



UNITED STATES  
NUCLEAR REGULATORY COMMISSION

REGION IV

PARKWAY CENTRAL PLAZA BUILDING  
811 RYAN PLAZA DRIVE, SUITE 1000  
ARLINGTON, TEXAS 76011

28 MAY 1985

Robert Bernstein, M. D., Commissioner  
Texas Department of Health  
1100 West 49th Street  
Austin, Texas 78756

Dear Dr. Bernstein:

This is to acknowledge the receipt of your letter of May 1, 1985, responding to our comments and recommendations following our recent review of the Texas Radiation Control Program. We thank you for your comments and suggestions.

The list of questions used for the review of Agreement State radiation control programs was recently revised and finalized the first of the year. The format was revised in its entirety and a copy was provided to Mr. Lacker in October 1984 during the annual Agreement State meeting. We acknowledge the expenditure of time and effort that is necessary to compile the responses to the revised list of questions. The objective, of course, is to simplify subsequent reviews where there should be a need to only address the few questions where changes have occurred between reviews.

In response to your first suggestion regarding duplicate questions and telephone requests for information, this was caused in part by a need for questions addressing the uranium mill regulatory program and in part by the implementation of the new review procedures. We apologize for any inconvenience this may have caused and will attempt to eliminate this problem wherever possible during future program reviews.

In response to your second suggestion, it should be noted that by letter dated December 21, 1984 (Robert J. Doda to David K. Lacker), we requested that the questions and answers be submitted to this office prior to the review dates. It was at the explicit request of Mr. Edgar Bailey that the answers be furnished to our reviewers during the review. In the future, we will provide additional time for your program to respond and submit the questions to this office prior to the review.

Your response to Comment I.A. of Enclosure 2 to our March 22, 1985, letter questions the matter of whether regulatory guides contain strict regulatory requirements. This was not the intention of our comment since we recommended that "equivalent criteria for a 3.11.1 type inspection be utilized" during the inspection of tailings impoundments. During the exit meeting with Mr. Lacker

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Robert Bernstein, Texas  
Department of Health

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and the Bureau's staff we clearly agreed and expressed the opinion that the requirements under TRCR 43.90(f) were acceptable. However, we were not able to identify, during the review of the Panna Maria inspection file, whether monthly, quarterly, and yearly inspections of tailings impoundments were being conducted by the licensee. Since it is good inspection practice to identify whether the licensee does inspect tailings dams at specified intervals, this matter was checked during a mill accompaniment in April 1985. Mr. Heyer of my staff accompanied Mr. Robert Green during the inspection of the Chevron Panna Maria mill. We found that the licensee does conduct inspections of the impoundments at monthly, quarterly, and yearly intervals. Therefore, the comment is moot.

Thank you for your continuing interest and cooperation.

Sincerely,

A handwritten signature in dark ink, appearing to read "Robert D. Martin", with a stylized flourish at the end.

Robert D. Martin  
Regional Administrator

cc: Mr. David K. Lacker