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MEMORANDUM FOR: Donald A. Nussbaumer, Assistant Director
for State Agreements Program
Office of State Programs

FROM: R. Dale Smith, Director
Uranium Recovery Field Office

SUBJECT: TEXAS ANACONDA RHODE RANCH

In accordance with your September 13, 1982 request, we have reviewed proposed license conditions that the Texas Department of Health (TDH) plans to issue for the subject mill. These license conditions were included in "Environmental Assessment, Safety Evaluation Report, and Project License Conditions Related to Anaconda Minerals Company Rhode Ranch Project, McMullen County, Texas," dated August 31, 1982. We compared these license conditions with license conditions specified in the NRC staff's Environmental Impact Appraisal (EIA) dated June 1, 1981. As noted in your request, the purpose of the comparison was to determine any possible impact upon the NRC negative declaration regarding federal land ownership requirements.

Based on this review, we identified several differences between the NRC license conditions specified in the 1981 EIA and the proposed TDH license conditions. On several occasions, Mr. T. L. Johnson of my staff telephoned Mr. Dave Shear of TDH to discuss these differences. In those conversations, the following items were discussed:

1. Section 4.6.1.C of the EIA recommends that overburden materials to be used as liner material be segregated to assure material conformity. Condition 9.C of the TDH license is not clear with regard to the required segregation. TDH indicated that license condition 9.C would be further clarified and/or cross-referenced to other license conditions to assure the needed conformity of liner material

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2. Section 4.6.2.B(2) recommends that shallow soil borings be performed over a predetermined grid to determine soil homogeneity, permeability characteristics, and clay thickness. This is not proposed in the TDH license condition. TDH has indicated that this condition will be added to the license.
3. Section 4.6.5 of the EIA requires the submittal of yearly reports to TDH and NRC regarding the design, installation, and QA program for the liner and in-situ dewatering systems. The TDH license condition only requires that the records be kept onsite. TDH has agreed to modify the license to include provisions for submittal of the reports.
4. Section 4.6.6 of the EIA requires that the bottom three feet of the 30-foot cover have a permeability of less than 10^{-7} cm/sec. This item is not covered in the TDH license. TDH has agreed to modify the license accordingly.
5. Section 4.6.10 of the EIA requires that records be kept of exploratory holes that have been drilled and plugged. This is not covered in the TDH license. According to TDH, drillhole plugging and abandonment is licensed by the Texas Department of Water Resources (TDWR) and the Railroad Commission of Texas (RRC), who require bonds to be posted for such activities. TDH has agreed to submit to NRC a copy of the TDWR and RRC requirements for plugging of drill holes.
6. License Condition 9.B of the TDH license should define permeable zones as those zones which do not provide the same isolation as at least three feet of material having a permeability of less than 10^{-7} cm/sec. In addition, liners should have a minimum thickness of three feet and permeabilities of less than 10^{-7} cm/sec.
7. License Condition 9.G of the TDH license should indicate that all surface and subsurface rights within 100 m of the boundaries of the disposal area are subject to a general NRC license.
8. Sections 4.6.2 and 4.6.3 of the EIA require the development and the submittal of technical specifications, quality assurance and testing programs, and inspection programs for liners and in-situ dewatering systems. In addition, Section 4.6.9 specifies criteria for the implementation of quality assurance programs. The criteria to be met are stated in the EIA, and all of the criteria should be

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specifically included in the TDH license. The proposed license includes only portions of these criteria. Notable differences include the saturation moisture content specifications and criteria for the design of the in-situ drain system, filters, and pipes.

Based on our review of the proposed license conditions, we conclude that the differences noted above could affect our previous determination of exemption from land ownership requirements. However, based on our discussions with TDH, all of these differences should be resolved in the final TDH license.

The above review was discussed between Mr. T.L. Johnson and Mr. John Kendig of your staff on September 20, 1982. If you have any further questions, please contact Mr. T.L. Johnson (427-4319) of my staff.

Original Signed by:

J. J. Linahan

R. Dale Smith, Director
Uranium Recovery Field Office

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