Texas Commission on Environmental Quality

INTEROFFICE MEMORANDUM

To: Office of the Chief Clerk **Date:** March 09, 2026

From: Nicholas Pilcher
Staff Attorney
Environmental Law Division

Subject: Backup Documents for the Consideration of Hearing Requests/Requests for Reconsideration on Agenda

Applicant: ConocoPhillips Company

Proposed Permit No.: R01634

Program: Office of Waste, Radioactive Materials Section

Docket No.: TCEQ Docket No. 2026-0184-RAW

Enclosed please find a copy of the following documents for inclusion in the background material for this permit application:

- Draft Permit
- Technical Summary
- Notice of Completion of Technical Review (includes the ED's preliminary decision)
- Compliance History Report
- Response to Public Comment (RTC)

Texas Commission on Environmental Quality

Radioactive Material License

Pursuant to the Texas Radiation Control Act, Texas Commission on Environmental Quality, (TCEQ or Commission) and Title 30 of the Texas Administrative Code (30 TAC), and in reliance on statements and representations heretofore made by the Licensee, a license is hereby issued authorizing the Licensee to receive, possess, use, store, dispose and transfer radioactive material listed below; and to use such radioactive material for the purpose(s) and at the place(s) designated below. This license is subject to all applicable rules, regulations, and orders of the Commission now or hereafter in effect and to any conditions specified below.

Licensee Customer Number	Licensee Name	Licensee Address	License Number	License Expiration Date	This license is issued in response to applications received dated	Amendment Number 58
CN601674351	1. ConocoPhillips Company ATTN: Jenni Rogers	2. 935 North Eldridge Parkway, Houston, TX 77079	3. R01634	3.A September 30, 1980 (see Footnote 1)	4. November 20, 2014 signed by David Hathaway, and May 21, 2024, revised December 2, 2024 signed by Jenni Rogers	4.A Issued on Month XX, 2025 (see Footnote 2)

Footnote 1- The Licensee requested renewal of the license prior to the expiration date. This license shall not expire until the Executive Director has made a final determination on the request to renew this license.

Footnote 2- This license supersedes and replaces the license issued July 15, 2022 (Amendment No. 57).

Radioactive Material Authorized

5. Radioisotope	6. Form of Material	7. Maximum Volume and Total Radioactivity	8. Authorized Use
A. By-product material, as defined in Title 30 TAC Section (§) 336.1105(4) and other tailings or waste having similar radiological characteristics.	A. Solid.	A. Unlimited.	A. Possession incidental to decommissioning, restoration, decontamination, and reclamation at the Licensee's tailings impoundment and Slick Wilcox.

License Conditions

9. Radioactive material shall be used only at:

Regulated Entity Number	Location
RN105386866 Conquista Project	Karnes County 8 miles west of Falls City, Texas, on FM Road 791.
RN108108721 Slick Wilcox	3898 Nordheim Slickfield Rd, approximately 7.5 miles southeast from Nordheim, Texas.

10. The individual designated to perform the functions of Radiation Safety Officer (RSO) for activities covered by this license is Janet A. Johnson, Ph.D.

11. The Licensee shall comply with the provisions of 30 TAC Chapters 25 (Environmental Testing Laboratory Accreditation and Certification); 35, Subchapter H (Emergency and Temporary Orders and Permits; Temporary Suspension or Amendment of Permit Conditions pertaining to Radioactive Substances and Materials); 37, Subchapter T (Financial Assurance for Radioactive Substances and Aquifer Restoration) 39, Subchapters A (Applicability and General Provisions), H (Applicability and General Provision) and M (Public Notice for Radioactive Material Licenses); 50 (Action on Applications and Other Authorizations); 55, Subchapter G (Requests for Contested Case Hearing and Public Comment on Certain Applications); 60 (Compliance History); 70 (Enforcement); 80 (Contested Case Hearings); 281, Subchapter A (Application Processing); 305, Subchapters A (General Provisions), B (Emergency Orders, Temporary Orders, and Executive Director Authorizations), C (Application for Permit or Post-Closure Orders), D (Amendments, Renewals, Transfers, Revocation, and Suspension of Permits), and F (Permit Characteristics and Conditions); 327 (Spill Prevention and Control); and 336, Subchapters A (General Provisions), B (Fees), C (General Disposal Requirements), D (Standards for Protection), E (Notices, Instructions and Reports, and Inspections), and L (Licensing of Source Material Recovery and By-product Material Disposal).

12. Eating, drinking, chewing, and/or smoking shall not be allowed in operational, storage, and/or maintenance areas where contamination by uranium or by-product material may occur.

13. All processing facilities, storage areas, and by-product material retention systems areas shall be fenced to exclude livestock.

14. Financial security shall be maintained until the Commission and the United States Nuclear Regulatory Commission (NRC) have approved termination.

15. A. The Licensee shall maintain records of the following for Executive Director review: monitoring and sampling programs and analyses, transfer and disposal of radioactive materials, shipping records, program audits, inspections, and any other records required by this license and the provisions of Title 30 of the TAC.

    B. The Licensee shall maintain all documents and records pertinent to the operations at the address identified in Condition 2 of this license.

16. A. The RSO and/or other designated ConocoPhillips Company officials shall review and prepare a report on the following areas of the radiation safety program for the period January 1 through December 31, by March 1 of the following year:

        1) records of audits, inspections, and surveys conducted by the facility RSO (for timeliness and the resolution of any problems);

        2) records of all required radiological surveys, sampling, wipe tests, inspections, and environmental monitoring; and

        3) compliance for the previous 12 months with the requirements of 30 TAC, any other applicable federal and state regulations, and the conditions of this license were met.

    B. A copy of this report shall be maintained for Executive Director review.

17. A. In the event of major repairs, cleaning, maintenance, dismantling, or other operation(s) involving risk of exposure of an individual to airborne uranium, the Licensee shall institute an adequate radiological protection program commensurate with the required activities and/or operations.

    B. In no case shall the annual exposure to any worker from Rn-222, Rn-222 progeny, and/or uranium exceed the limits as stated in 30 TAC §336.305.

18. In accordance with maintaining impoundment integrity, the Licensee shall perform regular maintenance (e.g., mowing, chopping, spraying, etc.) to:

    A. prevent the establishment and/or intrusion of deep-rooted, woody, and/or brushy species on the impoundment cover; and/or

    B. remove deep-rooted, woody, and/or brushy species from the impoundment cover.

19. A. Groundwater protection and monitoring shall be done in accordance with the requirements of 30 TAC §336.1129.

    B. The Licensee shall notify the Executive Director in the event that any leakage of hazardous constituents from the impoundment or disposal area has been indicated in a monitor well. Initial

notification shall include water sample analyses of the affected well(s) and/or area(s) and proposed corrective actions. The Licensee shall notify the Executive Director when the affected well(s) and/or area(s) has/have been brought into compliance with 30 TAC §336.1129.

20. A. The Licensee shall, at a minimum, conduct the following environmental groundwater-monitoring program:

Sample Locations	Sampling Analysis/Frequency	Analysis
Tailings Impoundment Piezometers: TP1, TP2, TP3, TP4	Semiannually	Water level, well depth
Point of Compliance (POC) wells: MW-36, MW-38, MW-43, MW-50, and MW-53: Other wells: N-01, MW-01, MW-35A, MW-37, MW-41, MW-44, MW-45A MW-46, MW-47A, MW-48, MW-49, MW-51, MW-52, MW-54, MW-55, and TC-03: Background wells: PZ-1, and PZ-2	Semiannually	arsenic, cadmium, gross alpha, lead, molybdenum, natural uranium, nickel, radium-226, radium-228, selenium

For secondary groundwater protection, hazardous constituent maximum concentration limits on the following table are as the Executive Director approved background concentrations in the groundwater of the uppermost aquifer:

Hazardous Constituents	Groundwater Protection Standards
Arsenic	0.23 mg/L
Cadmium	0.53 mg/L
Lead	0.06 mg/L
Molybdenum	0.23 mg/L
Nickel	1.6 mg/L
Combined Radium-226 and 228	44.5 pCi/L
Selenium	0.2 mg/L
Uranium	8.53 mg/L
Gross Alpha minus Radon-222 and Uranium	79.8 pCi/L

B. If a compliance well is found to be dry, “dry” to also mean the well does not recover 24 hours after purging, it shall be noted on the sample log sheet and in any required reports; however, if a major precipitation event occurs during the sampling event, the wells initially found to be dry are to be rechecked and sampled if they are found to contain groundwater. If a compliance well cannot be sampled because of damage and/or plugging by a foreign object(s), it shall be noted on the sample log sheet and in required reports. Additionally, a reasonable attempt shall be made to repair and/or unplug the well and sample within the required sampling event.

