



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

November 8, 2016

Ms. Jeanette Amstutz
NorStates Wealth Management
Trust and Operations Administrator
5384 Grand Avenue
Gurnee, IL 60031

**SUBJECT: DISBURSEMENT OF FUNDS FROM FMRI's DECOMMISSIONING TRUST
PURSUANT TO 12-MONTH FORBEARANCE AGREEMENT**

Dear Ms. Amstutz:

FMRI requested that the amount of \$57,266 associated with American Waste Management Services, Inc. (AWMSI), invoice number 167475 be paid to:

American Waste Management Services, Inc.
P.O. Box 1406
Youngstown, OH 44501-1406
Telephone: 330-856-8839
E-Mail: bbronson@avalonholdings.com
Contact Person: Bunny Bronson
Method of Payment: Check

The U.S. Nuclear Regulatory Commission (NRC) has reviewed the invoice, information, and certification provided by FMRI. Based upon the information provided, the NRC has confirmed the amount for the invoice from AWMSI addresses shipping of eleven intermodals of newly excavated WIP material on August 22-24, 2016. Additionally, the NRC has confirmed that FMRI's request was a qualified payment request under Condition 5.G of the Forbearance Agreement, as described below. Therefore, consistent with the FMRI Decommissioning Trust, a check for \$57,266 can be issued to AWMSI.

The U.S. Nuclear Regulatory Commission (NRC), the U.S. Department of Justice (DOJ), and the Oklahoma Department of Environmental Quality (ODEQ) previously entered into a 12-Month Forbearance Agreement on August 17, 2015, with Fansteel and FMRI that was subsequently extended and later expired on September 18, 2016. FMRI was required to make a shipment prior to September 18, 2016 and made this shipment in late August 2016. FMRI deposited funds in the Decommissioning Trust to be used to pay for the shipment and disposal of WIP that occurred prior to the expiration of the Forbearance Agreement on September 18, 2016.

Condition 5.G states the following (Trust-related sections highlighted):

All WIP material stored in buildings on the Muskogee site as of June 1, 2015, shall be shipped to White Mesa with shipments to be completed by February 29, 2016. As of June 1, 2015, this is estimated to be in the amount of approximately 1,000 bags or 1,500 tons. The transportation and disposal costs associated with the disposition of this material will be allocated from the Decommissioning Trust

to the approximate amount of \$628,000 ("the Trust Funds"). Payments will be made upon a showing to the NRC's reasonable satisfaction that FMRI has fully complied with shipping requirements of past Forbearance Agreements. If FMRI is unable to do so, the amount available from the Decommissioning Trust Fund shall be reduced by the tonnage of the arrearage times, the per ton transportation, and disposal cost. If circumstances beyond FMRI's control require adjustment of the February 29, 2016, completion date, FMRI shall notify the DOJ, NRC, and ODEQ in writing of such circumstances prior to the completion date. On or before February 29, 2016, FMRI shall begin shipment of the WIP material that will have been excavated after June 1, 2015, (the "Newly Excavated WIP Material"). Between February and July 2016, FMRI shall ship the Newly Excavated WIP Material at the rate specified in the 5.C Work Plans, making at least three shipments of 11 intermodals each. On or before February 29, 2016, and for each shipment thereafter, FMRI shall deposit \$91,300 in the Decommissioning Trust to provide for the expense of transporting and disposing one shipment of 11 intermodals. The NRC shall make these funds available for payment of shipping and disposal costs when shipment and disposal have been completed. If, for any of these shipments and disposals, the \$91,300 amount is insufficient to cover the actual cost due to variations in shipment and disposal weight, it will be the responsibility of FMRI to pay the difference. If the \$91,300 proves to be in excess of the actual costs due to variations in shipment and disposal weights, then the excess may be refunded to FMRI or utilized to offset future deficiencies. If the 5.C Work Plans require FMRI to lease additional intermodals, additional funding from the Trust Fund will be provided at the rate of \$550 per intermodal.

In order for the funds to be released from the Decommissioning Trust, FMRI must provide the NRC the following information:

Letter addressed as follows:

ATTN: Document Control Desk
Director, Office of Nuclear Material Safety and Safeguards
U.S. Nuclear Regulatory Commission (NRC)
11555 Rockville Pike
Rockville, MD 20852

With cc's to:

Christina England, NRC/GCLR/RMR
Greg Chapman, NRC/NMSS/DUWP/MDB
Pam Dizikes, Oklahoma Department of Environmental Quality
Jeanette Amstutz, Norstates Wealth Management
Richard Gladstein, Department of Justice

The request for payment should include the following:

- a copy of the invoice associated with the payment request;
- the name, address, telephone number, email address and the contact person for the entity that would receive payment;

- the preferred method of payment by the entity receiving payment, (i.e., electronic bank transfer or check); and
- certification by a Fansteel or FMRI company officer that the payment is for FMRI newly excavated WIP material.

The requested payment will then be remitted directly to the billing entity from the Decommissioning Trust.

Upon the NRC's confirmation of the accuracy of the information and the appropriateness of the billing, the NRC will issue you instructions in accordance with the following condition of the FMRI Decommissioning Trust Agreement, dated November 18, 2003:

In addition, the Trustee shall make payments from the Fund, as the NRC shall direct, in writing, to provide for payment of the costs of required activities covered by this Agreement. The Trustee shall make payments to the Grantor or other persons as specified by the NRC from the Fund for expenditures for required activities in such amounts as the NRC shall direct in writing.

On October 18, 2016, FMRI submitted its eighteenth request to the NRC related to Condition 5.G. FMRI requested that the amount of \$57,266 associated with American Waste Management Services, Inc. (AWMSI), invoice number 167475 be paid to:

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Please e-mail Mr. Greg Chapman of the NRC and Ms. Bunny Bronson when the check to AWMSI is transmitted. Mr. Chapman's e-mail address is Gregory.Chapman@nrc.gov and Ms. Bronson's e-mail address is bbronson@avalonholdings.com.

In accordance with 10 CFR 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 the Agencywide Documents Access and Management System (ADAMS). ADAMS is accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>.

J. Amstutz

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Please contact Mr. Greg Chapman if you have any questions concerning the above. He can be reached at (301) 415-8718 or via e-mail at the address noted above.

Sincerely,

/RA/

Matthew Meyer, Acting Chief
Materials Decommissioning Branch
Division of Decommissioning, Uranium Recovery,
and Waste Programs
Office of Nuclear Material Safety
and Safeguards

Docket No. 040-7580
License No. SMB-911

cc: Robert Compernelle, FMRI
Pam Dizikes, Oklahoma Department
of Environmental Quality
Richard Gladstein, U.S. Department of Justice

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Pam Dizikes, Oklahoma Department
of Environmental Quality
Richard Gladstein, U.S. Department of Justice

DISTRIBUTION: G. Schlapper, R-IV

ADAMS Accession No.: **ML16295A245**

OFFICE	DUWP	DUWP:LA	OGC	DUWP:ACTING BC
NAME	G. Chapman	C. Holston	C. England	M. Meyer
DATE	10/20/16	11/01/16	11/7/16	11/8/16

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