

November 29, 2005

Ms. Ruth E. McBurney, CHP, Manager
Radiation Safety Licensing Branch
Texas Department of State Health Services
1100 W. 49th Street
Austin, TX 78756

Dear Ms. McBurney:

I am responding to your September 27, 2005 submittal requesting our review and comment on the Draft Completion Review Report (CRR) for the license termination of the West Cole Project (Site No. 000 on Texas Radioactive Material License No. L03024). We appreciate the opportunity to comment on this draft version of the CRR and we look forward to working with your staff to facilitate the submittal of the final CRR.

We have reviewed the Draft CRR in accordance with the criteria in the Office of State and Tribal Programs (STP) Procedure SA-900: *Termination of Uranium Milling Licenses in Agreement States*. STP Procedure SA-900 describes NRC's review process for making the determination that all applicable standards and requirements have been met prior to Agreement State uranium milling license termination, as required by 10 CFR 150.15a(a) and Section 274c of the Atomic Energy Act of 1954, as amended (Act).

We appreciate Texas Department of State Health Services' effort to follow the suggested format in STP Procedure SA-900. Enclosed is a list of our comments on the Draft CRR that we request be addressed before your submittal of the final CRR. We held a teleconference with two members of your staff, Gary Smith and Phil Shaver, on November 8, 2005 to discuss our comments and to assist in resolving the comments prior to your submittal of the final CRR. We look forward to receiving your final CRR in assisting us to make the final concurrence determination.

If you have any questions on the comments, please contact me, or Sandra Lai of my staff at 301-415-4012; E-mail: SXL5@nrc.gov.

Sincerely,

/RA/
Janet R. Schlueter, Director
Office of State and Tribal Programs

Enclosure:
As stated

Ms. Ruth E. McBurney, CHP, Manager
Radiation Safety Licensing Branch
Texas Department of State Health Services
1100 W. 49th Street
Austin, TX 78756

November 29, 2005

Dear Ms. McBurney:

I am responding to your September 27, 2005 submittal requesting our review and comment on the Draft Completion Review Report (CRR) for the license termination of the West Cole Project (Site No. 000 on Texas Radioactive Material License No. L03024). We appreciate the opportunity to comment on this draft version of the CRR and we look forward to working with your staff to facilitate the submittal of the final CRR.

We have reviewed the Draft CRR in accordance with the criteria in the Office of State and Tribal Programs (STP) Procedure SA-900: *Termination of Uranium Milling Licenses in Agreement States*. STP Procedure SA-900 describes NRC's review process for making the determination that all applicable standards and requirements have been met prior to Agreement State uranium milling license termination, as required by 10 CFR 150.15a(a) and Section 274c of the Atomic Energy Act of 1954, as amended (Act).

We appreciate Texas Department of State Health Services' effort to follow the suggested format in STP Procedure SA-900. Enclosed is a list of our comments on the Draft CRR that we request be addressed before your submittal of the final CRR. We held a teleconference with two members of your staff, Gary Smith and Phil Shaver, on November 8, 2005 to discuss our comments and to assist in resolving the comments prior to your submittal of the final CRR. We look forward to receiving your final CRR in assisting us to make the final concurrence determination.

If you have any questions on the comments, please contact me, or Sandra Lai of my staff at 301-415-4012; E-mail: SXL5@nrc.gov.

Sincerely,

/RA/

Janet R. Schlueter, Director
Office of State and Tribal Programs

Enclosure:
As stated

Response to Incoming Document: ML0528501440

Distribution: DCD (SP08)
DIR RF
PMichalak, NMSS
MHiggins, OGC
KHSueh, STP

SISP Review Complete

: Publicly Available ☐ Non-Publicly Available
: Non-Sensitive ☐ Sensitive

DOCUMENT NAME: E:\Filenet\ML053340555.wpd

To receive a copy of this document, indicate in the box: "C" = Copy without attachment/enclosure "E" = Copy with attachment/enclosure "N" = No copy

OFFICE	STP	STP	STP:DD	NMSS:D	OGC	STP:D
NAME	SLai:kk	KHSueh	DKRathbun	JRStrosnider (JHolonich for)	SATreby	JRSchlueter
DATE	11/21/05	11/21/05	11/21/05	11/25/05	11/21/05	11/29 /05