21. A. Visitors to locations other than administrative areas shall be escorted by personnel trained in the facility's safety procedures. Visitors shall be instructed in the safety precautions established for the facility.

B. Workers who may be exposed to radiation levels and/or atmospheres containing airborne contamination in concentrations greater than 10% of the limits specified in 30 TAC §336.305 or 30 TAC §336.306 or who handle equipment which may be contaminated by more than 1,000 dpm/100 cm^2 removable alpha shall receive radiation safety instruction. Only job specific safety instruction shall be necessary for contract or temporary workers who have received full instruction during prior work assignments at the facility.

C. Radioactive material shall be used by or under the supervision of individuals designated by the RSO only after each user has successfully completed the Licensee's radiation safety training program.

22. A. The Licensee shall notify the Executive Director within 1 working day by telephone, during normal business hours, and within 10 days in writing of any conditions which are adverse to the integrity of the by-product material retention system and/or of a failure in any by-product material

retention system which results in a release of radioactive material to unrestricted areas. The Licensee shall initiate immediate corrective actions.

B. Any off-site spills and/or leaks from any by-product material retention system, and/or on-site spills and/or leaks from any by-product material retention system, in excess of 1,000 gallons, shall be documented and reported to the Executive Director within 1 working day by telephone, during normal business hours, and within 10 days in writing of occurrence. Records, of the spill and/or leak shall be maintained for Executive Director review, and shall include volume of fluids and concentrations of radium-226 (Ra-226) and natural uranium spilled or leaked out, locations on scaled maps showing area, extent and depth of penetration of the liquid, results of surveys and analyses for soil contamination, and results of final cleanup.

C. Inspection records of all currently and/or previously authorized by-product material retention systems shall be maintained for Executive Director review.

23. A. Prior to release by the Executive Director, licensed areas shall be reclaimed to conditions, which will allow unrestricted use consistent with its original use. Any soil exceeding the limits of 30 TAC §336.356 shall be removed and disposed of as by-product material, unless The Agency authorizes alternative methods of disposal and/or processing, in writing.

B. Where background radiation levels for soils were not established before the soil surface was disturbed, the background levels shall be established by sampling nearby locations, which have not been disturbed by uranium extraction activities. The background levels established by this means are subject to approval by the Executive Director.

C. Acceptance of the Licensee's reclamation/closure plan does not preclude the Executive Director from requiring additional decontamination or reclamation actions when deemed necessary to fulfill federal or state requirements, or to improve site stability. Any changes, deletions, or additions to the Licensee's plan shall require Commission approval prior to their implementation.

24. The tailings impoundment shall be inspected in accordance with the following schedule and procedures:

A. The Licensee shall make quarterly measurements of cover settlement at the settlement monitoring stations. In addition, the Licensee shall make a quarterly visual inspection for indications of settlement, such as ponded water.

B. The Licensee shall make monthly inspections and shall document each inspection on a Project Surveillance Program Inspection Report Form which, as a minimum, shall include observations on structural integrity, soil erosion, site security, and vegetative cover.

C. A quarterly report of the tailings impoundment inspection program shall be provided to the Executive Director for review.

25. The length of the post-closure surveillance period during which the Licensee shall remain responsible for the site shall be mutually agreed upon by the Licensee and the Executive Director.

26. Any repairs or mitigative action performed by the Licensee at the site prior to final land transfer and license termination shall be fully documented with diagrams and descriptions of the work performed (including maps) and reported to the Executive Director in the applicable quarterly report for the quarter in which the work was done.

27. Prior to final transfer of title to the land to the federal government under the provisions of 30 TAC §336.1131, the Licensee shall provide to the Executive Director a legal description of the site with a detailed land survey map of the proposed area to be transferred and a final status report summarizing post-reclamation site performance. The amount and configuration of the land to be deeded to the federal government will be mutually agreed upon by the Licensee, the Commission, the federal government, and the NRC prior to the transfer.

28. The Licensee shall ensure that the requirements of the following project performance standards are met for the tailings impoundment prior to license termination:

A. A satisfactory earthen cover settlement condition will exist when:

1) the plot of settlement measurement at each settlement monitoring station remains asymptotic; and

2) no significant settlement has been observed at any other locations for a period of 2 consecutive years.

B. The Licensee shall take appropriate remedial action as deemed necessary by the Executive Director to correct observed settlement.

C. A satisfactory vegetative cover will exist when the vegetative cover:

1) provides at least 80% ground coverage density;

2) is capable of self-regeneration and plant succession;

3) has demonstrated effective erosion control for 2 consecutive years; and

4) is low-maintenance.

D. Satisfactory erosion control will exist when:

1) the general vegetative cover on the reclaimed tailings impoundment and borrow areas is established such that rills and gullying no longer occur; and

2) routine erosion maintenance has not been required for 2 consecutive years.

E. Satisfactory seepage control will exist when:

1) the tailings basin monitor wells no longer produce water or have demonstrated declining water levels for a period of 2 consecutive years; or

2) in the event that the above criteria have not been satisfied, the Licensee provides sufficient information to demonstrate that the existing conditions will not be environmentally detrimental.

29. The Licensee has a duty to comply with all license conditions. Failure to comply with any license condition is a violation of the license and statutes under which the license is issued and is grounds for enforcement action, for license amendment, revocation, or suspension, or for denial of a license renewal application or an application for a license or permit for another facility.

30. The Licensee must apply for an amendment or renewal before the expiration of the existing license in order to continue a permitted activity after the expiration of the license. Authorization to continue such activity terminates upon the effective denial of said application.

31. It is not a defense in an enforcement action that it would have been necessary to halt or reduce the licensed activity to maintain compliance with the license conditions.

32. The Licensee shall take all reasonable steps to minimize or prevent any discharge, disposal, or other license violation which has a reasonable likelihood of adversely affecting human health or the environment.

33. The Licensee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) installed or used by the Licensee to achieve compliance with the license conditions.

34. The Licensee shall furnish to the Executive Director, upon request and within a reasonable time, any information to determine whether cause exists for amending, revoking, suspending, or terminating the license, and copies of records required to be kept by the Licensee.

35. The Licensee shall give notice to the Executive Director before physical alterations or additions to the licensed facility if such alterations or additions would require a license amendment or result in a violation of license requirements.

36. Authorization from the Commission is required before beginning any change in the licensed facility or activity that would result in noncompliance with other license requirements.

37. Unless subject to a different reporting requirement in this license or under 30 TAC Section 336.335 (Reporting Requirements for Incidents), the Licensee shall report any noncompliance to the Executive Director which may endanger human health or safety or the environment. Such information must be provided orally within 24 hours from the time the Licensee becomes aware of the noncompliance. A written submission must also be provided within 5 days of the time the Licensee becomes aware of the noncompliance. The written submission shall contain a description of the noncompliance and its cause;

the potential danger to human health or safety, or the environment; the period of noncompliance, including exact dates and times; if the noncompliance has not been corrected, the time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance, and to mitigate its adverse effects.

38. Inspection and entry by the Executive Director to the licensed site must be allowed under Texas Water Code, Chapters 26 - 28 and 32, Texas Health and Safety Code, §§361.032, 361.033, 361.037, 401.057(a), and 401.063, and Title 40 Code of Federal Regulations (CFR) §122.41(i). The statement in Texas Water Code, §26.014, that Commission entry of a facility shall occur in accordance with an establishment's rules and regulations concerning safety, internal security, and fire protection is not grounds for denial or restriction of entry to any part of the facility, but merely describes the Commission's duty to observe appropriate rules and regulations during an inspection.

39. This license may not be transferred except on approval of the Commission.

40. All reports and other information requested by the Executive Director must be signed by the person and in the manner required by 30 TAC §305.128 of this title (relating to Signatories to Reports).

41. This license may be amended, suspended, and reissued, or revoked for cause. The filing of a request by the Licensee for a license amendment, suspension and reissuance, or termination, or a notification of planned changes or anticipated noncompliance, does not stay any license condition.

42. This license does not convey any property rights of any sort, or any exclusive privilege.

43. Where the Licensee becomes aware that it failed to submit any relevant facts in a license application, or submitted incorrect information in an application, or in any report to the Executive Director, the Licensee shall promptly submit such facts or information.

44. A. The Licensee shall notify the Executive Director, in writing, immediately following the filing of a voluntary or involuntary petition for bankruptcy under any chapter of Title 11 (Bankruptcy) of the United States Code (11 USC) by or against:

    1) The Licensee;

    2) An entity (as that term is defined in 11 USC, §101(14)) controlling the Licensee or listing the license or Licensee as property of the estate; or

    3) An affiliate (as that term is defined in 11 USC, §101(2)) of the Licensee.

