

October 27, 2004

Mr. Michael Cook, Director
Office of Superfund Remediation
and Technology Innovation
U.S. Environmental Protection Agency
M.S. 5210G
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

SUBJECT: NOTIFICATION OF THE DECOMMISSIONING OF THE KERR-MCGEE,
CIMARRON SITE

Dear Mr. Cook:

This letter is intended to notify you of the decommissioning oversight actions that the U.S. Nuclear Regulatory Commission (NRC) has taken, and intends to take for the Kerr-McGee, Cimarron site located in Crescent, Oklahoma.

On October 9, 2002, the NRC and the U.S. Environmental Protection Agency (EPA) entered into a Memorandum of Understanding (MOU) on "Consultation and Finality on Decommissioning and Decontamination of Contaminated Sites." The MOU provides that, unless an NRC-licensed site exceeds any of three trigger criteria contained in the MOU, EPA agrees to a policy of deferral to NRC decision-making on decommissioning without the need for consultation.

For sites that trigger the criteria in the MOU, NRC will consult with EPA at two points in the decommissioning process: (1) prior to NRC's approval of the license termination plan or decommissioning plan (DP), which NRC terms Level 1 consultation; and (2) following completion of the Final Status Survey (FSS), which NRC terms Level 2 consultation. Although the NRC's plan for consulting with EPA calls for the initial Level 1 consultation to occur early in the decommissioning process, at the time the MOU was signed, NRC had several sites which were in the latter stages of the decommissioning process. Since these sites were further along in the decommissioning process, the next opportunity to consult with EPA would be a Level 2 consultation following the completion of the FSS.

This letter is to notify you of the existence of one of these sites. This letter is not considered a Level 1 consultation because this site already has an approved DP. However, the NRC believes it is in the spirit of the MOU to notify the EPA of sites which could possibly require a Level 2 consultation in the future, and were already well into the decommissioning process at the time the MOU was signed.

The Kerr-McGee, Cimarron Site

The Kerr-McGee, Cimarron site, owned by Kerr-McGee Cimarron Corporation and located in Crescent, Oklahoma, was licensed in 1965 to perform nuclear fuel fabrication. The site is currently completing remediation activities in accordance with a DP approved by the NRC on August 20, 1999. The site consists of approximately 840 acres, and approximately 150 acres contain elevated radionuclide concentrations. The approved DP contains a derived concentration guideline level (DCGL) for 1 radionuclide that exceeds the MOU trigger values for soil [i.e., total Uranium (U)] and for 2 radionuclides that exceed the MOU trigger value for groundwater (i.e., total U and Technetium-99). Portions of the site have already been released from the license in accordance with the approved DP. License termination for the remaining areas of the site is anticipated in 2007.

Before the NRC license is terminated at the site, the NRC will verify through a review of Kerr-McGee, Cimarron's FSS and NRC's own confirmatory survey data that the site has achieved the required cleanup levels. Because Kerr-McGee, Cimarron's DP was approved before the License Termination Rule (LTR) in Title 10 of the Code of Federal Regulations Part 20 Subpart E, consistent with the grandfathering provision of the LTR, Kerr-McGee, Cimarron is cleaning up in accordance with the concentration-based criteria in NRC's 1992 Site Decommissioning Management Plan (SDMP) Action Plan (57 FR 13389), rather than the dose-based LTR criteria. The SDMP Action plan criteria being used at this site are fully protective of the public health and safety, and the environment.

In addition, NRC notes that in its experience sites are often remediated well below the cleanup levels because of the nature of the cleanup process. Because the levels of residual radioactivity remaining after remediation are anticipated to be lower than the MOU trigger values, NRC does not expect the site will require a Level 2 consultation. However, if the residual radioactive soil concentration levels in soil at the time of license termination still exceed the MOU trigger values, NRC will enter into Level 2 consultation with EPA in accordance with the MOU.

As part of the DP review and approval process, the NRC staff prepared, and issued for public comment, an environmental assessment (EA) to document how the remediation at the Kerr-McGee, Cimarron site would ensure protection of the public health and safety, and the environment.¹ The EA was published in the *Federal Register* on August 12, 1999, at 64 FR 44059. The EA concludes that approval of the DP would not result in any significant impacts on the human environment and is protective of human health. In addition, the approval of the DP was based on the NRC staff's Safety Evaluation Report (SER) issued on August 20, 1999.²

¹ The EA is available through the legacy library in NRC's electronic reading room at <http://www.nrc.gov/reading-rm.html> (9908110140).

² The SER is available through the legacy library in NRC's electronic reading room (9908300099).

The SER concluded that the activities described in the DP were consistent with the Commission's regulations and that approval of the DP would not be inimical to the common defense and security, or to the health and safety of the public.

Next Steps

Following site remediation activities at the Kerr-McGee, Cimarron site, NRC staff will review information contained in the FSS Report and compare the remaining levels of residual radioactivity to the MOU trigger levels. If the FSS measurements exceed the MOU trigger criteria, an additional consultation between the agencies will occur under the MOU to identify and resolve any remaining issues. In the meantime, if you have any questions regarding this letter or the remediation activities at the Kerr-McGee, Cimarron site, please contact Mr. Daniel Gillen, Deputy Director of the Decommissioning Directorate of the Division of Waste Management and Environmental Protection, at 301-415-7295.

Sincerely,

/RA/

Jack R. Strosnider, Director
Office of Nuclear Material Safety
and Safeguards

Enclosure:
Proposed Remediation Values at the Kerr-McGee, Cimarron Site

cc: Cimarron Service List

M. Cook

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Jack R. Strosnider, Director
Office of Nuclear Material Safety
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Enclosure: Proposed Remediation Values at the Kerr-McGee, Cimarron Site

cc: Cimarron Service List

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* See previous concurrence

OFC	DWMEP*		DWMEP*		DWMEP*		DWMEP*	
NAME	DWidmayer		APersinko		DGillen		JGreeves	
DATE	09/17/04		09/23/04		10/02/04		10/14 /04	

OFC	NMSS*	
NAME	JStrosnider	
DATE	10/27/04	

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**PROPOSED REMEDIATION VALUES
AT THE KERR-MCGEE, CIMARRON SITE**

Radionuclide	DCGL (soil)*	MOU (soil)*	DCGL (groundwater)**	MOU** (Groundwater)
Total U	30	47	180	30 Fg/L
Tc-99	---	---	3,790	900

*soil values reported in pCi/g

**groundwater values reported in pCi/L (unless otherwise indicated)

Enclosure