

March 8, 2002

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

Dear Mr. Ratliff:

We have completed our review of your July 17, 2001, December 12, 2001 and December 27, 2001 submittals regarding the proposed termination of the Radioactive Material License No. L02449 issued to USX Corporation (USX), an in-situ leach uranium recovery facility located near George West, Texas. You requested in your July 17, 2001 submittal that the U.S. Nuclear Regulatory Commission (NRC) make a determination regarding concurrence with your proposal that the license be terminated.

The process that we used to make the determination is set out in the Office of State and Tribal Programs (STP) Procedure SA-900. Our determination is based on two supporting bases: review of a completion review report documenting the Texas Department of Health (TDH) staff's bases for its conclusion that all applicable standards and requirements have been met; and review of Texas' Agreement State uranium recovery program, conducted under the Integrated Materials Performance Evaluation Program (IMPEP).

As indicated in STP Procedure SA-900, closure of an in-situ leach uranium recovery site requires a demonstration that the groundwater has been adequately restored, all the wells have been closed and plugged according to the appropriate Texas statute, disposal or transfer of radioactive material is documented, and radiation surveys and confirmatory soil samples indicate that the site meets unrestricted release requirements.

First, the information you have submitted indicates that the groundwater has been restored by the licensee to the satisfaction of the Texas Natural Resource Conservation Commission (TNRCC). All the wells have been plugged and abandoned by the licensee as authorized by TNRCC. Based on TDH's review of the license termination, you reported that proper disposition of radioactive materials took place at the site and there has been no on-site disposal of radioactive materials; therefore, there is no need to transfer ownership of land to the State or the Federal Government.

TDH has reviewed the results of radiation surveys submitted by the licensee and performed confirmatory surveys for the subject site. Post-cleanup surveys conducted by TDH indicate that the site has been decontaminated to a radiation level that meets the State criteria. According to the information provided in the submittals, the analysis of soil samples indicates the radium-226 and uranium concentrations have been found acceptable when compared to the State's criteria. The statements made in the submittals indicate that the TDH has adequately determined that all applicable standards and requirements have been met by the licensee.

Second, the most recent IMPEP review of the Texas Agreement State Program, conducted in August 2001, concluded that the Texas program is adequate to protect public health and safety, and compatible with NRC's regulatory program. This finding is consistent with the previous Texas program evaluations.

Based on our review of the above information and in accordance with 10 CFR 150.15a(a) and Section 274c of the Atomic Energy Act of 1954, as amended, we concur that all applicable standards and requirements for the protection of the public health, safety and the environment have been met for the termination of the Radioactive Material License No. L02449.

A copy of our evaluation report, without associated attachments, entitled "Documentation of NRC Review of the Termination Findings of the USX Corporation's Uranium Mill License Submitted by the Texas Department of Health" is enclosed.

If we can be of further assistance in this regard, please contact me at (301) 415-3340 or Kevin Hsueh at (301) 415-2598.

Sincerely,

/RA By Josephine M. Piccone Acting for/
Paul H. Lohaus, Director
Office of State and Tribal Programs

Enclosure:
As stated

Second, the most recent IMPEP review of the Texas Agreement State Program, conducted in August 2001, concluded that the Texas program is adequate to protect public health and safety, and compatible with NRC's regulatory program. This finding is consistent with the previous Texas program evaluations.

Based on our review of the above information and in accordance with 10 CFR 150.15a(a) and Section 274c of the Atomic Energy Act of 1954, as amended, we concur that all applicable standards and requirements for the protection of the public health, safety and the environment have been met for the termination of the Radioactive Material License No. L02449.