    B. This notification must indicate:

    1) The name of the Licensee;

    2) The license number(s);

    3) The bankruptcy court in which the petition for bankruptcy was filed; and

    4) The date of filing of the petition.

45. At any time before termination of the license, the Licensee shall submit written statements under oath upon request of the Commission or Executive Director to enable the Commission to determine whether or not the license should be modified, suspended, or revoked.

46. The Licensee shall be subject to the applicable provisions of Texas Health and Safety Code, Chapter 401, also known as the Texas Radiation Control Act (TRCA) now or hereafter in effect and to applicable rules and orders of the Commission. The terms and conditions of the license are subject to amendment, revision, or modification, by reason of amendments to the TRCA or other applicable law, or by reason of rules and orders issued in accordance with terms of the TRCA.

47. Any license may be revoked, suspended, or modified, in whole or in part, for any material false statement in the application or any statement of fact required under provisions of the TRCA, or because of conditions revealed by any application or statement of fact or any report, record, or inspection or other means that would warrant the Commission to refuse to grant a license on the original application, or for failure to operate the facility in accordance with the terms of the license, or for any violation of or failure to observe any of the terms and conditions of the TRCA or other applicable law or the license or of any rule or order of the Commission.

48. The Commission may incorporate in this license at the time of issuance, or thereafter, by appropriate rule or order, additional requirements and conditions with respect to the Licensee's receipt, possession, and disposal of by-product material as it deems appropriate or necessary in order to: (1) protect the health and safety of the public and the environment; or (2) require reports and recordkeeping and to provide for inspections of activities under the license that may be necessary or appropriate to effectuate the purposes of the TRCA and rules thereunder.

49. All written submissions to the Executive Director as required by this license shall be made to the following:

    A. For submissions by U. S. Postal Service:

    Attn: Ashley Forbes, Deputy Director
    Radioactive Materials Division
    Texas Commission on Environmental Quality
    Mail Code – 233
    P. O. Box 13087
    Austin, Texas 78711-3087

    B. For Submissions by facsimile transmission the transmission should be addressed to the attention of the Radioactive Materials Division and sent to the following number: (512) 239-6464.

    C. For submission of portable document file (pdf) documents by electronic mail, address to the following: Ashley.Forbes@tceq.texas.gov.

Additional Property Decontamination and Disposal

50. The Licensee is authorized to construct a supplemental disposal cell adjacent to the tailings impoundment and close the disposal cell after completion of disposal activities in accordance with Construction of On-Site Supplemental Disposal Cell Work Plan dated July 1, 2024, and revisions dated December 2, 2024.

51. The Licensee is authorized to remove contaminated materials on site and dispose in the supplemental disposal cell in accordance with On-Site Soil Remediation and Building Demolition Work Plan dated July 1, 2024, and revised December 2, 2024.

52. The Licensee is authorized to remove contaminated soils from the FM 791 Right of Way (ROW) adjacent to the Conquista Site and dispose in the supplemental disposal cell in accordance with Work Plan – FM 791 Work Area dated July 1, 2024.

53. The Licensee is authorized to remove contaminated soils from the Slick-Wilcox site and dispose in the supplemental disposal cell in accordance with Soil Remediation and Disposal Work Plan – Slick-Wilcox Site dated July 1, 2024, and revised December 2, 2024. The Slick-Wilcox site, located at 3898 Nordheim Slickfield Road, Nordheim, TX 78141, Dewitt and Goliad Counties, was a pilot plant for the Conquista Project in 1970's. Its license was terminated on October 24, 1975.

Additional Requirements

54. Except as specifically provided otherwise by this license, the Licensee shall possess and use the radioactive material authorized by this license in accordance with statements, representations, and procedures contained in the following:

applications dated:	July 7, 1971; September 10, 1980; November 20, 2014; June 22, 2021; and May 21, 2024.
letters dated:	September 7, 1971; March 20, 1978, May 2, 1978; May 5, 1981, December 17, 1981; May 5, 1982; June 7, 1983, June 14, 1983, July 1, 1983; February 22, 1985, February 25, 1985; May 16, 1985; February 11, 1988; November 30, 1989, December 7, 1989; January 18, 1990; March 24, 1993, April 26, 1993; September 22, 2021, and December 2, 2024.
documents entitled:	Proposed Long-Term Groundwater Monitoring Program: Conquista Project, September 17, 1996; Ground Water Sampling and Quality Monitoring Program: Conquista Project, June 7, 1997;

Work Plan for Radiological Screening at the Conquista Uranium Mill Site, July 5, 2004;
REVISED Work Plan – On-Site Soil Remediation and Building Demolition, December 2, 2024;
Work Plan – FM 791 Work Area, July 1, 2024;
REVISED Work Plan – Construction of On-Site Supplemental Disposal Cell, December 2, 2024;
REVISED Soil Remediation and Disposal Work Plan – Slick-Wilcox Site, December 2, 2024; and
REVISED Addendum to the Health and Safety Plan (HASP), December 2, 2024.

If there is a conflict between a condition of this license, statements contained in the application materials, or the applicable provisions of Title 30 of Texas Administrative Code, the most stringent provision shall prevail.

Issued and Effective On: XXX, 202X

For the Commission

TECHNICAL SUMMARY
License No. R01634 Amendment No. 58

Description of Application

Applicant: ConocoPhillips Company
Radioactive Material License No. R01634
Customer Number: CN601674351
Regulated Entity Number: RN105386866

Action: Proposed Major Amendment No. 58 of Radioactive Material License (RML) R01634 for byproduct material disposal.

Location: The Conquista Project Site is located approximately 8 miles west of Falls City, Texas, on FM Road 791, in Karnes County.

General: ConocoPhillips is currently authorized by RML No. R01634 to possess byproduct material in the Licensee's reclaimed uranium mill tailings impoundment, incidental to decommissioning, decontamination, and reclamation of the project.

Request: ConocoPhillips submitted to the Texas Commission on Environmental Quality (TCEQ) a major amendment application dated November 20, 2014, and revised application dated May 21, 2024, and revised December 2, 2024. The applications requested a major amendment of Radioactive Material License No. R01634 to authorize execution of agency-approved work plans that addressed the removal of contaminated materials from on-site, from the FM 791 road area adjacent to the Conquista site, and from the closed Slick-Wilcox Site in Dewitt and Goliad Counties, as well as constructing a supplemental disposal cell at the Conquista site, placing the materials removed from the above listed locations in the disposal cell, and closing the disposal cell.

Authority: A TCEQ radioactive material license for byproduct material disposal is required by Chapter 401 of the Texas Health and Safety Code (THSC). An amended license has been prepared in accordance with the applicable requirements of Title 30, Texas Administrative Code (TAC) Chapters 281, 305, and 336.

Administrative Information

At the time of this review, ConocoPhillips did not have any delinquent fees. ConocoPhillips Company has a compliance history classification of Satisfactory, with a rating of 5.99.

The Conquista Project site has a compliance history of High, with a rating of 0.00.

Technical Information

This major amendment application is pursuant to 30 TAC §305.62(i)(1)(I). ConocoPhillips requested approval of four Work Plans for contaminated materials removal and disposal in a supplemental disposal cell under RML R01634 License Conditions (LC) 50 to 53.

This license amendment has been reviewed in accordance with applicable rules and statutes, including 30 TAC Chapters 281, 305 and 336, and Chapter 401 of the THSC. Amended LCs are specified for contaminated materials removal and disposal which include:

1. LC 8A and 9 were updated to include Slick Wilcox as an authorized location for possession of by-product material for decommissioning, restoration, and decontamination.

2. LC 50 was added to construct a supplemental disposal cell adjacent to the tailings impoundment and close the disposal cell after completion of all disposal activities.

3. LC 51 was added to remove contaminated materials on site and dispose in the supplemental disposal cell.

4. LC 52 was added to remove contaminated soils from the FM 791 Right of Way (ROW) adjacent to the Conquista Site and dispose in the supplemental disposal cell.

5. LC 53 was added to remove contaminated soils from the Slick-Wilcox site and dispose in the supplemental disposal cell. The Slick-Wilcox site, located at 3898 Nordheim Slickfield Road, Nordheim, TX 78141, in Dewitt and Goliad Counties, was a pilot plant for the Conquista Project in 1970's. Its license was terminated on October 24, 1975. After removal and disposal of contaminated soils, the Slick-Wilcox site can be released for unrestricted use.

6. LC 54 was modified to add three tie-down documents: 1) the application for major amendment dated November 20, 2014, and revised application dated May 21, 2024, with revisions dated December 2, 2024, requesting authorization of four Work Plans for contaminated materials removal and disposal in a supplemental disposal cell.

