

CIMARRON CORPORATION

P.O. BOX 315 • CRESCENT, OK 73028

May 27, 2004

Mr. Kenneth Kalman
Low-Level Waste & Decommissioning Projects Branch
Division of Waste Management
Office of Nuclear Materials Safety & Safeguards
U. S. Nuclear Regulatory Commission
Washington, D.C. 20555

Re: Docket No. 70-925; License No. SNM-928
Notification of EPA in Accordance with Memorandum of Understanding

Dear Mr. Kalman:

Cimarron Corporation (Cimarron) reviewed several letters recently posted on the NRC website regarding EPA notification of several licensed sites in accordance with the October 2002 NRC-EPA Memorandum of Understanding (MOU). Cimarron understands that NRC will provide similar notification for the Cimarron site in the near future, and wants to ensure that NRC is aware of certain information that should be included in the notification to the EPA.

The Oklahoma Department of Environmental Quality (DEQ) administers both CERCLA and RCRA programs in the State of Oklahoma. Cimarron has worked with DEQ to establish a groundwater criterion for the Cimarron site. In August 1997, Cimarron submitted Work Plan for a Risk Assessment for Groundwater for the Cimarron site to the DEQ for review and approval. DEQ approved the work plan in a letter dated October 24, 1997. The DEQ-approved risk assessment methodology was consistent with guidance developed by the National Research Council (1983) and the U.S. Environmental Protection Agency (EPA, 1989). The risk assessment also addressed ecological concerns. U.S. EPA guidance utilized to perform the Risk Assessment included:

1. Risk Assessment Guidance for Superfund (RAGS), Volume 1: Human Health Evaluation Manual (Part A) (EPA 540/1-89/002);
2. Risk Assessment Guidance for Superfund (RAGS), Volume 1: Human Health Evaluation Manual. Supplemental Guidance "Standard Default Exposure Factors", March 25, 1991 (PB91-921314);
3. Soil Screening Guidance: User's Guide. USEPA Office of Solid Waste and Emergency Response (EPA/540/R-96-018; Publication 9355.4-23);
4. Soil Screening Guidance: Technical Background Document. USEPA Office of Solid Waste and Emergency Response (EPA/540/R95/128);
5. Dermal Exposure Assessment: Principles and Applications. USEPA Office of Research and Development (EPA/600/8-91/011B);

6. Guidance for Data Usability in Risk Assessment. USEPA (EPA/540/G-90/008); and
7. Radiation Exposure and Risk Assessment Manual (RERAM). USEPA Office of Air and Radiation (EPA/402-R-96-016)

Additional EPA guidance documents utilized during the performance of the Risk Assessment are identified in Section 10 of the June 1998 Risk Assessment for Groundwater, which Cimarron submitted to both DEQ and NRC. The risk assessment was performed in accordance with the DEQ approved work plan, and established a risk-based criterion (a "re-opening" criterion) of 0.11 mg/L (110 µg/L) for uranium. The Risk Assessment focused solely on the potential risks associated with chemical contaminants (i.e. uranium) in groundwater and did not address radiological risks.

In July 1998, Cimarron submitted Decommissioning Plan for Groundwater to both DEQ and NRC. This document demonstrated that 180 pCi/L uranium in groundwater equates to an annual dose of 25 mrem/yr, utilizing the most conservative scenario (i.e. drinking water scenario). Page 9-7 of that document explained that the risk-based criteria of 0.11 mg/l equates to approximately 180 pCi/L (182.5 pCi/L at 1.2% enrichment).

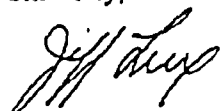
In August 1998, DEQ reviewed and commented on Risk Assessment for Groundwater. In Comment #8, DEQ requested clarification that NRC's documents address the radionuclide risks, and that those risks not be a part of the chemical toxicity assessment.

On September 21, 1998, Cimarron responded to DEQ comments and submitted a revised Risk Assessment for Groundwater. Section 4.2.3 of that document stated, "The potential risks associated with uranium as a radionuclide have or are being addressed by the NRC (Cimarron, 1998) and as such will not be considered as a part of the chemical constituent risk assessment in this document." In a letter dated January 4, 1999, DEQ accepted the Risk Assessment for Groundwater.

Under CERCLA, EPA routinely uses Maximum Contaminant Levels (MCLs) as screening levels, and encourages responsible parties to develop site-specific risk-based limits using established methods. A site-specific, risk-based criterion for uranium in groundwater was developed in accordance with a DEQ-approved work plan using EPA guidance, and the resulting limit was approved by DEQ for the Cimarron site. Consequently, the risk-based limit (0.11 mg/L (110 µg/L) uranium) replaced the federally promulgated MCL as the cleanup goal for the site, potentially negating the need to include the Cimarron site in the Level 1 notification to EPA.

If you have questions or comments, please call me at 405-282-5680, ext. 120 (Cimarron) or 918-223-2522 (Cushing).

Sincerely,



Jeff Lux

Manager, Planning and Regulatory Compliance

xc: D. Blair Spitzberg, NRC Region IV
Derek Widmayer, NRC
David Cates, DEQ