

June 3, 2013

Gary L. Smith, Ph. D., Section Manager  
Uranium and Technical Assessments Section  
Radioactive Materials Division  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, TX 78711-3087

Dear Dr. Smith:

We have completed the review of your January 24, 2013, final Completion Review Report (CRR) (Agencywide Documents and Access Management System number ML13043A019) regarding the proposed partial termination of the O'Hern Project site, located near Bruni, Texas, from the Uranium One USA, Inc. license (Texas Radioactive Material License No. R03024). In your letter, you requested the U.S. Nuclear Regulatory Commission (NRC) concurrence, under the provisions of 10 CFR 150.15a(a) and Section 274c of the Atomic Energy Act of 1954, as amended, that the O'Hern Project site meets the criteria for release to unrestricted use.

The CRR for the O'Hern Project site was reviewed in accordance with the process outlined in the Office of Federal and State Materials and Environmental Management Programs Procedure SA-900, "Termination of Uranium Mill Licenses in Agreement States."

In accordance with 10 CFR 150.15a(a) and Section 274c of the Atomic Energy Act of 1954, as amended, and based on a review of : (1) the CRR submitted by the Texas Commission on Environmental Quality containing the State's conclusions that all applicable standards and requirements have been met; and (2) the results of the NRC reviews of the State's uranium recovery program conducted under the Integrated Materials Performance Evaluation Program, the NRC has determined that all applicable standards and requirements have been met prior to partial termination of an Agreement State license. The State of Texas may release the O'Hern Project site for unrestricted use and amend the Uranium One USA, Inc. Texas Radioactive Material License No. R03024 to remove the O'Hern Project site.

A copy of our evaluation report, entitled "NRC Review of the Partial License Termination Findings for the O'Hern Project site of the R03024 License Submitted by the Texas Commission on Environmental Quality" is enclosed.

G. Smith

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If you have any questions or comments, please contact Duncan White at 301-415-2598 or [duncan.white@nrc.gov](mailto:duncan.white@nrc.gov).

Sincerely,

**/RA Pamela Henderson for/**

Brian J. McDermott, Director  
Division Materials Safety and State Agreements  
Office of Federal and State Materials  
and Environmental Management Programs

Enclosure:

NRC Review of the Partial License  
Termination Findings for the O'Hern  
Project site of the R03024 License  
Submitted by the Texas Commission on  
Environmental Quality

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If you have any questions or comments, please contact Duncan White at 301-415-2598 or [duncan.white@nrc.gov](mailto:duncan.white@nrc.gov).

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**/RA Pamela Henderson for/**

Brian J. McDermott, Director  
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NRC Review of the Partial License  
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Environmental Quality

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**ML13092A181**

OFC	FSME/ASPB	FSME/ASPB	DWMEP	OGC	FSME/DMSSA	FSME/DMSSA
NAME	SPoy	ADWhite	/DPersinko for/ LCamper	JBiggins	PHenderson	/PHenderson for/ BJMcDermott
DATE	04/3/2013	04/3/2013	05/17/2013	05/30/2013	06/3/2013	06/3/2013

**OFFICIAL RECORD COPY**

**U.S. Nuclear Regulatory Commission (NRC) Review of the Partial License Termination  
Findings for the O'Hern Project site of the R03024 License Submitted by the  
Texas Commission on Environmental Quality (TCEQ)**

Licensee:	Uranium One USA, Inc.
License No.:	R03024
Type of License:	In-Situ Recovery Uranium Milling License
Location:	2.8 miles southeast of Bruni, Texas
Full/Partial Termination:	Partial License Termination
Site Being Terminated:	O'Hern Project
Area Being Terminated:	Approximately 820 acres

The U.S. Nuclear Regulatory Commission's (NRC's) review of the Completion Review Report (CRR) submitted by Texas Commission on Environmental Quality (TCEQ) was performed in accordance with the Office of Federal and State Materials and Environmental Management Programs (FSME) Procedure SA-900, "Termination of Uranium Mill Licenses in Agreement States."

On July 31, 2012, TCEQ submitted a draft CRR regarding the proposed partial license termination of the O'Hern Project site from the Uranium One USA, Inc. license (ML12269A310). The draft CRR was reviewed in accordance with SA-900 and comments on the draft CRR were transmitted to TCEQ on November 20, 2012 (ML12296A147). In response to the NRC's comments, on January 24, 2013, TCEQ submitted the final CRR to the NRC (ML13043A019). The January 24, 2013, response addressed each of the NRC's comments and provided the final CRR for the O'Hern Project site.