Additionally, the following LCs were amended for programmatic consistency:

1. LC 12 was amended to add chewing after eating, and drinking.

2. LC 16A was amended to clarify the deadline for the annual radiation safety program report.

3. LC 20A was amended to update MW-47 to MW-47A to be consistent with current nomenclature.

4. LC 24A was amended to correct "license" to "licensee".

5. LC 27 was amended to indicate the future custodian of the site is the federal government, not the state.

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

REVISED NOTICE OF COMPLETION OF TECHNICAL REVIEW

RADIOACTIVE MATERIAL LICENSE NUMBER R01634

This Notice was revised to provide a 30-day comment and request period that ends 30 days after the newspaper publication of this notice, and to add Falls City Library as a file viewing and copying location.

APPLICATION. ConocoPhillips has applied to the Texas Commission on Environmental Quality (TCEQ) for a major amendment to radioactive material license R01634 to authorize execution of agency-approved work plans that address the removal of contaminated materials from on-site, from the FM 791 road area adjacent to the Conquista site, and from the closed Slick-Wilcox Site, as well as constructing a supplemental disposal cell at the Conquista site, placing the materials removed from the above listed locations in the disposal cell, and closing the disposal cell. The application was received by the TCEQ on November 25, 2014, and a revised application was received on July 1, 2024, and revised December 2, 2024.

The Conquista Project is located 8 miles West of Falls City, Texas on Farm-to-Market (FM) Road 791 (latitude 28.90778, longitude -98.099236) and the Slick-Wilcox site is located at 3898 Nordheim Slickfield Road (latitude 28.834718, longitude -97.544459) approximately 7.5 miles Southeast from Nordheim, Texas. The following links to electronic maps of the sites or facilities' general locations are provided as a public courtesy and is not part of the application or notice. For exact location, refer to the application.

Conquista Project -
https://tceq.maps.arcgis.com/apps/webappviewer/index.html?id=db5bac44afbc468bbddd360f8168250f&marker=-98.0992360%2C28.90778&level=12

Slick-Wilcox –
https://gisweb.tceq.texas.gov/LocationMapper/?marker=-97.544459,28.834718&level=18

PRELIMINARY DECISION. The TCEQ Executive Director has completed the technical review of the application and prepared a draft license. The draft license if approved, would establish the conditions under which the facility must operate. The Executive Director has made a preliminary decision that this license, if issued, meets all statutory and regulatory requirements.

The license application, Executive Director's technical summary, and draft license are available for viewing and copying at these locations:

1) TCEQ office 12100 Park 35, Bldg. F, Austin, Texas;

2) Karnes County: Karnes City Public Library, 302 S. Panna Maria Ave., Karnes City TX 78118;

3) Karnes County: Falls City Public Library, 206 N. Irvin Street, Falls City, TX 78113

4) Goliad County: Goliad County Library, 320 S, Commercial, Goliad TX 77963;

5) DeWitt County: Cuero Municipal Library, 207 E. Main Street, Cuero, TX 77954.

PUBLIC COMMENT / PUBLIC MEETING. You may submit public comments or request a public meeting about this application. The purpose of a public meeting is to provide the opportunity to submit comments or to ask questions about the application. TCEQ will hold a public meeting if the Executive Director determines that there is a significant degree of public interest in the application or if requested by a local legislator. A public meeting is not a contested case hearing. After the deadline for submitting public comments, the Executive Director will consider all timely comments and prepare a response to all relevant and material, or significant public comments.

OPPORTUNITY FOR A CONTESTED CASE HEARING. A contested case hearing is a legal proceeding similar to a civil trial in a state district court. The TCEQ may grant a contested case hearing on this application if a written hearing request is timely submitted. A request for a contested case hearing must be submitted to the Office of the Chief Clerk within 30 days after the date of newspaper publication of this notice.

TO REQUEST A CONTESTED CASE HEARING, YOU MUST INCLUDE THE FOLLOWING ITEMS IN YOUR REQUEST: your name, address, phone number; applicant's name and license number; the location and distance of your property/activities relative to the facility; a specific description of how you would be adversely affected by the facility in a way not common to the general public; and, the statement "[I/we] request a contested case hearing." If the request for contested case hearing is filed on behalf of a group or association, the request must designate the group's representative for receiving future correspondence; identify an individual member of the group who would be adversely affected by the facility or activity; provide the information discussed above regarding the affected member's location and distance from the facility or activity; explain how and why the member would be affected; and explain how the interests the group seeks to protect are relevant to the group's purpose.

Following the close of all applicable comment and request periods, the Executive Director will forward the application and any requests for reconsideration or for a contested case hearing to the TCEQ Commissioners for their consideration at a scheduled Commission meeting.

EXECUTIVE DIRECTOR ACTION. The Executive Director may issue final approval of the application unless a timely contested case hearing request or request for

reconsideration is filed. If a timely hearing request or request for reconsideration is filed, the Executive Director will not issue final approval of the license and will forward the application and request to the TCEQ Commissioners for their consideration at a scheduled Commission meeting.

MAILING LIST. If you submit public comments, a request for a contested case hearing or a reconsideration of the Executive Director's decision, you will be added to the mailing list for this specific application to receive future public notices mailed by the Office of the Chief Clerk. In addition, you may request to be placed on: (1) the permanent mailing list for a specific applicant name and license number; and/or (2) the mailing list for a specific county. If you wish to be placed on the permanent and/or the county mailing list, clearly specify which list(s) and send your request to TCEQ Office of the Chief Clerk at the address below.

INFORMATION AVAILABLE ONLINE: For details about the status of the application, visit the Commissioners' Integrated Database at www.tceq.texas.gov/goto/cid. Once you have access to the CID using the above link, enter the license number for this application, which is provided at the top of this notice.

AGENCY CONTACTS AND INFORMATION. All public comments and requests must be submitted within 30 days from the date of newspaper publication of this notice either electronically at https://www.tceq.texas.gov/agency/decisions/cc/comments.html, or in writing to the Texas Commission on Environmental Quality, Office of the Chief Clerk, MC-105, P.O. Box 13087, Austin, Texas 78711-3087. Please be aware that any contact information you provide, including your name, phone number, email address and physical address will become part of the agency's public record. For more information about this license application or the licensing process, please call the TCEQ's Public Education Program, Toll Free, at 1-800-687-4040 or visit their website at www.tceq.texas.gov/goto/pep. Si desea información en Español, puede llamar al 1-800-687-4040.

Further information may also be obtained from ConocoPhillips at the address: 935 North Eldridge Parkway, Houston, TX 77079 or by calling Ms. Jenni Rogers at 832-486-2477.

Issued: March 25, 2025

Return to Sharenet

Central Registry Internal Reporting

Main Query Page | Program Area Search

Compliance History

RE Name:	CONQUISTA PROJECT		**RN:**	RN105386866	
Classification:	HIGH	**Rating:**	0	**Publication Date:**	Nov 15, 2023
Customer Name	CONOCOPHILLIPS COMPANY		**CN:**	CN601674351	
Classification:	SATISFACTORY	**Rating:**	7.48	**Publication Date:**	May 16, 2024
Repeat Violator Ind:	NO				

Compliance History Start: 08/31/2023 **End:** 09/01/2018 Submit

Enforcement Actions

Type	Effective Date	Citation/Requirement Provision	Abbv. Description	Violation Classification (Trk No)

0 Enforcement Action Records returned

Criminal Convictions

Conviction Date	Number of		Violations		
	Felonies	Misdemeanors	Citation/Requirement Provision	Abbv. Description	Classification (Trk No)

0 Convictions returned

Chronic Excessive Emissions Events

Start Date	Status Code	Status Date	Track Number

0 Events returned

Investigations

Investigation Start Date	Type	Investigation Status Date
Jul 25, 2018	Compliance Investigation	Sep 26, 2018
Sep 9, 2020	Compliance Investigation	Mar 9, 2022
Jun 10, 2021	Compliance Investigation	May 2, 2022
Jun 16, 2022	Compliance Investigation	Sep 7, 2022

Investigations: (1-4 of 4 Records)

Notice of Violations

NOV Date	Status Code	Citation	Allegation	Classification (Trk No)	Self-Report

0 Notice of Violations returned

Environmental Audits

Notice of Audit Date	Disclosure Of Violation			
	DOV Date	Violations		
		Classification	Citation/Requirement Provision	Abbv. Description

0 Environmental Audits returned

Environmental Management Systems

Type	Tier	Certification Date	Implementation Date

0 Systems returned

Voluntary On-Site Compliance Assessments

Start Date	Status Code	Status Date

0 Assessments returned

Voluntary Pollution Reduction Programs

Name	Level	Start Date of Participation

0 Programs returned

Early Compliance

Date	Description

0 Early Compliance Actions returned

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TCEQ RADIOACTIVE MATERIAL LICENSE NO. R01634

APPLICATION BY CONOCOPHILLIPS COMPANY, FOR MAJOR AMENDMENT OF RADIOACTIVE MATERIAL LICENSE R01634	**§ § § § §**	**BEFORE THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY**

EXECUTIVE DIRECTOR'S RESPONSE TO PUBLIC COMMENT

The Executive Director of the Texas Commission on Environmental Quality (the commission or TCEQ) files this Response to Public Comment (Response or RTC) on the application by ConocoPhillips Company (ConocoPhillips, CPC, or applicant) for major amendment of Radioactive Material License No. R01634.