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

Enclosure:
As stated

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Documentation of NRC Review on the Termination Findings of the USX Corporation's Uranium Mill License Submitted by the Texas Department of Health

Licensee: USX Corporation (USX), Texas Uranium Operations License No.: L02449 Location: George West, Texas (Burns Ranch, Clay West and Moser Mines) Area: Burns Ranch (45 acres), Clay West (31 acres) and Moser (29 acres) Type of License: Non-conventional (in-situ leach) uranium mill license Full / Partial License Termination: Full license termination
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The following items were reviewed based on the Office of State and Tribal Programs (STP) Procedure SA-900 "Termination of Uranium Mill Licenses in Agreement States."

1. A brief description of licensee's activities associated with license termination.

Comment: This information is provided in a Texas Department of Health (TDH) letter dated July 17, 2001 (Attachment 1). Acreage information for each mine site is provided in a TDH letter dated December 27, 2001 (Attachment 2). Note that the December 27, 2001 letter is replacement of an earlier letter dated December 12, 2001 (Attachment 3) which is in response to an STP comment letter dated October 29, 2001 (Attachment 4).

2. Groundwater information which demonstrates that the groundwater has been adequately restored to meet the State restoration criteria.

Comment: This information is provided in Enclosure 2 of the TDH letter dated July 17, 2001. Specific information for each sub site is listed below:

Site	State Determination Letter
Burns Ranch	see letter dated January 28, 1999 from TNRCC to USX
Moser	
Clay West	see letter dated October 9, 1998 from TNRCC to USX

3. Documentation that the production, injection, and monitoring wells have been closed and plugged in accordance with the State criteria. Such documentation could be a copy of correspondence from the State to the licensee which confirms that all wells have been closed and plugged in accordance with the State criteria or a statement from the appropriate State regulatory agency to that effect.

Comment: This information is provided in Enclosure 2 of the TDH letter dated July 17, 2001. In the letter dated October 29, 2001 (Attachment 4), NRC requested clarifying information as to whether the Permit No. UR01890-001 covers three subsites, i.e., PAA-011, PAA-021 and PAA-031. In the December 27, 2001 letter (Attachment 2), TDH confirmed that (see item 4 of the letter) the Permit covers these three subsites. Specific information for each subsite is listed below:

Site	State Permit No.	State Determination Letter
Burns Ranch	UR01890 (PAA-011)	see letter dated February 7, 2000 from TNRCC to USX
Moser	UR01890 (PAA-021 and PAA-031)	
Clay West	UR02130-001	see letter dated February 11, 2000 from TNRCC to USX

4. Decommissioning information which documents that all contaminated materials have been removed from the site.

Comment: This information is provided in the TDH letter dated July 17, 2001. TDH indicated that any material and/or equipment which was contaminated was transferred to another licensed mine site, decontaminated and released for unrestricted use, or disposed of at a licensed byproduct disposal facility.

5. Discussion of results of radiation survey and confirmatory soil samples which indicates that the subject site meets unrestricted release requirements.

Comment: This information is provided in the TDH letter dated July 17, 2001. Results of radiation surveys and confirmatory soil samples can be found in Enclosure 3 of the letter. Additional information related to the results of two confirmatory soil samples and the use of high background value in the Moser site is provided in the December 27, 2001 letter. (see items 2 and 3 of the letter)

6. Discussion of results of the State's site closure inspection.

Comment: This information is provided in the Enclosure 3 of the TDH letter dated July 17, 2001. As stated above, additional information can also be found in the December 27, 2001 letter. (see items 2 and 3 of the letter)

7. Documentation that release of this portion of the site will not negatively impact the remainder of the site to be closed at a later date, if it is a partial license termination case.

Comment: Not applicable. This is a full license termination.

8. IMPEP review of the Texas uranium recovery regulatory program

Comment: According to the results of the 2001 IMPEP review, the Texas uranium recovery regulatory program was found to be satisfactory based on the IMPEP evaluation criteria. (A satisfactory rating is the highest rating possible for each IMPEP common and non-common performance indicator.) The overall Texas Agreement State program was found to be adequate to protect public health and safety, and compatible with NRC's program.