The NRC's review that is necessary to make a determination that all applicable standards and requirements have been met prior to partial termination of an Agreement State license is based on the following: (1) the CRR submitted by the State containing the State's conclusions that all applicable standards and requirements have been met; and (2) the results of the NRC reviews of the State's uranium recovery program conducted under the Integrated Materials Performance Evaluation Program (IMPEP).

The following items were reviewed based on the FSME Procedure SA-900:

- 1.) A brief description of licensee's activities associated with decommissioning and license termination.

Comment: This information is provided under item 1 in Section II of the final CRR attached to the letter sent to FSME from the TCEQ dated January 24, 2013, and has been found acceptable. Acreage information for the mine site is also provided under this item.

The NRC's review and concurrence in this matter will result in a partial license termination and a release from the license of the O'Hern Project site for unrestricted use.

- 2.) Groundwater information which demonstrates that groundwater has been adequately restored to meet applicable standards and requirements.

Comment: This information is provided under item 2 in Section II of the CRR, and has been found acceptable.

In the State of Texas, the injection authorization associated with leaching of uranium and restoration of groundwater in mining zones is under the jurisdiction of the Underground Injection Control (UIC) program. Over the years, the UIC program has been under the jurisdiction of the Texas Water Commission (TWC), which became the Texas Natural Resource Conservation Commission (TNRCC), which subsequently became TCEQ.

Injection authorization associated with the mining of uranium and restoration of the groundwater in the mining zones was the jurisdiction of, initially the TWC and subsequently, the TNRCC during mining activities at the O'Hern Project site. Thus, all data pertaining to the restoration of the groundwater was sent to the TNRCC and reviewed by TCEQ.

- 3.) Documentation that the production, injection, and monitoring wells have been closed and plugged in accordance with applicable standards and requirements.

Comment: This information is provided under item 3 in Section II of the CRR, and has been found acceptable.

The TCEQ Radioactive Materials Division has reviewed correspondence between the TNRCC/TCEQ Underground Injection Control Team and COGEMA Mining, Inc. in which the TCEQ issued a revocation of UIC permit URO1941. This permit was revoked in 1984.

- 4.) Decommissioning information which documents that all radiologically contaminated materials have been properly disposed of, transferred to licensee(s) authorized to possess such materials, or meet applicable standards and requirements for release.

Comment: This information is provided under items 1 and 4 in Section II of the CRR, and has been found acceptable. TCEQ indicated that material and/or equipment which was decontaminated and released for unrestricted use, or disposed of at an appropriate facility.

- 5.) Discussion of the results of radiation surveys and soil samples analyses which confirm that the licensed site meets applicable standards and requirements for release.

Comment: The results of radiation surveys and soil sample analyses are provided under items 5 and 6 in Section II of the CRR, and has been found acceptable. Confirmatory surveys were performed by TCEQ staff on July 20, 2011. The purpose of the survey was to confirm the results of the survey data submitted by Uranium One to the TCEQ and to determine if the site met the criteria for release to unrestricted use. Lab analysis of the obtained samples confirmed that the areas do not exceed the criteria for release to unrestricted use. As a result of these findings, the TCEQ is proposing to authorize Uranium One to release the O'Hern Project site to unrestricted use and remove the site from the license.

6.) Discussion of results of State's site closure inspection(s).

Comment: This information is provided under item 6 in Section II of the CRR, and has been found acceptable.

As noted in Item 5 above, confirmatory surveys were performed and soil samples were collected by TCEQ in 2011. These surveys and analyses indicated that the site could be released for unrestricted use and serve as the State's closure inspections. Furthermore, on-site disposal of radioactive material was not authorized at this site, and further inspections by TCEQ will not be necessary after the site has been released for unrestricted use.

7.) For partial terminations, documentation that release of a portion of the site will not negatively impact the remainder of the site to be closed at a later date.

Comment: The information is provided under item 7 in Section II of the CRR, and has been found acceptable.

8.) IMPEP review of the Texas uranium recovery program.

Comment: According to results of the 2010 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 adequate and compatible with the NRC program.

Conclusion:

In accordance with 10 CFR 150.15a(a) and Section 274c of the Atomic Energy Act of 1954, as amended, and based on a review of: (1) the CRR submitted by TCEQ containing the State's conclusions that all applicable standards and requirements have been met; and (2) the results of NRC reviews of the State's uranium recovery program conducted under IMPEP, the NRC has determined that all applicable standards and requirements have been met prior to partial termination of an Agreement State license. The State of Texas may release the O'Hern Project site for unrestricted use and amend the subject Texas Radioactive Material License No. R03024 to remove the O'Hern Project site.