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Docket File No. 40-8907

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40-8907/PJG/88/02/18/0

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MAR 4 1988

URFO: PJG  
Docket No. 40-8907

UNC Mining and Milling  
ATTN: Mr. Juan R. Velasquez  
5301 Central Avenue N.E.  
Suite 905  
Albuquerque, New Mexico 87108

Gentlemen:

We are in receipt of your letter dated February 11, 1988 in response to our letter dated January 5, 1988 and the accompanying Notice of Violation (NOV). The referenced correspondence concerns an NRC inspection at the Church Rock Mill conducted on December 3-4, 1987 and documented in NRC Inspection Report 40-8907/87-001. Your response indicates that UNC disagrees with the finding of three apparent violations as specified in the NOV. Our review of your response is discussed below.

Violation No. 1 as noted in the NOV concerns a failure to develop written procedures for the control of blowing tailings as required by License Condition No. 16 of Source Material License SUA-1475. You state in your letter that information submitted to NRC on February 13, 1987 constituted the "procedures" to be implemented to control blowing tailings, and that a lack of feedback from NRC on the February 13, 1987 submittal resulted in a conclusion by UNC that the "procedures" must be adequate.

The purpose of written procedures is to provide the specific details necessary to assure that site personnel perform required activities in a consistent and technically correct manner. The information contained in the February 13 submittal obviously does not meet our expectations of what constitutes an adequate procedure. The generalized listing of program aspects was submitted in response to a program deficiency identified during an inspection conducted August 18-20, 1986. The deficiency, which was identified as a necessary program element, indicated that written procedures must be established in accordance with Criterion 8 of Appendix A to 10 CFR 40, not that the procedures were to be submitted to NRC. The NRC staff considers the very general information included in the February 13 submittal to constitute general

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program elements and not a procedure which is to be used by site personnel.

The purpose of a written procedure for mitigation of blowing tailings is to tie the program elements into a logical, coherent plan with specific responsibilities and timeframes for the following:

1. Evaluating the adequacy of control measures;
2. Taking remedial actions to mitigate further blowing in areas where blowing is observed;
3. Evaluating the level of resulting contamination outside areas included in the stabilization program;
4. Taking remedial actions to mitigate contamination in excess of the 10 CFR 40 limit; and
5. Verifying that all remedial actions taken were effective and/or adequate.

Because of the apparent misunderstanding on your part as to what constitutes written procedures, we will withdraw the cited violation. With this clarification of the need for specific procedures pursuant to License Condition No. 16 of SUA-1475 now established, please submit your procedures for the control of blowing tailings for our review by April 1, 1988.

Violation No. 2 concerned the failure to perform documented weekly inspections to evaluate the effectiveness of the measures used to control blowing tailings, also as required by License Condition No. 16. UNC states that the weekly stability inspections performed prior to the August 1986 inspection were assumed to satisfy the requirements of License Condition No. 16 because a deficiency was not noted as a result of the 1986 inspection. This assumption was made despite the fact that the requirement for documented weekly inspections was not incorporated into the UNC license until April 10, 1987, and therefore had not been specifically addressed in the 1986 inspection.

NRC inspectors determined during the inspection on December 3-4, 1987 that no documentation existed at the site regarding weekly inspections which specifically evaluated the adequacy of control measures. According

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to available documentation the weekly inspections were carried out only for the purpose of determining structural stability of the tailings pond embankments and did not report on any conditions related to the control of blowing tailings. We therefore see no reason to withdraw the violation.

Your February 11 response states that a checklist has been developed to document the weekly inspections of the dust control program. This approach should be adequate to prevent a recurrence of the violation cited during the inspection.

Violation No. 3 concerned a failure to establish procedures which utilize proper radiation protection principles for conducting alpha contamination surveys and calculating internal employee exposures as required by License Condition No. 20. With regard to the alpha contamination surveys, you state that the action levels for personnel or equipment leaving the site had been set well below allowable limits as a conservative measure. With regard to the calculation of internal exposures, you state that the exposures calculated using a correct methodology would all be less than one percent of the maximum permissible exposure.

The statement regarding the setting of action levels for alpha surveys is not consistent with the procedure submitted by UNC by letter dated March 16, 1987. If you will refer to procedure PMP-4, page 2 of 3, of the March 16 submittal, you will note that action levels have been set at the exact values specified in License Condition No. 11, after correcting for instrument efficiency. Procedure PMP-4 does not include a correction for the area of the probe, and because it does not measurements made in accordance with these procedures would not accurately reflect radioactive contamination levels. Therefore, we must conclude that inaccurate survey results do not constitute proper radiation protection principles, regardless of the levels being measured.

The point of the citation dealt with the adequacy of the measurements, not the levels of contamination being released. If the inspectors had concluded that personnel or equipment contaminated in excess of the limits specified in License Condition No. 11 had left the restricted area, a violation of Condition No. 11 would have been cited. Likewise, if the inspectors had concluded that exposures in excess of regulatory limits had occurred, a violation of 10 CFR 20.103 would have been cited. Neither situation was the case.

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The purpose of License Condition No. 20 is to assure that sound radiation safety principles are incorporated into the procedures used to conduct the radiation safety and environmental monitoring programs required by the license. The procedures cited in the violation were simply incorrect. However, in keeping with our normal practice of identifying procedure deficiencies of this type as open items, this violation will be withdrawn. This inspection finding will be identified as Open Item 8907/87-001/01.

We did note that your February 11 response commits that adequate procedures are now being used for the two actions noted in the violation. We will review your adherence to a proper procedure during our next inspection.

We hope this adequately addresses the rationale for the violations cited. We have provided UNC the opportunity to correct the situation with regard to written procedures for the control of blowing tailings and have withdrawn that citation. We have concluded after careful consideration of your arguments that the second violation as cited in the NOV shall stand and that the third violation should be reclassified as an open item. We recommend that UNC review License SUA-1475 regarding the intent of any license condition. Upon your request we will be pleased to meet or discuss the intent of any license condition or other NRC requirement.

If you have any questions regarding this letter, please do not hesitate contact us.

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Harry J. Pettengill, Chief  
Licensing Branch 2  
Uranium Recovery Field Office  
Region IV

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