



UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION IV
612 EAST LAMAR BLVD, SUITE 400
ARLINGTON, TEXAS 76011-4125

January 9, 2009

Don Sweeney
Radiation Safety Officer
Rio Algom Mining LLC
P.O. Box 218
Grants, New Mexico 87020

SUBJECT: RESPONSE TO NRC INSPECTION REPORT 040-08905/08-001 AND
NOTICE OF VIOATION

Dear Mr. Sweeney:

Thank you for your letter of December 2, 2008, in response to our November 25, 2008, Inspection Report and Notice of Violation involving your failure to conduct groundwater confirmatory sampling in accordance with license requirements. We have reviewed your reply and find it responsive to the concerns raised in our Notice of Violation. We will review the implementation of your corrective actions during a future inspection to determine that full compliance has been achieved and will be maintained.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter and your response, if you choose to provide one, will be made available electronically for public inspection in the NRC Public Document Room or from the NRC's document system (ADAMS), accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>. To the extent possible, any response you provide should not include personal privacy, proprietary, or safeguards information so that it can be made available to the Public without redaction.

Should you have any questions concerning this correspondence, please contact Ms. Linda Gersey at (817) 860-8299, or the undersigned at (817) 860-8197.

Sincerely,

/RA/

Jack E. Whitten, Chief
Nuclear Materials Safety Branch B

Docket: 040-08905
License: SUA-1473

cc w/Licensee Response Dated December 2, 2008
New Mexico Radiation Program Director
John Parker, Chief
New Mexico Environment Department
Field Operations Division
Radiation Control Bureau
1190 St. Francis Blvd.
Santa Fe, New Mexico 87502-6110

Art Kleinrath
Long Term Surveillance Project Manager
U.S. Department of Energy
Grand Junction Project Office
2597 B 3/4 Road
Grand Junction, Colorado 81503

cc w/enclosures 1 and 2 via e-mail:

A. Howell

C. Cain

T. McLaughlin, FSME/DWMEP/DURLD

R. Tadesse, FSME/DWMEP/DURLD

B. VonTill, FSME/DWMEP/DURLD

J. Whitten

L. Gersey

R. Evans

FEE Coordinator

SUNSI Review Completed: LMG ADAMS: ☒ Yes ☐ No Initials: LMG
☒ Publicly Available ☐ Non-Publicly Available ☐ Sensitive ☒ Non-Sensitive

ADAMS: ML

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Final R:_DNMS\

RIV:DNMS:NMSB-B	DNMS:NMSB-B	FSME/DWMEP	C:NMSB-B
LMGersey	RJEvans	T. McLaughlin	JEWhitten
/RA RJE for/	/RA/	/RA via email RJE for/	/RA/
01/08/09	01/08/09	01/08/09	01/09/09

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