

# Rio Algom Mining LLC

January 31, 2014

United States Nuclear Regulatory Commission  
ATTN: Document Control Desk  
Washington, DC 20555-0001

Subject: Rio Algom Mining LLC – Ambrosia Lake  
Reply to a Notice of Violation  
NRC Inspection Report 040-08905/13-001

Rio Algom Mining LLC (RAML) has prepared the following response to the Notice of Violations (NOV) identified in the NRC Inspection Report 040-08905/13-001 dated December 26, 2013. Based on the January 24, 2014 conversation with Mr. Robert Evans, Senior Health Physicist, RAML was granted a one-week extension to the 30-day deadline to provide a response. The extension was requested due to time lost during the December holidays and to accommodate an internal review process.

The inspection identified four NOV's classified as Severity Level IV based on several factors including the low radioactive hazards -

- 040-08905/1301-01 VIO Failure to assign a qualified individual to position of RSO
- 040-08905/1301-02 VIO Failure to conduct weekly site inspections
- 040-08905/1301-03 VIO Failure to submit semi-annual report to NRC
- 040-08905/1301-06 VIO Failure to submit quarterly groundwater report to NRC

RAML does not intend to contest any of the violations. The explanations below detail the reason for the violation, the corrective steps that have been taken and the results achieved, the corrective steps that will be taken and the date full compliance will be achieved for each violation.

## 040-08905/1301-01 Failure to assign a qualified individual to position of RSO

In February 2013 the site RSO, Mr. Chuck Wentz, left his position and a proper succession plan was not in place to replace his position internally with a qualified RSO. A subsequent search for a contractor replacement was conducted.

The site is currently in compliance as Mr. Brad Squibb with Solutient Technologies was contracted to fulfill the duties of the site RSO on April 25, 2013. Solutient Technologies has been retained by Purchase Order through

2014 with an option for renewal beyond 2014 as site conditions require RSO support to ensure future compliance.

Solutient Technologies has also been retained by the site's reclamation contractor to perform RSO duties for the project related activities. It is expected that substantial reclamation will be completed in 2014 that will allow the site to apply for a modification to the NRC Source Material License with a potential reduction in the need for the robust Health Physics program that is in place currently. At that time, RAML will consult with the NRC to define the future roles and responsibilities for the site RSO.

#### 040-08905/1301-02 Failure to conduct weekly site inspections

With the departure of the RSO in February 2013, weekly inspections were not conducted in the period of time until the contracted RSO was fully on board.

Since mid-June 2013 the required weekly inspections have been performed by the RSO, or his designee, as required and the site is in compliance. Additional training has been provided to the RSO designee to ensure the reports are performed in a timely manner and are complete. Verification of the inspections reports has been and will continue to be performed by Mr. Brad Squibb.

#### 040-08905/1301-03 Failure to submit semi-annual report to NRC

While there was a gap in the RSO position, not all of the assigned tasks were completed. As such, the semi-annual effluent and environmental monitoring report for the second half of 2012 was not submitted to the NRC.

A complete site compliance calendar has been developed and tasks assigned to RAML staff to ensure future required reports are submitted in a timely manner.

Following a recent review of the data in the preparation of the 2013 reports, it was noted that all relevant data has been properly collected for the 2012 and 2013 reports.

The missing report and the current report will be completed and submitted under the same cover. The site will be in full compliance on the effluent and environmental monitoring report by March 1, 2014.

#### 040-08905/1301-06 Failure to submit quarterly groundwater report to NRC

While there was a gap in the RSO position, not all of the assigned tasks were completed. As such, the quarterly report documenting Alternate Concentration Limit (ACL) exceedance for Well 36-06 for the fourth quarter of 2012 was not submitted to the NRC.

To address this, and as discussed above, a compliance calendar has been developed to ensure future required reports are properly submitted. In addition, RAML has contracted INTERA Incorporated to prepare the reports related to the groundwater monitoring, including quarterly reports of any ACL exceedance.

RAML and INTERA are in the process of preparing the annual report of groundwater monitoring and though that process, a formal program for the data review has been developed. This will be an ongoing task to ensure compliance when exceedances are encountered and discovered.

RAML is now using a database (Enviro-Data) that has been specially developed for the site. This software will be used to alert the staff and consultant to any future exceedances so they can be promptly reported.

In addition, Well 36-06 is currently being evaluated and the cause ACL exceedance is being studied. It has been suggested that RAML will proposed a modification for this well as the ACL for Gross Alpha has not been met in recent sampling events. The proposal for modifying the ACL will accompany a larger request to amend the license for the site.

#### Unresolved Items

In addition to the four NOV's, two Unresolved Items (URI) were also identified –

- 040-08905/1301-04 URI Calculation of public dose assessment
- 040-08905/1301-04 URI Lower limits of detection for soil, sediment, vegetation samples

The URI items were related to the 2012 Annual Effluent Report, these items will be addressed and corrected in the 2013 Annual Effluent Report that is currently being drafted, it is expected the report will be available for submission by March 1, 2014.

Please contact me if you need additional information on the matters addressed in this response. I can be reached at (505) 236-1821 or by e-mail at [billy.wm.ray@bhpbilliton.com](mailto:billy.wm.ray@bhpbilliton.com).

Respectfully submitted,



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Ambrosia Lake Site Manager

cc: Regional Administrator, Region IV – Blair Spitzberg  
Senior Health Physicist – Robert Evans