



BP CHEMICALS

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VIA OVERNIGHT MAIL

Mr. Larry Bell
Low-Level Waste and Decommissioning Projects Branch
Division of Waste Management
Office of Nuclear Materials and Safeguards
United States Nuclear Regulatory Commission
Two White Flint North
11545 Rockville Road
North Bethesda, MD 20852

May 22, 1998

Re: License No. SUB-908
Docket No. 040-07604

Subject: Mixed Waste Pond Closure Project
Release Sampling of Burn and Deepwell Ponds

Dear Sir:

BP Chemicals, Inc. (BPCI) and its contractors are currently engaged in the chemical release sampling and hot spot excavation of Burn and Deepwell Ponds as the next phase of the mixed waste pond closure project at Lima, Ohio. Due to the necessity of securing a field change for a revision to the soil sampling plan, this release sampling was delayed at its offset. Once we did begin soil sampling, we encountered problems with our contract laboratory in not being able to complete and report chemical analyses in a timely fashion. We also encountered hot spots in the pond bottoms and side slopes containing volatile organic compounds that required multiple rounds of excavation and follow-up sampling. As the result of these problems, we estimate that we are currently three to four weeks from completing the chemical portion of the release sampling. Due to this delay, it is necessary to request that NRC conduct its radiological confirmatory sampling concurrently with BPCI's radiological release sampling. BPCI recognizes that this would be a deviation from NRC's usual practice. Normally, confirmatory sampling is conducted after review of the licensee's sampling and release report. Concurrent sampling, however, offers the advantage of saving several months off the project schedule. In the case of BPCI's current situation, this time savings is critical. BPCI offers the following points in support of this request:

1. The excavation of chemical contamination around the perimeter of the ponds has resulted in side slopes that are at the limit of their slope stability as determined by a site-specific study by Dames & Moore. This slope stability limit is a short-term limit however, according to Dames & Moore due to the soil properties of the native clay at the BPCI site. Dames & Moore recommends that the slopes be reinforced by backfilling as soon as possible to counter certain longer term weathering effects (e.g., erosion, soil drying, freeze/thaw, etc.) that

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would jeopardize the integrity and stability of the side slopes. At the perimeter of the project excavation and therefore subject to future side slope failure are several structures, including a building and multiple aboveground pipe rack foundations. The fluids conveyed in the pipes supported by these pipe racks include hydrogen cyanide, acrylonitrile, deepwell fluid and medium pressure steam. A slope failure could lead to a pipe rupture with potentially serious health, safety and environmental consequences as well as a significant disruption to plant operations.

2. Because of the issues discussed in item 1, backfill to reinforce the side slopes must be done before the onset of winter to avoid the weathering of the exposed surfaces, regardless of whether or not confirmatory sampling has taken place. Due to the delays experienced thus far in 1998, it is not possible to conduct the confirmatory sampling and restore the side slopes by the end of this construction season unless confirmatory sampling is conducted simultaneously with BPCI's release sampling. This can be seen from the comparative schedules presented in the following table (based on estimated task durations).

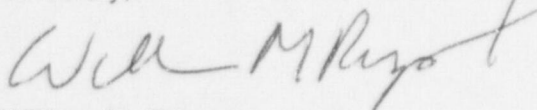
Activity	Schedule with NRC Concurrent Sampling		Schedule without NRC Concurrent Sampling	
	Begin	Complete	Begin	Complete
Preparation of ORISE confirmatory survey work plan	6/1/98	6/12/98	N/A	N/A
NRC review and approval of ORISE work plan	6/15/98	6/26/98	N/A	N/A
BPCI radiological survey, soil sampling and analysis	6/29/98	7/17/98	6/22/98	7/10/98
Preparation and submission of radiological release report	7/20/98	7/31/98	7/13/98	7/24/98
NRC review of BPCI release report	8/3/98	9/4/98	7/27/98	8/28/98
ORISE review of BPCI release report	9/7/98	10/2/98	8/31/98	9/25/98
Preparation of ORISE confirmatory survey work plan	N/A	N/A	9/28/98	10/2/98
NRC review and approval of ORISE work plan	N/A	N/A	10/5/98	10/16/98
ORISE confirmatory survey and analysis	6/29/98	7/17/98	10/19/98	11/6/98
Preparation and submission of ORISE confirmatory survey report	7/20/98	10/2/98	11/9/98	12/4/98
NRC final review of BPCI and ORISE reports and release	10/5/98	10/16/98	12/7/98	12/18/99
Backfill to reinforce side slopes	10/19/98	11/25/98	1/4/98	2/12/98

Based on the estimated schedule, BPCI would be able to begin backfilling in mid-October if the confirmatory sampling were conducted simultaneously with BPCI's release sampling. Although this schedule is tight, it is likely that backfill could be completed before the end of the construction season. If concurrent confirmatory sampling were not conducted, the estimated schedule indicates that it would be well into winter before BPCI could expect to receive release of the pond area and begin backfilling. By that time it would be impractical to begin backfill. Therefore, BPCI would have to wait through the winter to the start of the 1999 construction season to begin backfilling and, in so doing, risk failure of the side slopes and consequential damage during the winter.

3. Preliminary radiological surveys and soil sampling are being conducted in an ongoing basis as chemical release sampling proceeds. Results indicate that radiological contamination has been removed in as the result of excavation to remove chemical contamination. This is similar to what happened in 1993 when V-1 Pond was cleaned out. Radiological release sampling followed chemical release sampling and no radiological hot spots were encountered either by BPCI or ORISE. Therefore it is reasonable to expect the same result at Burn and Deepwell Ponds so concurrent BPCI and ORISE sampling is reasonable.

For these reasons, BPCI requests that NRC agree to concurrent confirmatory sampling to expedite the work needed to be done in 1998. If there are any questions, please give me a call at (419) 226-1299.

Sincerely,



William M. Rupert
Project Regulatory Specialist

cc: Jim Kavalec, Ohio EPA
Ed Kulzer, NRC Region 3
Ruth Vandegrift, Ohio Dept. of Health