As required by Title 30 Texas Administrative Code (TAC) § 55.253, before an application is approved, the Executive Director prepares a response to all timely public comments. If you need more information about this license application or the licensing process, please call the TCEQ Public Education Program at 1-800-687-4040. General information about the TCEQ can be found on our website at http://www.tceq.texas.gov/.

I. BACKGROUND

a. Description of Facilities

ConocoPhillips owns the Conquista Project, a former conventional uranium milling and processing site, licensed under TCEQ Radioactive Materials License No R01634, that is undergoing final closure. The Conquista Project includes a tailings impoundment and is located in Karnes County, eight miles west of Falls City, Texas, on FM Road 791. The Conquista Project site is an UMTRCA (Uranium Mill Tailings Radiation Control Act of 1978) Title II Disposal Site, which means that the site must be decommissioned by the licensee to standards established by TCEQ and the US Nuclear Regulatory Commission (NRC). The site will then be transferred to the United States Department of Energy for custody and long-term care.

ConocoPhillips has applied to the TCEQ for major amendment of Radioactive Material License No. R01634 to authorize the removal of contaminated materials from on-site, from an area on the FM 791 road -side adjacent to the Conquista Project site, and from the closed Slick-Wilcox site; construction of a supplemental disposal cell at the Conquista Project site for disposal of contaminated materials; and closure of the supplemental disposal cell. The Slick-Wilcox site is a closed former uranium processing pilot project located in Goliad and DeWitt Counties, approximately 7.5 miles southeast of Nordheim, Texas.

Radioactive Material License No. R01634 currently authorizes the possession and disposal of radioactive byproduct material at the Conquista Project, and establishes requirements for operations, radiation safety, decommissioning, closure, and financial assurance.

b. Procedural Background

This application is for major amendment of the existing license R01634. The initial application was dated November 20, 2014, and received by TCEQ on November 25, 2014. The application was revised on July 1, 2024, and December 2, 2024.

A Notice of Declaration of Administrative Completeness was issued on May 18, 2015. The Notice of Declaration of Administrative Completeness was published on June 10, 2015, in the *Karnes Countrywide*, *The Cuero Record*, and on June 11, 2015, in the *Goliad Advance Guard*. A Notice of Completion of Technical Review was issued on February 25, 2025. A Revised Notice of Completion of Technical Review was issued on March 25, 2025, and published on May 8, 15, 22, 29, and June 5, 2025, in the *Karnes Countrywide*, *The Cuero Record*, and the *Goliad Advance Guard*.

A public meeting in Falls City was held on this application on September 22, 2025, at the request of State Representative AJ Louderback. The public comment period ended on September 22, 2025, at the conclusion of that meeting.

Attachment 1 shows the commenters on this application. Their comments are organized by topic and addressed below.

This application is not subject to the procedural requirements adopted pursuant to House Bill 801, 76th Legislature, 1999, and is not subject to the procedural requirements adopted pursuant to Senate Bill 709, 84th Legislature, 2015.

II. Access to Rules, Laws and Records

- The Commission's rules may be accessed online by using the Texas Administrative Code (TAC) viewer feature on the Texas Secretary of State website at: http://www.sos.state.tx.us

  (Select "Texas Administrative Code" under the "Rules and Meetings" menu. Title 30 is the code applicable to the TCEQ.)
- Texas statutes may be accessed at: http://www.statutes.legis.state.tx.us/ (Texas Health and Safety Code, Chapter 401 applies to radioactive materials.)
- General information about the TCEQ can be found at our website at: http://www.tceq.texas.gov/
- Federal regulations may be accessed through the United States Nuclear Regulatory Commission (NRC) website at: http://www.nrc.gov

The draft license, any comments received, this Response, and any other communications made during the review of this application are/will be contained in the public file located in the TCEQ Office of the Chief Clerk and may be reviewed or copied during regular business hours at the Office of the Chief Clerk, Building F, 1200 Park 35 Circle, Austin, Texas, 78753. A copy of the application and draft license were made available for review and copying at the Karnes City Public Library, 302 S. Panna Maria Ave., Karnes City TX 78118; Falls City Public Library; 206 N. Irvin Street, Falls City, TX 78113; Goliad County Library, 320 S. Commercial, Goliad TX 77963; and the Cuero Municipal Library, 207 E. Main Street, Cuero TX 77954; and should remain there until the TCEQ acts on the application.

If you would like to file an environmental complaint, you may contact the Agency at 888777-3186 or you may contact the TCEQ Region 13 (San Antonio Region) at phone number 210-490-3096 for the Conquista Project in Karnes County or TCEQ Region 14 (Corpus Christi Region) office at 500 North Shoreline Blvd., Suite 500, Corpus Christi, Texas, 78401-0318, phone number 361-881-6900 for the Slick-Wilcox Site project in Goliad and DeWitt County.

III. COMMENTS AND RESPONSES

General Comments

COMMENT No. 1:

Bernadette Dziuk Diver and Nancy Puckett express general opposition to the application.

RESPONSE No. 1:

The Executive Director acknowledges these comments. TCEQ is conferred authority by the Texas legislature to regulate and license sites for the processing and disposal of by-product material consistent with applicable state and federal laws. The Executive Director is tasked with the responsibility of reviewing applications for licenses and license amendments and processing the applications consistent with the requirements of the applicable rules.

COMMENT No. 2:

Charles Balser expresses comments and concerns about the prior activity and remedial actions conducted on the Slick-Wilcox and Conquista Project sites.

RESPONSE No. 2:

The Uranium Mill Tailings Radiation Control Act (UMTRCA) of 1978, is the federal legislation that directs the closure and remediation of certain former uranium production facilities, like the Conquista Project. UMTRCA provides for safe and environmentally sound disposal, long-term stabilization, and control of uranium mill tailings. The State of Texas is an Agreement State under the federal Atomic Energy Act and implements a program for the control of radiation. TCEQ is the licensing agency for ConocoPhillips's Conquista Project, and previously, the Texas Department of State Health Services and Texas Department of Health were the licensing agencies for the Conquista Project. The applicable regulatory requirements for licensed uranium facilities such as the Conquista Project are contained principally in 30 TAC Chapter 336, Subchapter L *Licensing of Source Material Recovery and By-Product Material Disposal Facilities*. The Conquista Project is an UMTRCA "Title II Disposal Site," which means that the site must be decommissioned to standards established by TCEQ and the US Nuclear Regulatory Commission (NRC) before the site is transferred to the United States Department of Energy (DOE) for long-term custody.

The Slick-Wilcox site was a pilot uranium recovery plant to assess the viability of a full-scale facility to be built later at the Conquista Project site. The Slick-Wilcox site was issued a Texas Department of Health (TDH) license in July 1971 (pre-UMTRCA). Cleanup and closure activities there were conducted by the licensee (then Continental Oil Company) in 1972 in accordance with the cleanup standards in effect at that time. The Slick-Wilcox license was terminated in October 1975. In February 1992, the licensee was urged by the State to consider removing the waste material and placing it in the

Conquista Project site tailings impoundment. The rationale is that although the waste material at the Slick-Wilcox site was disposed of in a manner consistent with rules and regulations applicable in 1975, it would be more suitable for long-term stability in an UMTRCA disposal site.

The Slick-Wilcox material will be placed in a new supplemental cell. The supplemental cell will be constructed to the same protective standards as the current Conquista Project tailings impoundment. It will be built onto a gentle slope outside of the existing tailings impoundment and covered with four feet of compacted low-permeability clay soil that will serve as a radon/infiltration barrier and will include topsoil for vegetation.

When the NRC agrees that the remedial action is complete and accepts the site-specific Long-Term Surveillance Plan (LTSP) developed by the DOE, DOE will assume responsibility for the UMTRCA disposal site under a general NRC license for custody and long-term care.

Comments on the Slick-Wilcox Site

COMMENT No. 3:

Pecan Valley Groundwater Conservation District (PVGCD) requests proof that well 7912204 was properly plugged in accordance with Railroad Commission rules and requests proof that well 7912208 was properly plugged in accordance with Texas Department of Licensing and Regulation rules. If the wells were not properly plugged and abandoned, PVGCD requests the wells be plugged as part of the remediation activity of the Slick-Wilcox site.

