

MAY 04 1992

URFO:CDMC
Docket No. 40-8904
04008904560E

Sohio Western Mining Company
ATTN: Gerald D. Schurtz, Manager
Regulatory Affairs
P.O. Box 11248
Salt Lake City, Utah 84147

Dear Mr. Schurtz:

SUBJECT: NOTICE OF VIOLATION

This is to notify you that Sohio Western Mining Company (Sohio) is in violation of Source Material License SUA-1472. The Notice of Violation is included as Enclosure 1. This Notice results from our review of your letter of response dated April 6, 1992, to our letter concerning your first half 1991 Semiannual Ground-Water Monitoring Report; your second half 1991 Semiannual Ground-Water Monitoring Report dated February 28, 1992; and your 1991 Corrective Action Program (CAP) report.

This Notice is being issued because of your failure to properly test ground-water samples, as required by License Condition No. 31, by unilaterally raising the lower limits of detection (LLD) for three ground-water constituents to a value above the license limit, and your omission of water quality and water level data required by License Condition No. 31. In addition to these license violations, information you have previously committed to submitting as part of your CAP report has not been submitted. These omitted submittals are identified and discussed in Enclosure 2. Please address these commitments by June 1, 1992, in the form of an amendment request to incorporate these commitments in your license.

With regards to Violation A, we have determined that there are laboratories that use analytical methods that will detect cyanide and selenium at appropriate levels. In our letter dated March 11, 1992, we advised you that you could request an amendment to change the site standard for nickel if you could provide adequate justification (such as correlation to site standards at surrounding mills) and assurance that there will be no harm to public health or the environment if the standard was changed. Your April 6, 1992, response failed to adequately address these issues. To comply with your license, you are required to have your samples analyzed by methods that are appropriate for detecting site standard levels of ground-water constituents.

PM-URFO *CMC*
CMiller-Corbett/lv
04/27/92

PM:URFO *[Signature]*
RGonzales
05/04/92

DD:URFO *[Signature]*
EHawkins
05/04/92

D:URFO:RIV *[Signature]*
REHall
05/04/92

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The response directed by this letter and the accompanying Notice are not subject to the clearance procedures of the Office of Management and Budget as required by the Paperwork Reduction Act of 1980, PL-511. In accordance with 10 CFR 2.790 of the Commission's regulations, a copy of this letter will be placed in the NRC's Public Document Room.

If you have any questions, please call Cynthia Miller-Corbett of our staff at (303) 231-5811.

Sincerely,

Original Signed By:

R. E. HALL

Ramon E. Hall
Director

Enclosures:

As stated

cc:

Cebolleta Land Grant

T. Osborn, Intera

B. Garcia, RCPD, NM

E. Montoya, NMED

bcc:

PDR/DCS

URFO r/f

LJCallan, RIV

LLUR Branch, LLWM

CMiller-Corbett

RGonzales

8904/560E/CDMC/92/04/14/L