October 29, 2001

Richard A. Ratliff, P.E. Chief
Bureau of Radiation Control
Texas Department of Health
1100 West 49th Street
Austin, TX 78756-3189

Dear Mr. Ratliff:

I am responding to your July 17, 2001 letter regarding the Texas Department of Health's (TDH's) proposal to terminate USX Corporation's (USX's) Radioactive Material License. In that letter, you requested an Nuclear Regulatory Commission (NRC) determination that all applicable standards and requirements pertaining to USX's uranium mill sites have been met prior to license termination.

We have reviewed your submittal based on the Office of State and Tribal Programs (STP) Procedure SA-900, "Termination of Uranium Mill Licenses in Agreement States." Prior to making a determination, the following clarifications and additional information are requested. Mr. Kevin Hsueh of my staff also discussed the request with Mr. Eugene Forrer on October 19, 2001.

1. Based on STP SA-900 procedure, the completion review report should contain conclusions from the State's review of a licensee's completed remedial actions. Please revise the proposal, if possible, by including a statement equivalent to the following:

   USX has submitted all the documents as required by State regulations or license conditions for State review. These documents include results of closeout radiation surveys and soil sample analyses for each site. TDH has performed a review of the USX's uranium mill sites for compliance with all applicable standards and requirements. As a result of the review, TDH concludes that all applicable standards and requirements for the termination of Radioactive Material License No. L02449 have been met.

2. The background value, documented in a memorandum dated February 5, 2001 for Moser II and III sites in Enclosure 3, appears to be high. Specifically, five out of the eight samples collected have Radium-226 concentrations less than the background value, 3.9 pCi/g. Please provide clarifying and/or additional information that supports the use of such value as a representative background.

3. As indicated in the second page of your letter, there are two areas where the results of soil samples clearly exceeded the radium-226 soil concentration regulatory limits, 5 pCi/g. Although the radium-226 concentrations (5.1pCi/g and 5.8 pCi/g) do not greatly exceed the 5 pCi/g limit, clarifying and/or additional information is needed to justify that no actions were taken for these two sample areas.

Similarly, in Enclosure 3, two statements in a memorandum dated February 5, 2001 regarding these two samples (samples #5 and #6) for the Clay West site need to be clarified and/or revised accordingly. In the last paragraph of the same memorandum, the reason to reach a conclusion that recommending the Clay West site be released for unrestricted use is not clear. Clarifying and/or additional information is needed to support such a conclusion.

4. Please clarify the following apparent inconsistency of information presented in the proposal:

   In Enclosure 3, conflicting information is documented by hand writing on a memorandum dated February 7, 2000 from Texas Natural Resource Conservation Commission to USX. Please confirm that the Permit No. URO1890-001 covers three subsets, i.e., PAA-011, PAA-021 and PAA-031.

   In Enclosure 3, in the second paragraph of a memorandum dated May 29, 2001, a sample number does not appear to be correctly cited. "Two areas, #6 and #12, had readings..." should be changed to "Two areas, #6 and #10, had readings..."

5. Please provide the acreage information for the three sites pending license termination.

If you have any questions regarding the above request, please contact me at (301) 415-3340 or Kevin Hsueh at (301) 415-2598.

Sincerely,

/RA/
Paul H. Lohaus, Director
Office of State and Tribal Programs

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