSFS plans to issue RFBs to bidders for each of the above scopes of work on August 26, 2024. Bids will be due September 16, 2024.

VNSFS provided EPM a document entitled “Procurement Strategy”, describing the scope of work for each subcontractor and the process of issuing requests for bid and evaluating bids. VNSFS has identified at least three bidders for each scope of work to ensure that they comply with the requirement to obtain competitive bids for each scope of work. VNSFS hopes to evaluate bids and submit the basis for subcontractor selection to EPM by the end of September 2024.

EPM hopes to be able to submit a proposed budget for 2025 by the end of October 2024. The proposed budget will include the budget for routine administrative, license compliance, and decommissioning activities as well as construction.

*Note: Bidders will provide +/- 10% cost estimates in their bids. EPM plans to request funding for the “+ 10%” values because approval of the budget **and** issuance of SNM-928 Amendment 22 will occur several months after bids were submitted. EPM will request Best and Final Price (BAFP) estimates from the selected contractors before executing contracts. If the BAFP estimates exceed approved funding, EPM will monitor costs during construction and request approval for additional funding if it is needed.*

Status of Work and Submittals

Environmental Assessment

The DEQ commented on the NRC’s Draft Environmental Assessment report in a letter dated August 2, 2024. EPM commented on the NRC’s Draft Environmental Assessment report in a letter dated August 3, 2024. On May 5, 2024, EPM requested clarification on the DEQ’s comments. The change in the treatment process (no denitrification) means that the method for determining permit limits for nitrate changes.

The NRC requested a figure similar to Figures 6-2 and 6-3 in *Facility Decommissioning Plan – Rev 3* (the DP), showing the proposed license area in a site-wide figure. Figure 6-4, depicting the entire proposed licensed area, was submitted to the NRC as an addendum to the DP.

The NRC also requested an updated map showing wetland areas identified during the recent wetland delineation effort. EPM shared the map via Microsoft Office on July 24, 2024.

The June 2023 Fiscal Responsibility Act (FRA) requires federal agencies to issue an Environmental Assessment (EA) within 12 months of a triggering event. However, a July 2024 revision of the NEPA-implementing regulations provided for an extension of the schedule, provided that the regulatory agency conducted a consultation with the regulated entity and both parties agreed to the schedule. In this case, the EA schedule had been established and agreed-upon before the FRA was passed. On August 9, 2024, the NRC conducted a consultation with EPM to confirm our mutual agreement on the EA schedule as originally established.

NRC – DEQ – EPM Project Status Meeting Notes
August 21, 2024 – 2:30 Eastern, 1:30 Central

The NRC will also extract the Section 106 of the National Historic Preservation Act information from the EA and will post it on the NRC website for public review. The NRC will also provide the information to those Native American tribes that indicated they wanted to be informed about the NRC's environmental review for the Cimarron Site.

DEQ's Water Quality Division will recalculate permit limits for nitrate and fluoride and will notify EPM of the result.

NRC will extract the NHPA section of the EA and put it out for public comment and notify those tribes that have requested to be informed. NRC will finalize the Environmental Assessment report after receiving feedback from the DEQ.

Safety Evaluation Report

The Safety Evaluation Report is nearly complete; it has been sent to the technical editor for review. On August 8, 2024, the NRC asked EPM if those figures in the DP that showed the locations of in-process and post-remediation monitoring locations could be revised to enable them to be clearly viewed on 8½" X 11" paper. EPM requested that NRC send an email identifying what information should be retained to be able to produce those figures on 8½" X 11" paper and still be able to read the monitor well IDs.

NRC will utilize the 11 X 17 figures in the SER.

Area East of the Burial Area #1 Injection Trench

Groundwater samples were collected from five monitor wells in the southern portion of Burial Area 1 on July 31st, 2024. Samples will be analyzed for isotopic uranium mass concentration. EPM will receive the analytical results before the end of August.

Once that data has been quality-reviewed and imported into the EQUIS database, an updated Comprehensive Analytical Data spreadsheet will be submitted to the NRC and the DEQ. EPM will update the map presented in the July 9, 2024, report submitted to the NRC and the DEQ.

Wetland Delineation

The last time a wetland survey was conducted to determine if the construction of proposed groundwater remediation infrastructure would impact wetlands was in 2015. Burns & McDonnell conducted a wetland delineation at the site on May 8-9, 2024. The NRC requested an updated wetlands map that would replace the map provided in response to requests for additional information related to the EA.

EPM submitted the updated wetlands report to the NRC and the DEQ on July 25, 2024.

Date and Time of Next Teleconference

Via Microsoft Teams on September 18, 2024, at 2:30 Eastern, 1:30 Central