

April 7, 2016

MEMORANDUM TO: Michael A. Norato, Ph.D., Chief
Materials and Decommissioning Branch
Division of Decommissioning, Uranium Recovery,
and Waste Programs
Office of Nuclear Material Safety
and Safeguards

FROM: Greg Chapman, Project Manager */RA/*
Materials and Decommissioning Branch
Division of Decommissioning, Uranium Recovery,
and Waste Programs
Office of Nuclear Material Safety
and Safeguard

SUBJECT: MEETING SUMMARY OF A TELECONFERENCE HELD AT
1:30 PM (EST) ON APRIL 4, 2016, BETWEEN THE
U.S. NUCLEAR REGULATORY COMMISSION, FMRI, AND
OKLAHOMA DEPARTMENT OF ENVIRONMENTAL QUALITY
REGARDING THE NRC'S MARCH 30, 2016, LETTER TO FMRI

At the request of FMRI, a teleconference was held at 1:30 PM (EST) on April 4, 2016, to discuss the U.S. Nuclear Regulatory Commission's (NRC's) March 30, 2016, letter (Agencywide Documents and Access Management System (ADAMS) Accession No. ML16069A084) to FMRI. The subject of the noticed letter was NRC's assessment of FMRI's submissions with regard to Conditions 5A and 5E of the August 17, 2015, Forbearance Agreement.

Enclosed is the meeting summary which documents the questions that FMRI asked the NRC staff and the NRC's responses. The summary includes the recollections of the various regulatory attendees at the teleconference (NRC and the Oklahoma Department of Environmental Quality). The NRC's responses were consistent with what was communicated on this same topic to FMRI on March 30, 2016 (ML16069A084). The meeting summary also includes a list of participants and summary of the highlights of the discussion. The NRC staff made no commitments during the meeting.

Enclosure: Meeting Summary

cc: P. Dizikes, Oklahoma Department of
Environmental Quality
R. Gladstein, U.S. Department of Justice

CONTACT: Greg Chapman, NMSS/DUWP
(301) 415-8718

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ADAMS Accession No.: **ML16097A251**

OFFICE	NMSS:PM	NMSS:LA	NMSS	NMSS:BC
NAME	G. Chapman	C. Holston	C. Ridge	M. Norato
DATE	4/6/16	4/6/16	4/6/16	4/6/16

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**Meeting Summary of April 4, 2016, Teleconference to Discuss the U.S. Nuclear
Regulatory Commission's March 30, 2016, Letter to FMRI Assessing FMRI's Submissions
Relative to Conditions 5A and 5E of the August 17, 2015, Forbearance Agreement**

Participants:

U.S. Nuclear Regulatory Commission (NRC)

Christianne Ridge

Greg Chapman

Michael Norato

Oklahoma Department of Environmental Quality (ODEQ)

Mike Broderick

FMRI

James Burgess

Bob Compennolle

Rob Miller (Consultant)

Agenda:

There was no agenda for this teleconference. The purpose was to discuss the NRC's assessment of FMRI's submission regarding Conditions 5A and 5E of the August 17, 2015 Forbearance Agreement (FA). The conference was requested by FMRI earlier in the day.

Discussion:

FMRI brought up three items for discussion which are summarized below:

- 1) Why does FMRI need to have specific media Derived Concentration Guideline Levels (DCGLs) (in total summing to 25 mrem/yr) when it is unknown exactly what level of contamination will be present after remediation?

The NRC staff reminded FMRI, that they are pursuing unrestricted release under 10 CFR 20.1402, which requires an annual Total Effective Dose Equivalent (all pathways) of 25 mrem/yr and As Low As Reasonably Achievable (ALARA). Then, the NRC explained that, while FMRI could come up with three separate sets of DCGLs for soils, buildings, and groundwater, each equal to 25 mrem/yr, the final assessment would sum the anticipated dose and the overall criteria is 25 mrem/yr to the average member of the critical group. Picking three separate sets of DCGLs that, when summed, meet the 25 mrem/yr limit, provides more certainty that remediation efforts would be effective and not rely upon "luck" that average contamination levels are so much below the established DCGLs that, when summed, they would meet the 25 mrem/yr criteria. However, the NRC acknowledged that FMRI could approach the remediation effort in any manner that made sense. FMRI stated they understood that the final criteria is 25 mrem/yr and ALARA to the average member of the critical group when considering all applicable pathways of exposure.

ENCLOSURE

- 2) FMRI stated that Condition 5A of the FA specifically called out that it should address deficiencies identified in the 2003 Safety Evaluation Report (SER) (Agencywide Documents and Access System (ADAMS) Accession No. ML033250083). FMRI maintained that the 2003 SER considered FMRI's model and parameters and found them acceptable even though it called out that groundwater contamination was not appropriately addressed. FMRI pointed out that in the 2003 SER the NRC staff stated that it had run the groundwater pathway without changing any parameter values and had determined that the pathway would not significantly contribute to the dose from residual radioactivity remaining in soils at the site. As such, FMRI's position is that the NRC's concern that some parameters are not appropriate for considering the groundwater pathway falls outside of condition 5A because FMRI included groundwater in the most recent modeling and didn't change any of the model parameters.

While FMRI agreed that the model isn't "right" with the current set of parameters, FMRI stated it needed additional time to adequately address the issues for something "outside" of the requirements of the forbearance agreement. The NRC did not agree with this assertion because, in the NRC's viewpoint, calling out the groundwater pathway as deficient meant that the model should use appropriate parameter values when considering that pathway. While the NRC and FMRI did not come into agreement on the subject, it was agreed that FMRI would draft a request for additional time with regard to this issue and that the NRC would respond as appropriate so as to document how the issue is resolved.

- 3) FMRI did not agree with the NRC's assessment of Condition 5E and claimed that they still didn't understand why their previous response was not sufficient. Specifically, FMRI maintained that it could send in the quote in its entirety if that would satisfy the NRC or could have it requoted and sent in. However, whichever way it went would put it outside of the time limit of Condition 5E.

The NRC stated that the letter was clear as to why FMRI's response was insufficient. However, it was never the intent for the Condition 5E to be hung up on a technicality. The Condition was placed solely to ensure progress with respect to remediation of the CaF at the site and what was submitted did not accomplish that. FMRI claimed that it could not provide quotes because the information was confidential. The NRC staff did not reply to this statement, but previously indicated to FMRI by letter (ML16069A084) that the NRC will withhold information from public disclosure that is "privileged or confidential" consistent with 10 CFR 2.390 and, therefore, non-compliance with Condition 5E because of its confidential nature is not acceptable. In addition, Conditions 3 and 4 of the FA require FMRI to provide whatever financial information is requested by the NRC, U.S. Department of Justice, or ODEQ. The ODEQ maintained that a cost estimate is needed to be included in order for it to adequately consider the total costs for remediation of the site. FMRI was encouraged to have the work requoted and submitted in its entirety even though the time limit of the condition had expired. FMRI was told it could send in a request to extend the time period of the condition in order to fall within compliance but to be expeditious in the requested timing. The NRC said it would consider any submission, but that documentation should be established to show how the issue is resolved.

The call ended after approximately 20 minutes of discussion.