RESPONSE No. 3:

There are two wells at the Slick-Wilcox site, wells 7912204 and 7912208. Well 7912204 was an oil and gas well drilled by Conoco, Inc., and then operated by Sue-Ann Production Company which plugged and abandoned the well. Well 7912208 is an old public water supply well drilled by Continental Oil for the Goliad Camp with a total depth of 450 ft. This water well is abandoned but not plugged. CPC will conduct plugging and abandonment of well 7912208 and submit a Well Report which will be available on the Texas Water Development Board website.

COMMENT No. 4:

Goliad County Groundwater Conservation District (GCGCD) supports remediation of the Slick-Wilcox site. GCGCD requests that CPC test private water wells on surrounding property upon completion of remediation at the Slick-Wilcox site. GCGCD requests that final remediation plan and designated transport route be provided to GCGCD.

RESPONSE No. 4:

Testing private water wells surrounding the Slick-Wilcox site is not required because there is no indication that local groundwater has been impacted from tailings at the Slick-Wilcox site or will be impacted by the proposed excavation activity. A copy of the application and draft license were made available for review and copying at the Goliad County Library. Any future reports submitted to TCEQ by CPC are a matter of public record and may be requested under Texas Public Information Act, Texas Gov't Code Chapter 552.

COMMENT No. 5:

Carlos A. De Ayala comments that the application omits information on the extent of contamination on the Slick-Wilcox site, including a radiation survey and water well information from the neighboring D&D Ranch.

RESPONSE No. 5:

CPC proposed soil excavation activity to be conducted within the licensee's property at the Slick-Wilcox site. The Executive Director has no information to indicate offsite surface contamination caused by the Slick-Wilcox site. A report on a radiation survey from the D&D Ranch was not provided as part of this application. The licensee conducted a nearby well survey based on well records from the Texas Water Development Board, and the Executive Director's own investigation found the same survey results. The Executive Director has no indication of a groundwater impact at the Slick-Wilcox site based on analysis of local soil and geologic information.

Comments on the Conquista Project

COMMENT No. 6:

Blake Elkin requests information on the type and volume of waste disposed of at the Conquista Project.

RESPONSE No. 6:

The waste disposed at the Conquista Project site is regulated as "by-product material," which are the tailings or waste produced by or resulting from the extraction or concentration of uranium processed from ore. Waste types associated with this application are tailings materials and soils from the Slick-Wilcox site, on-site soils and demolished buildings, and contaminated soils from FM 791 road-side area. The highest observed radiation levels observed on site at the Conquista Project site are currently 61 microroentgen per hour (uR/hr). The Work Plan for Construction of the On-Site Supplemental Disposal Cell gives the volumes from each of the three sources: 1) On-Site Soils and Building Demolition from the Conquista Project Site (30,000 yd^3); 2) FM 791 Work Areas (14,000 yd^3); and 3) Slick-Wilcox soils (7,000 yd^3), and adds an additional 15% volume as a safeguard in determining the estimated capacity of the disposal cell. The final design volume of the Disposal Cell is approximately 60,000 yd^3.

COMMENT No. 7:

Darlene Woelfel, Quint Woelfel, Jessica Raye De Los Santos, Joshua Woelfel, Cory John Ebrom, Linda Mae Wiatrek, Robert Skloss, Joseph Brysch, Karen Lyssy, Matthew Joseph Wiatrek, Leslie Gonzales, Brady Labus, Bernadette Dziuk Diver, Jeanette Lyssy, Patsy Sekula, Ben Lyssy and Charles Balser oppose the reopening of the Conquista Project site. Hillary Lyssy, Lori Lyssy, Taylor Torrez, Karen Lyssy, Wanda Olenick, Brady Labus, Kristen Woelfel, Bernadette Dziuk Diver, Jeanette Lyssy, Leo V Lyssy, Chelsi Labus, Pete Jauer, Ben Lyssy, Nancy Puckett and Charles Balser express opposition to bringing waste into Karnes County.

RESPONSE No. 7:

The Conquista Project site is still undergoing decommissioning, and final closure will not be completed until final transfer to DOE for long-term care under an NRC license. For the existing covered tailings impoundment, there is no plan to reopen the

impoundment for additional waste. A supplemental disposal cell is proposed to be added at the Conquista Project site for disposal of waste from onsite, the FM 781 roadway and the Slick-Wilcox site. One objective of the state's regulations implementing UMTRCA is to avoid proliferation of multiple small waste disposal sites that may require long-term surveillance. The proposed new supplemental cell at the Conquista Project site will be built on the side slope of the existing tailings impoundment, and it is only for materials identified in the application.

Engineering

COMMENT No. 8:

Blake Elkins requests clarification on the disposal cell design. Travis Culpepper and Charles Balser express concern on the adequacy of engineering and clay lining materials.

RESPONSE No. 8:

The design of and long-term containment plan for the supplemental disposal cell being constructed at the Conquista Project site was documented in the Work Plan in accordance with technical requirements of 30 TAC §336.1129. Construction drawings are included with the application which provides the design of the supplemental cell. Long term containment will be addressed by the 18" compacted clay liner along the bottom, the 4' thick clay barrier on top and 5:1 maximum side slope for erosion control. The existing tailings impoundment does not include a synthetic liner. The new disposal cell will be constructed as a contiguous but separate addition to the northwestern side slope of the existing tailings impoundment. The compacted clay liner will be constructed using moisture conditioned and compacted clay with a hydraulic conductivity of no more than 1.0×10^{-7} cm/s. The Executive Director reviewed the engineering of the supplemental disposal cell and determined the design to be appropriate under the applicable rules.

COMMENT No. 9:

Russell Labus expressed concern about the effects of increased seismicity in the area of the facility.

RESPONSE No. 9:

Under 30 TAC §336.1129(h)(9), an impoundment system must provide for stability and be evaluated for erosion potential and geomorphology of surrounding terrain to assure that there are no ongoing or potential processes that could lead to impoundment instability. CPC's Work Plan for the Construction of the On-Site Supplemental Disposal Cell included with the application discusses how part of the evaluation for the structural stability of the disposal cell included a geomorphology review of the surrounding area, in addition to evaluating any potential destructive processes such as erosion, external slope stability, seismic activity, settlement, and internal stability (during construction) that could lead to instability. The Executive Director considered the site to have a negligible probability of seismic activity, and the associated design parameters reflect this.

In 2020, NRC staff conducted a seismic evaluation on the potential for existing and future oil and gas drilling and production operations in the Eagle Ford Shale in south Texas to impact existing uranium mill tailings impoundments. Based on their review, it was determined there was no significant risk to the stability of impoundments within

the area of interest from seismic events created by hydrofracturing. Studies show that seismic events related to hydrofracturing are below the magnitude considered significant enough to damage underground sources of drinking water.

Environmental Protection

COMMENT No. 10:

Bernadette Diver and Cheryl Elizondo expressed concern about exposure to radiation from the proposed activities.

RESPONSE No. 10:

30 TAC Chapter 336, Subchapter D *Standards for Protection Against Radiation,* requires development, documentation, and implementation of a radiation protection program. To comply with this requirement, CPC has employed engineering controls and procedures based on sound radiation protection principles to achieve as low as reasonably achievable (ALARA)occupational doses and doses to members of the public. CPC has submitted a Health and Safety Plan (HASP) and Radiation Protection Plan (RPP) that include specific radiation safety procedures for the excavation, storage, and transport of tailings and contaminated soil during remediation of all three sites (Conquista Project site, FM 791 right-of-way, and Slick-Wilcox site). Both plans detail hazard identification and mitigation procedures, quality assurance, and various control programs.

For all three working sites (with elevated radioactive materials or elevated direct radiation exposure rates), CPC will designate respective "restricted areas" using stakes and tape to prevent the spread of contamination. Regular scanning/survey of all individuals and equipment for contamination at the site will be conducted, and decontamination areas will be established. All heavy equipment, trucks and vehicles will be decontaminated before leaving the sites. The licensee has also provided a Transportation Safety Plan in accordance with all Texas Department of Transportation (TxDOT) and U.S. Department of Transportation (DOT) requirements in case of any accidents involving transport of contaminated materials.

Texas regulations require that a licensee show compliance with the annual dose limit by surveys and measurement of effluents, or by demonstrating that the concentrations of radioactive materials released in gaseous and liquid effluents are not likely to exceed the values specified in TAC regulations. The licensee has provided dose calculations for radiation workers and nearby residents/individual members of the public and meets the State's requirements as stated in 30 TAC §§336.313, 336.314, and 336.315.

In addition, for the future safety of the various sites, CPC has employed the RESRAD-ONSITE 7.2 Software program code which estimates radiation doses for a hypothetical individual located in the area being analyzed. The RESRAD results indicate that the decontamination and restoration activity will produce results in conformance with NRC and State of Texas rules for unrestricted land use once the areas have been remediated to meet established soil concentration standards. The only area that will remain restricted is the Conquista Project's waste tailings impoundment, which will eventually be transferred to the DOE for long-term care.

