

August 21, 1997

CAL No. RIII 97-010

Mr. William Rupert, Project Manager  
B. P. Chemicals Pond Closure Project  
Post Office Box 628  
Lima, OH 45804

SUBJECT: CONFIRMATORY ACTION LETTER (CAL)

Mr. Rupert:

This refers to the telephone conference call on August 19, 1997, among you and contractor personnel retained by B. P. Chemicals, Tom Kozak and Bruce Jorgensen of this office, and John Hickey and Larry Bell and others from our Office of Nuclear Materials Safety and Safeguards in Washington D.C. The call addressed violations and concerns identified during the inspection we conducted on July 21-23, 1997, of activities involving the Pond Closure Project at the B. P. Chemicals facility in Lima, Ohio, authorized by NRC License No. SUB-0908.

Based on the results of the discussions, it is our understanding that you will not place any waste from either the North Deepwell Pond or the Burn Pond into the disposal cell, until after the following conditions have been met:

1. An open meeting among you and other representatives of B. P. Chemicals and its contractors, as you may designate, and NRC representatives, has been conducted at Agency Headquarters in Rockville, MD.
2. You have provided information at the open meeting, or by agreed-upon written followup, to address the violations and concerns identified during the NRC inspection conducted at your site in Lima, Ohio on July 21-23, 1997. The information must include your determination as to the cause(s) of the violations, and must address corrective and preventive actions.
3. You have submitted the data of depleted uranium (DU) sampling and evaluation of the DU results for the North and South Deepwell Ponds and the Burn Pond, as specified in Appendix E, Section 11.2.2.1 of the QA/QC Plan, "Section 11: Procedure for Verification of Attainment of the Option 2 Criterion for Stabilized Sludge Radioactivity Levels."
4. NRC has notified you in writing that we have determined your actions, as described under items 1 through 3 above, are satisfactory.

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Pursuant to Section 182 of the Atomic Energy Act, 42 U.S.C. 2232, you are required to notify me immediately if your understanding differs from that set forth above; notify me if for any reason you cannot complete the specified actions, and advise me in writing of any proposed modified actions in advance of the change.

Issuance of this Confirmatory Action Letter does not preclude issuance of an order formalizing the above commitments or requesting other actions on the part of the licensee; nor does it preclude the NRC from taking enforcement action for violations of NRC requirements that may have prompted the issuance of this letter. Note that disposal of any waste from either the North Deepwell or the Burn Pond before taking the actions addressed in this Confirmatory Action Letter may be viewed as willful violations of NRC requirements that may subject you to civil or criminal sanctions.

In accordance with 10 CFR 2.790 of the NRC's "Rules of Practice," a copy of this letter and your response, if any, will be placed in the NRC Public Document Room (PDR). To the extent possible, any such response should not include any personal privacy, proprietary, or safeguards information so that it can be placed in the PDR without redaction. If personal privacy or proprietary information is necessary to provide an acceptable response, then please provide a bracketed copy of your response that identifies the information that should be protected and a redacted copy of your response that deletes such information. If you request withholding of such material, you must specifically identify the portions of your response that you seek to have withheld and provide in detail the bases for your claim of withholding (e.g., explain why the disclosure of information will create an unwarranted invasion of personal privacy or provide the information required by 10 CFR 2.790(b) to support a request for withholding confidential commercial or financial information). If safeguards information is necessary to provide an acceptable response, please provide the level of protection described in 10 CFR 73.21.

Sincerely,  
Original Signed by J. Caldwell for  
A. Bill Beach  
Regional Administrator

Docket No. 040-07604  
License No. SUB-0908

cc: H. Blythe, Manager, B. P. Chemicals  
R. Vandegrift, ODPH

DOCUMENT NAME: A:\BP-CAL.BLJ See Previous Concurrence

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| NAME   | Kulzer:ib |  | Jorgensen |  | Bell    |  | Clayton |  |
| DATE   | 08/ /97   |  | 08/ /97   |  | 08/ /97 |  | 08/ /97 |  |
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| NAME   | Berson    |  | Caniano   |  | Beach   |  |         |  |
| DATE   | 08/ /97   |  | 08/ /97   |  | 08/ /97 |  |         |  |

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W. Rupert

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A. Bill Beach  
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| NAME   | Kulzer:ib | ELC | Jorgensen | SOB | via phone |   | Clayton  | BC |
| DATE   | 08/29/97  |     | 08/29/97  |     | 08/29/97  |   | 08/29/97 |    |
| OFFICE | RIII      | BB  | RIII      |     | RIII      |   |          |    |
| NAME   | Berson    |     | Caniano   | RLC | Beach     |   |          |    |
| DATE   | 08/29/97  |     | 08/29/97  |     | 08/ /97   |   |          |    |

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