



UNITED STATES
NUCLEAR REGULATORY COMMISSION

REGION IV
URANIUM RECOVERY FIELD OFFICE
BOX 25325
DENVER, COLORADO 80225

MAR 23 1989

URFO:HDR
Docket No. 40-8904
License No. SUA-1472

BP America, Inc.
ATTN: Ralph DeLeonardis
200 Public Square, 7-B
Cleveland, Ohio 44114-2375

Gentlemen:

This will acknowledge receipt of the letter from Mr. Thomas Osborn of Intera, dated February 23, 1989, providing your response to the Notice of Violation accompanying NRC Inspection Report 40-8904/88-02, issued January 24, 1989. Our review of your response is discussed below.

The NRC feels strongly that standard operating procedures are essential to assure proper management oversight of all site activities. Criterion 8 of 10 CFR 40 and Condition No. 16 of Source Material License SUA-1472 specifically require the operator to develop written procedures specifying the methods of control of dusting from diffuse sources. The purpose of the annual review required by License Condition No. 20 is to assure that the procedures reflect good health and safety practices and current facility conditions. This area has been recognized as a weakness in the program at L-Bar during previous inspections.

During the NRC inspection conducted on December 22, 1988, the NRC inspector questioned the onsite staff on the availability of written procedures relative to the current methodology to control blowing tailings, as required by License Condition Nos. 16 and 20. Licensee staff indicated that the guidance had been discussed in the contract for placement of the cover and included such items as the use of a water truck when dusting conditions were evident, but that no procedure reflecting the current control methodology or evaluation procedure was available. A copy of the operating procedure for controlling blowing tailings, provided subsequent to the inspection, indicated an August 3, 1988 RSO review. A thorough review should have noted the discussion of an enhanced evaporation system which was no longer operational or applicable as a control methodology.

The NRC does not agree with your contention that procedural updates are unnecessary and that conditions are so dynamic as to require daily changes. The revised program should address a stabilization program for tailings not covered by the interim cover, inspection procedures to evaluate the effectiveness of control for both covered and uncovered areas, and remedial

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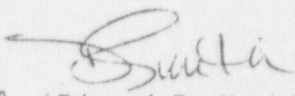
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actions to correct deficiencies noted during the inspections. Although the interim cover will significantly reduce the level of effort needed to control blowing tailings, wind and water erosion will impact the cover and may result in the need to perform remedial actions, such as placement of additional soil in areas where erosion has reduced the effectiveness of the soil cover.

The lack of up-to-date written procedures for preventing or minimizing dispersal of blowing tailings indicates you were not in compliance with the requirements and/or intent of Criterion 8 and License Condition Nos. 16 and 20. The February 23, 1989 letter is not considered responsive to the issue raised in the inspection report. In order to enable resolution of NRC's concern, BP America is hereby requested to submit a revised procedure for the control of blowing tailings reflecting current or anticipated site conditions within 30 days of the date of this letter. Provided the procedure adequately addresses the three areas identified in the paragraph above, the NRC will confirm implementation of the procedure on the next inspection.

Sincerely,


for Edward F. Hawkins, Branch Chief
Uranium Recovery Field Office
Region IV

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