



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D. C. 20555

OCT 01 1980

DDR
w/enclosure

WM-38

Mr. Ed Bailey
Texas Department of Health
1100 West 49th Street
Austin, Texas 78756

Dear Mr. Bailey:

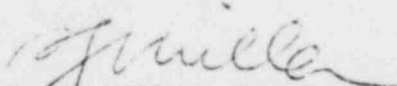
As discussed in our telephone conversation of October 1, 1980, I am forwarding for your review and comment a draft NRC evaluation of Anaconda Copper Company's request for exemption from Uranium Mill Tailings Radiation Control Act land ownership transfer requirements as they might apply to Anaconda's proposed Rhode Ranch project in McMullen County, Texas.

We intend to announce our decision on this matter within several weeks in the Federal Register. Before taking this action, we consider it important to give you the opportunity to review the evaluation particularly with regard to: (1) conditions which are being established as part of our determination, (2) continued NRC involvement in the case, and (3) the relationship of this NRC action to Texas licensing of the proposed mill.

Some of the conditions being stipulated vary from conditions specified by the Railroad Commission in its recent Rhode Ranch Mine permitting action. Most notably, surface cover requirements are different (see Item No. 7 on page 24 and Section 4.1 of NRC draft report). Therefore, I recommend you seek their review and comment on this report.

We would appreciate comments you may have by October 17, 1980. Given the tight schedules involved we would appreciate your giving us any comments you may have initially by phone so revisions can be made at the earliest possible time.

Sincerely,


H. J. Miller, Section Leader
Uranium Recovery Licensing Branch
Division of Waste Management

cc: G. Wayne Kerr, OSP

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