COMMENT No. 11:

Wanda Olenick, Blake Elkins, Bernadette Diver, Cheryl Moy and Cheryl Elizondo expressed concerns about soil and air contamination from the proposed activities.

RESPONSE No. 11:

The decommissioning of the Conquista Project site and the decontamination, restoration, and reclamation of the FM 791 right-of-way and Slick-Wilcox site will be performed in accordance with the clean-up standards listed in 30 TAC §336.1115(e) for unrestricted use, except for the waste tailings impoundment, which will remain restricted and eventually be transferred to the DOE for long-term care.

To prevent contamination of soil and surface water during work activities, CPC has prepared an Erosion and Sedimentation Control Plan (ESCP) to prevent soil erosion and discharge of soil-bearing water runoff.

To prevent contamination as a result of the transport of materials, CPC will determine the safest haul route for transportation of contaminated materials. The established haul route will be scanned weekly, to verify no contamination has been caused during the remediation efforts.

Under the health and safety plan, to reduce the potential for resuspension of particulate radionuclides in air, dust will be controlled at US Occupational Safety and Health Administration (OSHA) permissible dust exposure limits wetting work areas, consistent with other safety considerations. For air quality monitoring, daily measurement of dust using an industrial grade hand-held total dust monitor will be employed, and if the wind speed exceeds 15 miles/hr at any instance, the activity will be suspended. The Erosion and Sedimentation Control Plan describes the installation of silt fencing, soil berms, diversion trenches and/or similar structures down-gradient of all disturbed areas to control dust migration off site. Excavated tailing materials will be placed in covered containers to prevent windblown contamination from going off-site.

Detailed technical procedures for the proposed activities will minimize the release of radioactive particles into the air, soil, surface water, and groundwater.

After decontamination to regulatory standards, CPC will conduct confirmatory final radiological surveys, and disturbed areas will be reclaimed with clean soil from off-site locations. All disturbed areas will be graded to reduce channelization of stormwater runoff. Topsoil will be spread across each excavation area and then seeded with native grass mix and re-seeded, as necessary, until vegetation cover is established. The goal of this reclamation and restoration project is to remediate the contaminated sites to be in conformance with 30 TAC Chapter 336 standards.

COMMENT No. 12:

Bernadette Diver, Travis Culpepper, Cheryl Moy, Cheryl Elizondo and Charles Balser expressed concerns about groundwater contamination from the proposed activities.

RESPONSE No. 12:

For the Conquista Project site, the groundwater is monitored and results are reported to the TCEQ semiannually by the licensee. The groundwater analytical results are compared to background-based groundwater standards and indicate that groundwater at the Conquista Project is in compliance with applicable standards.

The Slick-Wilcox site is located within the Goliad Formation outcrop. The subsurface water bearing unit beneath the site is at a depth of 100 to 150 feet below ground surface. There is about 100 feet of thick clay formation in between, mostly consisting of clay, caliche, and sand. Groundwater levels were recorded from 98 to 128 feet below ground surface at three wells nearby the site. Soil contamination was found not deeper than 8 feet. There is at least 90 feet thickness of low transmissivity soil formation between the groundwater and contaminated soil, and there is no indication that local groundwater has been impacted. Accordingly, there are no groundwater monitoring requirements for the Slick-Wilcox site.

COMMENT No. 13:

Russell Labus requested that groundwater monitoring be conducted on properties surrounding the Conquista Project site.

RESPONSE No. 13:

Groundwater monitoring on surrounding properties is not required because groundwater monitoring done at the Conquista Project site shows compliance with applicable standards.

COMMENT No. 14:

Russell Labus and Cheryl Elizondo express concern about contamination from surface water runoff from the proposed activities.

RESPONSE No. 14:

The proposed removal of contamination and disposal as addressed in the Work Plans are not expected to have any impact on surface water. Erosion and storm water controls will be installed as needed to prevent the migration of contamination during remedial activities.

COMMENT No. 15:

Charles Balser expressed concern about radon gas emissions from the proposed activities.

RESPONSE No. 15:

Radon gas is primarily emitted from contaminated soil due to the natural breakdown of uranium. For controlling the air emissions of site-specific radionuclides and dust particles, and for conformance with ALARA requirements (per 30 TAC §§336.313-336.315), CPC has designed several engineering and operational controls. CPC will employ industry grade air dust monitors for daily monitoring, and if the wind speed exceeds 15 miles/hr at any instance, the activity will be suspended, temporarily. Also, to reduce the potential for resuspension of particulate radionuclides in air and windblown contamination offsite, dust will be controlled at OSHA permissible dust exposure limits during excavation by wetting work areas, consistent with other safety considerations.

In addition, as indicated by CPC, special ambient air monitoring programs will be established at the Conquista Project Site during placement of Slick-Wilcox Site soils in the new impoundment disposal cell at Conquista Project and work will be paused if air quality exceeds safety thresholds.

COMMENT No. 16:

Bernadette Diver and Cheryl Elizondo expressed concerns about the proposed activities presenting risks to migratory birds.

RESPONSE No. 16:

The Executive Director considered the low emissions and radiation levels to have no discernable risk for major migration routes and sensitive habitat of birds. The application and Work Plans for the proposed activity were determined to be adequate for the protection of human health and the environment from contamination and radiation.

COMMENT No. 17:

Leslie Gonzales, Russell Labus and Cheryl Elizondo opined that a full environmental assessment should be performed for the proposed activities.

RESPONSE No. 17:

The Executive Director reviewed the application and Work Plans for the proposed activity and determined that there is adequate protection of human health and the environment from contamination and radiation. Because the Executive Director determined that the proposed activity will not have a significant impact on the human environment, TCEQ is not required to prepare an environmental assessment under the Texas Radiation Control Act or 30 TAC §281.21(f) for this application.

COMMENT No. 18:

Blake Elkins commented that environmental monitoring should be conducted.

RESPONSE No. 18:

CPC does conduct certain environmental monitoring. Under license and rules, CPC conducts the following environmental monitoring program at the Conquista Project site: monthly inspection of structural integrity, site erosion, vegetative cover, surface settlement, surface water ponding, and site security; quarterly monument elevation survey for settlement; and semiannual groundwater well sampling and analysis for groundwater compliance.

COMMENT No. 19:

Wanda Olenick and Blake Elkins expressed concerns about the risk of fires or explosions from the proposed activities and requested emergency response planning.

RESPONSE No. 19:

Excavation and disposal of contaminated soil is a low fire and explosion hazard. Detailed emergency response procedures are provided in the Addendum to the Health and Safety Plan.

COMMENT No. 20:

Bernadette Dziuk Diver, Cheryl Elizondo and Charles Balser expressed concern about the assessment and responsibility for addressing offsite contamination at the Conquista Project site.

RESPONSE No. 20:

CPC will be responsible for any contamination resulting from its own activities. As part of this application, CPC is proposing decontamination, restoration, and reclamation along the FM 791 right-of-way. This application does not include assessment or remediation of other neighboring properties. The Executive Director is not aware of offsite contamination from CPC activity. If an individual is aware of offsite contamination resulting from CPC activities, the information should be reported to CPC and the TCEQ.

Long term responsibility for the Conquista Project

COMMENT No. 21:

Leanne Gerleman and Bernadette Diver expressed concern about the responsibility for long term care of the Conquista Project site.

RESPONSE No. 21:

The Conquista Project site is currently subject to TCEQ and state licensing requirements for the decommissioning of the site, as well as UMTRCA requirements. Eventually, the Conquista Project disposal site will be transferred to the United States Department of Energy (DOE), and the TCEQ state license will be terminated. After the NRC agrees that the remedial action is complete and accepts the site-specific Long-Term Surveillance Plan (LTSP) developed by the DOE, the DOE will assume responsibility for the Conquista Project disposal site under a general NRC license for custody and long-term care.

Traffic and Transportation

COMMENT No. 22:

Joshua Woelfel, Robert Skloss, Karen Lyssy, Leslie Gonzales, Russell Labus, Leo V Lyssy, Patsy Sekula, Pete Jauer, Travis Culpepper, David Wiatrek and Charles Balser expressed concerns about increased traffic, routing, and risk from transportation of materials to the Conquista Project site.

RESPONSE No. 22:

TCEQ does not regulate the transportation of radioactive materials. However, the transportation of materials will have to comply with applicable state and federal transportation laws. Section 7.0 Transportation of the Slick-Wilcox Work Plan presents transportation procedures. The haul route from the Slick-Wilcox Site to the Conquista Project Site will be selected prior to the commencement of work, in conjunction with TxDOT.

