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TDH
TEXAS DEPARTMENT OF HEALTH

Texas Department of Health

William R. Archer III, M.D.
Commissioner

1100 West 49th Street
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Radiation Control
(512) 834-6688

Charles Bell, M.D.
Executive Deputy Commissioner

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March 1, 2000

UNITED STATES NUCLEAR REGULATORY COMMISSION
ATTN PAUL H LOHAUS DIRECTOR
OFFICE OF STATE PROGRAMS
MAIL STOP O3H20
WASHINGTON D C 20555

Dear Mr. Lohaus:

As you are aware Texas has several former in-situ uranium mines which are in the process of closure. Recently there has been an effort by some of our licensees to differentiate the source of contamination within a licensed area, in particular within the wellfields themselves. The licensees contention is that the majority of the contaminated material in a licensed area may have been the result of well drilling activities and/or restoration activities, and therefore this contaminated material should not be treated as by-product material. It is the State of Texas position that our rules and conditions on the in-situ uranium mining licenses require that all licensed areas be decontaminated to the 5/15 standard, regardless of the source of the contamination.

What is the NRC's position in such cases? Does the NRC require all licensed areas to be decontaminated to the 5/15 standard or do you allow a licensee to differentiate the sources of contamination?

We have also been asked about the disposal of material removed from licensed areas. One licensee has suggested that they be allowed to dispose of material removed from licensed areas as NORM if they can show it came primarily from restoration or well drilling activities. Has the NRC allowed licensees to dispose of material from licensed areas anywhere other than a by-product disposal facility or does the NRC require all material from a licensed area be disposed of in a licensed by-product disposal facility?

As this is a pressing concern for us we would appreciate a reply as expeditiously as possible.

If you have any questions, please call me at (512) 834-6688 extension 2208.

Sincerely,

Eugene (Gene) Forrer
Chief, Uranium Licensing Project
Division of Licensing,
Registration, and Standards
Bureau of Radiation Control

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