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40-8084/HAP/85/07/12/0

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JUL 19 1985

Docket File 8084
LFMB/DCS/PDR
DBangart, RIV
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NMSHopenn
LAnderson, RCPD, UT
URFO r/f
KCyr, ELD

URFO:HAP
Docket No. 40-8084
SUA-1119, Amendment No. 5
04008084550E

Rio Algom Mining Corp.
ATTN: Mr. Mervyn D. Lawton, President
La Sal Route
Moab, UT 84532

Gentlemen:

By letter dated June 26, 1985, the Nuclear Regulatory Commission withdrew Amendment No. 2 to your Source Material License SUA-1119 dated April 22, 1985. We stated that this was in response to some licensees' assertions that the amendment was invalid on procedural grounds. We further indicated our intent was to reissue the license condition shortly in a manner which clearly removed any question of NRC adherence to appropriate procedural requirements.

Accordingly, attached hereto is an Order to reinstate the subject license condition as a requirement of your license. Please note that the Order has been made immediately effective pursuant to 10 CFR 2.204. Therefore, any request for hearing on your part will not void the implementation requirements contained in the license condition.

The Commission is aware of existing litigation by the American Mining Congress and several licensees regarding 40 CFR 192. However, the Commission has stated in this instance and other previous similar circumstances that pending litigation is not a basis for the Commission to set aside the implementation of a standard which has been fully promulgated and is in effect. Until such time as the court rules otherwise the Commission has a statutory responsibility to implement the standard.

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PDR ADOCK 04008084
C PDR

OFC :	:	:	:	:	:	:
NAME :	:	:	:	:	:	:
DATE :85/07/19	:	:	:	:	:	:

The staff has determined that the reporting requirements directed by subsection (F) of the enclosed Order are not subject to any additional clearance by the Office of Management and Budget (OMB). Also, the staff directs that the submittal of groundwater flow data required by subsection (G) of the Order should be made pending approval of this information collection requirement from OMB.

The license is being reissued in its entirety as is our normal procedure to incorporate the Order enclosed with this letter.

Sincerely,

/s/

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

Enclosures: As stated

Case Closed: 04008084550E

OFC :	URFO <i>HP</i>	URFO <i>OS</i>	RIV <i>Telecon 7/19</i>	ELD <i>Telecon 7/19</i>	:	:
NAME :	HPettengill	RDSmith	WBrown RMartin	KCyr SBurns	:	:
DATE :	85/07/19	7/19/85	:	:	:	: