UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION IV
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ARLINGTON, TEXAS 76011-4125

July 2, 2008

Susan M. Jablonski, P.E.
Director, Radioactive Materials Division
Office of Permitting, Remediation and
Registration
Texas Commission on Environmental
Quality
P.O. Box 13087
Austin, Texas 78711-3087

Dear Ms. Jablonski:

A periodic meeting with you and your staff was held on June 10, 2008. The purpose of this meeting was to review and discuss the status of the Texas Agreement State Program. The NRC was represented by Mr. Charles Miller and Mr. Dennis Sollenberger from NRC's Office of Federal and State Materials and Environmental Management Programs (FSME), and me. Topics and issues of importance discussed at the meeting included the status of program areas of the Texas Agreement State Program under the purview of the Texas Commission on Environmental Quality.

I have completed and enclosed a meeting summary for the June 10, 2008 meeting, including any specific actions resulting from the discussions. A separate meeting summary was prepared and sent to the Texas Department of State Health Services for the meeting on June 9, 2008.

If you feel that our conclusions do not accurately summarize the meeting discussion, or have any additional remarks about the meeting in general, please contact me at (817) 860-8143 or e-mail Randy.Erickson@nrc.gov to discuss your concerns.

Sincerely,

/RA/

Randy Erickson
Regional State Agreements Officer

Enclosure:
Periodic Meeting Summary for TCEQ

(cc listing on next page)

cc w/enclosure:

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Dennis Sollenberger, FSME
William Rautzen, FSME

MLXXXXXXXXX

SUNSI Review Completed: Yes ADAMS: X Yes □ No Initials: RRE
X Publicly Available □ Non-Publicly Available □ Sensitive X Non-Sensitive

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AGREEMENT STATE PERIODIC MEETING SUMMARY FOR THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

DATE OF MEETING: JUNE 10, 2008

NRC Attendees	
Randy Erickson, RSAO	Dennis Sollenberger, FSME
Charles Miller, Director, FSME	

Texas Attendees	
Susan Jablonski, Director, TCEQ	Gary Smith, Ph.D., Manager UTA, TCEQ
Devane Clarke, Manager RML, TCEQ	Beryl Thatcher, Spec. Assistant, TCEQ

DISCUSSION:

The Texas Agreement State Program is administered by two State agencies, the Department of State Health Services (the Department or DSHS) and the Texas Commission on Environmental Quality (TCEQ). At the time of the 2006 IMPEP review, TCEQ's regulatory authority was for low-level waste disposal and the groundwater protection responsibilities for in situ leach uranium recovery facilities. The responsibility for the uranium recovery and byproduct disposal facilities, and radioactive waste processing and storage facilities were transferred to TCEQ in June of 2007. TCEQ's 11e.(2) byproduct material (uranium recovery activities) regulatory authority currently includes three conventional uranium mills (three tailings impoundments closing down) and five in-situ uranium mines (four active licenses and one revoked license). The TCEQ recently issued a license for a commercial 11e.(2) byproduct material disposal facility.

The previous IMPEP review was conducted the week of November 13-17, 2006. The review did not address TCEQ responsibility except for the Department's activities for those responsibilities recently transferred as discussed above.

Other topics covered at the meeting included.

Program Strengths: The TCEQ portion of the Texas Program is a very busy program. While the Program initially experienced the disruption of reorganization, a highly motivated and dedicated staff helped the Program adjust and move forward. Increased interest in uranium exploration has helped the Program to grow with new positions being requested. Staff members work well together providing a high level of customer service to their licensees, and Program management has worked to ensure that a proper balance is achieved within the program.

Program Weaknesses: Retention of staff, budgetary issues, and issues associated with out of state travel are the major hurdles facing the Program.

ENCLOSURE

Staffing and training:

The TCEQ Radioactive Materials Division is divided into two program areas. The Uranium and Technical Assessments Section (UTA) currently has 11 technical staff and two vacancies. The Radioactive Materials Licensing Section (RML) has 10 technical staff and no vacancies. Both of the UTA positions have been posted.

TCEQ experiences the same difficulties obtaining out of state authorization as does the DSHS portion of the program. This restriction has limited the ability for multiple staff to participate together in out of state training even for NRC sponsored training. TCEQ has not yet developed a formal training program; however, most TCEQ staff have advanced degrees and a high level of experience in their respective fields. The junior staff works closely with senior staff to learn in a cross training effort.

Program reorganizations:

In June 2007, TCEQ received responsibility for the uranium recovery and byproduct disposal facilities, and radioactive waste processing and storage facilities. As a result the Radioactive Materials Division was created. The existing Technical Assessment Group in the Department was essentially transferred in mass to TCEQ including recently added technical positions supporting the uranium recovery activities.

Changes in Program budget/funding.

The Radioactive Materials program has not experienced significant problems with budgeting or funding. The most recent change came in 2007 when the uranium and waste programs were transferred to TCEQ.

Materials Inspection Program:

The inspections for the uranium recovery facilities are conducted by the Compliance Division and Radioactive Materials Division. The reorganization did not affect this activity.

Regulations and Legislative changes:

The legislature transferred the responsibility for 11e.(2) byproduct material and waste processors to TCEQ in 2007. No other legislative changes are anticipated. TCEQ is in the process of revising its regulations to adopt in situ uranium recovery requirements and other requirements resulting from the transfer of responsibility.

Event reporting, including follow-up and closure information in NMED.

TCEQ did not have any events to report to the NMED system.

Response to incidents and allegations.

TCEQ has not had any significant incidents or allegations during the period.

Status of allegations and concerns referred by the NRC for action.

No allegations were referred by NRC to TCEQ since the 2006 review.

Significant events and generic implications.

No significant events or generic implication were identified by TCEQ since the last IMPEP review.

Current State Initiatives.

None noted.

Emerging Technologies.

None noted.

Large, complicated, or unusual authorizations for use of radioactive materials.

TCEQ reported that a low-level radioactive waste and mixed waste disposal application and a recently licensed commercial 11e.(2) byproduct material disposal facility are examples of large and complicated authorizations currently being worked.

State's mechanisms to evaluate performance.

TCEQ managers review performance reports involving licensing actions, inspections performed, and other technical reports to determine if the program is effective. Inspector accompaniments are also performed to ensure they are performing at the expected level.

Current NRC initiatives:

NRC staff discussed ongoing initiatives with the Program. The NRC's experience with the new applications for uranium recovery facilities, the generic environmental impact statement for ISL facilities, and the development of the ISL rulemaking amending 10 CFR Part 40 were discussed.

Schedule for the next IMPEP review:

It is recommended that the next IMPEP review to be held in two years.