



TEXAS RADIATION ADVISORY BOARD

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April 1, 2005

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Re: Radiation Advisory Board Recommendations on Uranium Mining in Texas

Gentlemen:

At its February 26, 2005, meeting, the Texas Radiation Advisory Board (TRAB) considered the status of uranium mining regulation in Texas. After hearing testimony from the industry and agency staff, the board adopted a resolution with several recommendations to improve the uranium mining regulatory programs in Texas.

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The industry has entered a period of growth based on market factors that now make it profitable to mine uranium after a lengthy period of decline. Uranium resources in South Texas now appear to be attractive for development.

In addition, reclamation activities continue for those mines and mills that were closed or abandoned in prior years. Therefore, the board anticipates that the Department of State Health Services and the Texas Commission on Environmental Quality, which have continuing responsibilities for closure and reclamation of existing mines, will be receiving new applications for uranium licenses and permits with a concomitant increase in workload for the staff. The Railroad Commission of Texas will be receiving new applications for uranium exploration drilling permits while it continues to have authority for the regulation of new surface uranium mines and reclamation of abandoned surface mines.

The Board is especially concerned about the workload issues because in a recent review, the United States Nuclear Regulatory Commission expressed concerns about the current level of staffing in the Texas uranium licensing program.

New applications for uranium licenses will cause a significant increase in workload for the staff as these applications require the department and the commission to prepare environmental assessments and safety evaluation reports that demands significant staffing levels and thousands of man-hours to complete. These documents usually are heavily scrutinized by the public in contested case hearings and are a reflection on the credibility of the department and the commission.

The Board specifically recommends that the appropriate agencies and universities consider the following:

1. Sufficient funding should be provided for the agencies so that they may carry out their regulatory functions in a timely manner.
2. Additional human resources should be made available to the regulatory agencies to allow them to complete in a timely manner the review of applications for new production, license amendments and license termination applications for decommissioned sites.
3. The Department of State Health Services, the Texas Commission on Environmental Quality and the Railroad Commission of Texas, in their respective jurisdictions, should update and re-issue "Regulatory Guides" that provide for timely processing of applications by outlining standard methods of preparing and evaluating new license applications, financial security amounts, major license amendments and license termination applications.
4. The Board recommends and supports the development of a cost-effective, in-state disposal facility for byproduct material that is protective of human health and the environment.
5. The university system in Texas should conduct research to develop new technology and refinements applicable to *in situ* uranium mining techniques and aquifer restoration methods that reduce costs and increase reliability and safety.

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I recommend that a person in each agency be identified as a liaison to the Board so that follow-up on these recommendations can be simplified.

Your consideration of these recommendations is appreciated. Please contact Kevin Raabe of the TRAB at 830-780-3911 ext. 238 if you have questions or comments regarding our recommendations.

Sincerely,

Original signed by

Michael S. Ford, C.H.P.
Chairman

CC: Governor Rick Perry
Commissioner Albert Hawkins, DSHS
Chairman Kathleen Hartnett White, TCEQ
Chairman Victor G. Carrillo, RRC