

August 8, 2000

Mr. Eugene (Gene) Forrer
Chief, Uranium Licensing Project
Division of Licensing, Registration, and Standards
Bureau of Radiation Control
Texas Department of Health
1100 West 49th Street
Austin, Texas 78756-3189

Dear Mr. Forrer:

This is in response to your March 1, 2000 letter, regarding the soil cleanup standard for in-situ leach (ISL) facilities which are in the process of closure. You requested our response on questions that were raised by the State's ISL licensees. Our responses to your questions follow:

1. Does the NRC require all ISL licensed areas to be decontaminated to the 5/15 standard [5pCi/g radium within upper 15 cm of soil standard] or do you allow a licensee to differentiate the source of contamination?

Response: The Nuclear Regulatory Commission (NRC) requires all ISL licensed areas to be decontaminated to meet the 5/15 radium cleanup standard as specified in 10 CFR 40, Appendix A, Criterion 6(6), unless an alternative standard has been approved by NRC pursuant to the introduction section of Appendix A. To date, the NRC has made no exception for allowing a licensee to differentiate the source of contamination. Even though the majority of the radioactively contaminated material in a licensed area may have been the result of well activities and/or restoration activities, NRC licensees are required to treat all the radioactively contaminated material generated at licensed areas as 11e.(2) byproduct material.

2. Has the NRC allowed licensees to dispose of material from licensed areas anywhere other than a by-product disposal facility or does the NRC require all material from a licensed area be disposed of in a licensed by-product disposal facility?

Response: To date, the NRC has made no exception for allowing ISL licensees to dispose of radioactively contaminated material from a licensed area anywhere other than a licensed tailings impoundment or an 11e.(2) byproduct material disposal facility. Based on 10 CFR 40, Appendix A, Criterion 2, NRC ISL licensees have license conditions that require them to dispose of all radioactively contaminated material in a licensed tailings impoundment or an 11e.(2) byproduct material disposal facility.

Please note that our position on these issues is consistent with our September 29, 1999 letter to you which transmitted the Office of Nuclear Material Safety and Safeguards' response to similar technical issues.

Eugene (Gene) Forrer

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If you have any questions regarding these responses, please contact me at (301) 415-3340 or Kevin Hseuh at (301) 415-2598.

Sincerely,

/RA/

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

Eugene (Gene) Forrer

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Response to Incoming Document: ML003689591

DOCUMENT NAME: G:\KPH\Gene Forrer.wpd

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