



Texas Department of Health

Eduardo J. Sanchez, M.D., M.P.H.
Commissioner of Health

1100 West 49th Street
Austin, Texas 78756-3189
1-888-963-7111

Radiation Control
(512) 834-6688

Gary R. Bego
Chief Operating Officer

Charles E. Bell, M.D.
Executive Deputy Commissioner

December 12, 2001

UNITED STATES NUCLEAR REGULATORY COMMISSION
ATTN PAUL H LOHAUS DIRECTOR
OFFICE OF STATE PROGRAMS
MAIL STOP O3H20
WASHINGTON D C 20555

Dear Mr. Lohaus:

I am responding to your October 29, 2001 letter regarding our request for concurrence on termination of USX Corporation's (USX's) Radioactive Material License. The following are responses to questions you presented in your letter.

1. USX has submitted all documents as required by State regulations or license conditions for State review. These documents include results of closeout radiation surveys and soil sample analysis for each site. TDH has performed a review of USX's uranium mill sites for compliance with all applicable standards and requirements for termination of Radioactive Material License No. L02449 have been met.
2. The background sample was taken in an area adjacent to the well field where no uranium recovery activity occurred. If no areas of elevated readings were found in the affected area during the close out survey, the samples collected inside the affected area were randomly selected. If no contamination was left by the recovery activity, the different concentrations would be natural differences that could be found in an area where no activity occurred. The fact that the background samples were higher than samples taken from areas where mining activity took place could be the result of variation in naturally occurring activity found in the soil in the area or the result of cleanup efforts, which effectively reduced the activity of an area to below background. In addition as it takes 6-8 weeks to receive the results of the sample analysis there is not really any way to quantify whether the background sample is above or below the samples taken in an affected area.
3. The two samples, #5 with initial survey readings of twice background and 5.1 pCi/g concentration and #6 with initial survey readings of background and 5.8 pCi/g concentration, were cleaned and resampled. Sample #5's second survey reading was reduced to background but the concentration increased to 5.9 pCi/g. Sample #6 had a second survey reading of background and the concentration was 3.0 pCi/g.

Paul Lohaus
December 12, 2001
Page 2 of 2

Although after cleaning sample #5 the survey readings were reduced to background the sample concentrations increased. There is no explanation why the background surveyed at this location would decrease but the concentration would increase. At #5, the survey reading was only background, with a background sample at 2.1 ± 0.2 pCi/gram and the sample at 8.0 ± 0.4 pCi/gram. At best case this would be 5.3 pCi/gram.

By the time these last two areas had been cleaned, resampled, and the sample results obtained from the lab, USX had released all of their employees and sold all of their equipment. The Bureau determined it was not necessary to expend the additional effort and expense to reduce a single, marginally excessive sample location sited in a rural, sparsely populated area.

4. After reviewing records and consulting with the TNRCC it was determined that the document in question does cover the three sub-sites PAA-011, PAA-021 and PAA-031.

The sample numbers on the referenced memo should read "Two areas, #6 and #10, had readings..."

5. Clay West: 31 acres in the mine area, 231 acres in the permit area.
Moser: 29 acres in the mine area, 415 acres in the permit area.
Burns Ranch: 45 acres in the mine area, 345 acres in the permit area.

These acreages include all sub-sites of the Clay West, Moser and Burns Ranch leases.

If you have any questions, please contact me at (512) 834-6688 extension 2208.

Sincerely,



Eugene (Gene) Forrer
Chief, Uranium/NORM Licensing Program
Division of Licensing,
Registration, and Standards
Bureau of Radiation Control

FAX TRANSMISSION

To: Kevin Hsueh

Date: December 12, 2001

Fax #: 301-415-3502

Pages: 3, including this cover sheet.

From: Eugene Forrer, Chief
Uranium/NORM Licensing Program
Division of Licensing, Registration,
and Standards
Bureau of Radiation Control

Subject: USX license termination

If you have any questions please call me at (512) 834-6688 ext 2208.