OFFICIAL RECORD COPY

U.S. Nuclear Regulatory Commission (NRC) Review Comments
of the
Texas Department of State Health Services (DSHS)
Draft Completion Review Report (CRR)
for the
West Cole Project (Site No. 000 on Texas RML L03024)

The NRC staff, in its review of the Draft CRR for the West Cole Project (Site No. 000 on Texas Radioactive Material License No. L03024), followed procedures, guidance, and criteria found in STP Procedure SA-900 "Termination of Uranium Milling Licenses in Agreement States." Based on the review, staff offers the following four comments and one suggestion for your review and resolution. We request each identified issue be addressed in the final CRR.

Comments

1. Comment for "Groundwater information which demonstrates that the groundwater has been adequately restored to meet applicable standards and requirements (**Page 4, Section II, Part 2**)"

It is understood that the regulatory jurisdiction and review of groundwater restoration completion at the West Cole Site was under the Texas Natural Resource Conservation Commission (TNRCC). However, it is not clear how DSHS can conclude that groundwater has been restored to meet applicable standards and requirements if, as stated in the CRR, "no data or information (emphasis added) pertaining to groundwater restoration were reviewed by the DSHS." Please provide the following information (see example in Section 2, page C-6, under Appendix C in SA-900):

- The applicable standards and requirements (e.g., permit conditions, state regulations, etc.) related to the licensee's responsibility to restore groundwater quality.
- How the referenced document demonstrates the basis for the statement, "Copies of documents from the TNRCC demonstrate that the groundwater has been restored to meet applicable standards and requirements."

2. Comment for "Documentation that production, injection and monitoring wells have been closed and plugged in accordance with applicable standards and requirements (**Page 5, Section II, Part 3**)"

It is understood that the sole regulatory jurisdiction over production, injection, monitoring, and waste disposal wells at uranium recovery operations was under the TNRCC. However, it is not clear how DSHS can conclude that wells have been plugged and abandoned in accordance with applicable standards and requirements if, as stated in the CRR, "no data or information (emphasis added) pertaining to such wells were reviewed by the DSHS." Please provide the following information (see example in Section 3, page C-6, under Appendix C in SA-900):

ENCLOSURE

- The applicable standards and requirements (e.g., permit conditions, State regulations, etc.) related to the licensee's responsibility to properly abandon production, injection, monitoring, and waste disposal wells.
 - How the referenced document demonstrates the basis for the statement, "Copies of documents from the TNRCC demonstrate that the wells associated with the mining of uranium at the West Cole Project have been plugged and abandoned in accordance with applicable standards and requirements."
 - How the referenced document demonstrates the basis for the statement, "A copy of a document from the TNRCC demonstrates that the waste disposal well was closed in accordance with applicable standards and requirements having been met."
3. Comment for "Discussion of the results of radiation surveys and soil sample analyses which confirm that licensed site meets applicable standards and requirements for release (**Page 6, Section II, Part 5**)"

Although the CRR contains the descriptions of "Closure Report for the West Cole Site" and stated that "the methodology described and used by the licensee appears to be appropriate," it does not confirm that the licensee has met the State's requirements for release to unrestricted use. Also, it does not include any supportive results that show how the licensee met the State's applicable standards. According to SA-900, the CRR should contain discussion of the results of radiation surveys and soil sample analyses which confirm that the licensed site meets applicable standards and requirements for release (see example in Section 3, page C-6, under Appendix C in SA-900).

4. **Section III**, for referenced correspondence:

Please provide the subject line or a brief description of the decommissioning issue(s) addressed in correspondence such as TNRCC 1997, TNRCC 2000, TNRCC 2002A, TNRCC 2002B, TNRCC 2003B, COGEMA 2005A and COGEMA 2005B.

Ex. DSHS (2005) - Texas Department of State Health Services letter dated September 25, 2005 from Ruth McBurney to Paul Michalak, Nuclear Regulatory Commission acknowledging completion of groundwater restoration and initiation of well plugging in mined zone.

Suggestion

1. On **page 3, in section II, part 1**, there is a cite to TDH 1988 and that document is not listed in the reference section (section III).