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MAR 03 1983

URFO:TLJ  
WM-38  
63000038010E

MEMORANDUM FOR: Donald A. Nussbaumer  
Office of State Programs

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

SUBJECT: TEXAS ANACONDA RHODE RANCH

In accordance with your request of February 10, 1983, we have reviewed material submitted by Texas Department of Health (TDH) addressing previous URFO staff comments on the subject project. TDH submitted draft Amendment No. 1 to License No. 8-3303 which they felt responded to our previous comments.

Based on our review, we note that TDH has not yet specifically incorporated several significant license conditions recommended by the NRC staff. These significant recommendations included specific requirements for the cover, for the dewatering of tailings, and for the implementation of a required boring program prior to conducting resistivity surveys.

The NRC staff stated in both our Environmental Impact Appraisal (EIA) and the Federal Register notice that the exemption from land ownership was subject to meeting the requirements outlined in the staff's proposed license conditions. During our earlier reviews of TDH's proposed license, we noted differences between the TDH license and the NRC's recommended conditions. We recognized that some flexibility would be needed by TDH in the issuance of such a license and felt no further action was required for those differences that were insignificant. However, we feel strongly that several other requirements that were not included in the TDH license are very important, and we have pointed out in several previous memos that these deficiencies are significant. We also feel that the proposed license, without these specific conditions, is too ambiguous and allows too much room for differences in interpretation.

WM-38/tlj/83/02/24/0

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Certified By B Fisher

Donald A. Nussbaumer  
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In summary, we believe that if the proposed NRC license conditions are not included in the TDH license, the validity of our previous land ownership exemption is in question. Therefore, we feel strongly that the proposed NRC license conditions be specifically included in the TDH license.

**Original Signed By:**

*H. Petenall for*  
R. Dale Smith, Director  
Uranium Recovery Field Office  
Region IV

Case Closed: 63000038010E

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