Transportation companies are generally registered with the US DOT. Transportation companies permitted to transport hazardous materials typically have specific training requirements, but emergency response is primarily the responsibility of the shipper. The ConocoPhillips application includes a Soil Remediation and Disposal Work Plan which describes transportation procedures. This portion of the work plan details radiation emergency safety as well as radiation transportation requirements.

Any potential accidents involving transport will be addressed in accordance with the Health and Safety Plan. The affected area would be surveyed and the extent of any contamination defined. As necessary, the materials would be cleaned up and disposed of in the Conquista Project supplemental disposal cell. Any potential accidents involving

off-site transport will be addressed by the Transportation Safety Plan in accordance with all TxDOT and US DOT requirements.

The CPC team will work in conjunction with the TxDOT Corpus Christi District Office as well as the Karnes County Office to ensure development of the Traffic Control Plans will meet TxDOT requirements and are subsequently approved. Traffic volumes will be estimated once transport logistics, route and work schedule are determined following the awarding of the bid to a licensed subcontractor.

Property Values

COMMENT No. 23:

Wanda Olenick and Charles Balser expressed concern about the effect on property values from the proposed activities.

RESPONSE No. 23:

TCEQ's jurisdiction is established by the legislature and is limited to the issues set forth in statute. Accordingly, TCEQ does not have jurisdiction to consider effects on property value when determining whether to approve or deny a radioactive materials license application.

IV. CHANGES MADE IN RESPONSE TO COMMENT

No changes to the draft license have been made in response to public comment.

Respectfully submitted,

Texas Commission on Environmental Quality

Kelly Keel
Executive Director

Todd Galiga, Interim Deputy Director
Environmental Law Division

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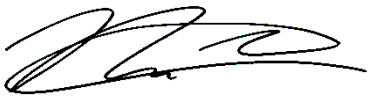
REPRESENTING THE
EXECUTIVE DIRECTOR OF THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

CERTIFICATE OF SERVICE

I certify that on December 19, 2025, that the Executive Director's Response to Public Comment on the Application by ConocoPhillips Company for major amendment of Radioactive Material License No. R01634 was filed with the Texas Commission on Environmental Quality's Office of the Chief Clerk.



Nicholas Pilcher, Staff Attorney
Environmental Law Division

ATTACHMENT A

The following people submitted comments or correspondence on the application: Domingo Alvarez, Charles Balser, Kathy Balser, Rebecca Baumann, Barbara Beicker, Kaleigh Bertrand, Edward J Bordovsky, Julie Bordovsky, Madelyn Braudaway, Joseph Brysch, Colby Burson, Megan Burson, Margaret Collins, Doyle Culpepper, Minnie Culpepper, Travis Culpepper, Chandler Dane, John Darnell, Sandra Darnell, Keirah Davis, Carlos A De Ayala, Jessica De Los Santos, Bernadette Dziuk Diver, Lee Ann Dragon, Stephanie Duke, Loretta Dziuk, Robert J. Dziuk, Ronald F. Dziuk, Rudolph F. Dziuk, Erica Ebrom, Cory John Ebrom, Cheryl Elizondo, Blake Elkins, Bruce Fohn, Suzanne Friesenhahn, Leanna Gerleman, Greg Gonzales, Gregorio Gonzales, Jacoby Gonzales, Johnathan Gonzales, Leslie Gonzales, Jordan Gorull, Randy Grier, Barbara Grothues, Gary Grothues, Johnny Guevarra, Terry Haynes, Shayne Hons, Lance Jandt, Emelia Janysek, Matthew Janysek, Sydney Janysek, Trenton Janysek, Justin Jarzombek, Pete Jauer, Brittany Jimenez, Cynthia Johnson, Robert Kolodziej, Patrick Korlis, Diane Korus, Caroline Korzekwa, Robin Korzekwa, Thomas Kowalik, Yvette Kowalik, Patsy Kroll, Jonathan Kyrish, Brady Labus, Cody Labus, Russell Labus, Tammy Labus, Brady Labus, Chelsi Labus, Ben Lyssy, Melvin Lyssy, Roger Lyssy, Hillary Lyssy, Jeanette Lyssy, Karen Lyssy, Leo V Lyssy, Lori Lyssy, Jeremy Mandel, Angela Martinez, Justin Mayes, Gene F Moczygemba, Mary Moczygemba, Cheryl Moy, James Music, Kenneth Olenick, Wanda Olenick, Brian Osuna, Camari Osuna, Cindy Parma, Kristin Parsons, Samuel Parsons, Donna Pawelek, Joyce Pawalek, Jeff Pawelek, Mary Pawelek, Lauren Pinkney, Nancy Puckett, Brenda Quintanilla, Taylor Rapstine, Alicia Sandoval, Patsy Sekula, Michelle Shelton, Jaclyn Skloss, Robert Skloss, Barbara Smith, Taylor Spreen, Cheryl Stone, Jacob Stroman, Mary Stulting, Vincent Swiere, David Thomas, Megan Thompson, Taylor Torrez, Richard Trevino, Vanessa Villanueva, Alan Waclawczyk, Nancy Waclawczyk, Sam Webb, Charles White, David Wiatrek, Bonnie Wiatrek, Danielle Wiatrek, Jonathan Wiatrek, Kenneth Lee Wiatrek, Linda Mae Wiatrek, Martin Wiatrek, Matthew Joseph Wiatrek, Victoria Wiatrek, Katelyn Wilson, Stacie Esse Woelfel, Warren Woelfel, Darlene Woelfel, Joshua Woelfel, Kristen Woelfel, Quint Woelfel, Amber Yeoman, David Zunker, Margie Zunker, Zachary Zunker, Anthony Zunker, Kathleen M Zunker.

The following persons submitted an identical petition or form letter with comments on the application: Domingo Alvarez, Charles Balser, Kathy Balser, Rebecca Baumann, Barbara Beicker, Edward J Bordovsky, Julie Bordovsky, Madelyn Braudaway, Colby Burson, Megan Burson, Doyle Culpepper, Minnie Culpepper, Chandler Dane, John Darnell, Sandra Darnell, Keirah Davis, Jessica De Los Santos, Bernadette Dziuk Diver, LeeAnn Dragon, Stephanie Duke, Loretta Dziuk, Robert J. Dziuk, Ronald F. Dziuk, Rudolph F. Dziuk, Erica Ebrom, Cory Ebrom, Bruce Fohn, Suzanne Friesenhahn, Leanna Gerleman, Greg Gonzales, Gregorio Gonzales, Jacoby Gonzales, Johnathan Gonzales, Leslie Gonzales, Jordan Gorull, Randy Grier, Barbara Grothues, Gary Grothues, Johnny Guevarra, Terry Haynes, Shayne Hons, Lance Jandt, Emelia Janysek, Matthew Janysek, Sydney Janysek, Trenton Janysek, Paul Jaramillo, Justin Jarzombek, Brittany Jimenez, Cynthia Johnson, Robert Kolodziej, Donald Korchave, Patrick Korlis, Diane Korus, Caroline Korzekwa, Robin Korzekwa, Thomas Kowalik, Yvette Kowalik, Patsy Kroll, Jonathan Kyrish, Brady Labus, Cody Labus, Russell Labus, Tammy Labus, Melvin Lyssy, Roger Lyssy, Lori Lyssy, Jeremy Mandel, Angela Martinez, Justin Mayes, Gene Moczygemba, Mary Moczygemba, Cheryl Moy, James Music, Kenneth Olenick, Brian Osuna, Camari Osuna, Kristin Parsons, Samuel Parsons, Donna Pawelek, Jake Pawelek, Jeff Pawelek, Mary Pawelek, Lauren Pinkney, Robert Pody, Anna Powell, Brenda Quintanilla, Rafael, Taylor Rapstine, Alicia Sandoval, Michael Schuman, Danny Sgure, Bob Skloss, Jaclyn Skloss, Taylor Spreen, Cheryl Stone, Jacob Stroman, Mary Stulting, Vincent

Swiere, David Thomas, Megan Thompson, Richard Trevino, Vanessa Villanueva, Alan Waclawczyk, Nancy Waclawczyk, Sam Webb, Charles White, Bonnie Wiatrek, Danielle Wiatrek, Jonathan Wiatrek, Kenneth Lee Wiatrek, Linda Wiatrek, Martin Wiatrek, Matthew Joseph Wiatrek, Victoria Wiatrek, Alan Williams, Katelyn Wilson, Stacie Esse Woelfel, Warren Woelfel, Darlene Woelfel, Josh Woelfel, Kristen Woelfel, Quint Woelfel, Amber Yeoman, David Zunker, Margie Zunker, Zachary Zunker, Anthony Zunker, Kathleen Zunker.