



**UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION IV
611 RYAN PLAZA DRIVE, SUITE 400
ARLINGTON, TEXAS 76011-8064**

December 5, 2000

EA-00-269

Mr. Michael J. Mocniak, Corporate Manager
Fansteel Incorporated
Number One Tantalum Place
North Chicago, Illinois 60064

**SUBJECT: UNRESOLVED ITEMS FROM NRC INSPECTION REPORT 040-07580/00-01
AND THE FEBRUARY 12, 2000, HYDROFLUORIC ACID RELEASE INCIDENT**

Dear Mr. Mocniak:

On March 17, 2000, the NRC completed an onsite inspection at the Fansteel facility in Muskogee, Oklahoma. This inspection reviewed the circumstances surrounding the February 12, 2000, hydrofluoric acid (HF) gas release which hospitalized two operators. In our review of this event, which was documented in NRC Inspection Report 040-07580/00-01, we identified two Unresolved Items related to the event. An Unresolved Item is a matter about which more information is required to determine whether the issues in question were acceptable items, deviations, nonconformances, or violations.

The February 12, 2000, HF event resulted in an occupational hazard and injury to workers. It was not apparent that the activities which occurred at Tank T-702, where the exposed workers were manually loading material into an open tank without an approved procedure involved activities licensed by the NRC. Consequently, this issue was considered an Unresolved Item (URI 40-7580/0001-01). A second issue identified from the HF event was that the shift supervisor entered the process facility without donning a respirator. The failure of this individual to use a respirator during a plant emergency was considered an Unresolved Item (URI 40-7580/0001-02). The two unresolved items were opened pending a determination of whether the issues were violations of NRC requirements, or whether they more appropriately fell within the jurisdiction of the Occupational Safety and Health Administration (OSHA). Due to the safety concerns identified during the inspection and our need to better understand Fansteel's controls to ensure a safe workplace, an open management meeting was held in the Region IV office on May 31, 2000, to discuss, in part, the issues pertaining to the HF event and the Unresolved Items discussed in the report.

Because the HF event involved non-radiological occupational hazards at an NRC-regulated nuclear facility, we coordinated the review of the event with OSHA pursuant to the Memoranda of Understanding (MOU) between the NRC and OSHA. As you may recall, inspectors from OSHA Region 6 assisted the NRC in inspecting the HF incident during the March 2000 inspection and during a separate inspection in late May 2000. In addition, the compliance manager from the OSHA Region 6 office participated in the open meeting. OSHA's review and conclusions of the HF incident were documented in a Memorandum dated August 28, 2000,

from John B. Miles, Jr., Regional Administrator of OSHA Region 6, to Dwight D. Chamberlain, Director of the Region IV Division of Nuclear Materials Safety (copy attached).

After further review of this matter, we have concluded that the unresolved items associated with the February 12, 2000, HF event were not violations of NRC requirements. We consider the unresolved items to be closed.

In accordance with 10 CFR 2.790 of the NRC's "Rules of Practice," a copy of this letter and its enclosure will be available electronically for public inspection in the NRC Public Document Room or from the Publicly Available Records (PARS) component of NRC's document system (ADAMS). ADAMS is accessible from the NRC Web site at <http://www.nrc.gov/NRC/ADAMS/index.html> (the Public Electronic Reading Room).

Should you have any questions concerning this inspection, please contact Mr. Louis C. Carson II at (817) 860-8221 or Dr. D. Blair Spitzberg at (817) 860-8191.

Sincerely,

/RA/

Dwight D. Chamberlain, Director
Division of Nuclear Materials Safety

Docket No.: 40-7580
License No.: SMB-911

Enclosure:
OSHA Region 6 Letter to
NRC Region IV

cc w/enclosure:
Fred Dohmann, Plant Manager
Fansteel Incorporated
Number Ten Tantalum Place
Muskogee, Oklahoma 74403-9296

Mr. Walter Beckham, City Manager
City of Muskogee
229 West Okmulgee
Muskogee, Oklahoma 74401

Mr. John B. Miles, Regional Administrator
Occupational Safety and Health Administration
U. S. Department of Labor
525 Griffin Street, Room 602
Dallas, Texas 75202

Mr. Hugh Terrell, Safety Compliance Inspector
Occupational Safety and Health Administration
420 W. Main Street, Suite 300
Region 6, Oklahoma Field Office
Oklahoma City, Oklahoma 73102

Mr. Allyn Davis
U.S. Environmental Protection Agency
Region VI
1445 Ross Avenue
Dallas, Texas 75202

Dr. Loren Mason
District Environmental Manager
Tulsa District
U.S. Army Corps of Engineers
P.O. Box 61
Tulsa, Oklahoma 74121-0061

Mr. Mark Thomason
State of Oklahoma Department
of Environmental Quality (ODEQ)
Division of Water Quality
1000 N.E. 10th Street
Oklahoma City, Oklahoma 73117-1212

Ms. Pamela L. Bishop
State of Oklahoma Department
of Environmental Quality
Waste Management Division
Radiation Management Section
1000 N.E. 10th Street
Oklahoma City, Oklahoma 73117-1212

Mr. Mike Broderick, Administrator
State of Oklahoma Department
of Environmental Quality
Waste Management Division
Radiation Management Section
1000 N.E. 10th Street
Oklahoma City, Oklahoma 73117-1212

Mr. Joe Reina, Deputy Regional Administrator
DOL/OSHA Region 6
525 Griffin Street, Room 602
Dallas, TX 75202

bcc w/enclosure to DCD (IE07)

bcc w/enclosure (via ADAMS distrib):

- EWMerschhoff
- DCChamberlain
- LLHowell
- NMSS/DWM/LLWB(T 7F27)
- TSmith NMSS/DWM/LLWB(T 7F27)
- HAstwood, NMSS/FCSS/FCLB (T 8D14)
- LFields, NMSS/FCSS/FCLB (T 8D14)
- WTroskoski, NMSS/FCSS/FCOB (T 8A33)
- CDrummond, NMSS/FCSS/FCOB (T 8E10)
- MHaque, NMSS/FCSS/FCLB (T 8D14)
- PTing, NMSS/FCSS/FCLB (T 8D14)
- JLieberman, OGC (15B18)
- DBSpitzberg
- CAHackney
- GFSanborn
- FCDB
- MIS System
- RIV Nuclear Materials File - 5th Floor
- OEMail
- JLubinski, OE

DOCUMENT NAME: Draft: s:\dnms\fcdb\lcc\007580osha-uri.wpd Final: R:_dnms\

To receive copy of document, indicate in box: "C" = Copy without enclosures "E" = Copy with enclosures "N" = No copy

RIV:DNMS:FCDB	C:FCDB	RSLO
LCCarsonII	DBSpitzberg	CAHackney
/RA/	/RA/	/RA/
10/26/00	10/26/00	10/26/00

D:ACES	NMSS/FCSS/FCLB	D:DNMS
GFSanborn	PTing	DDChamberlain
/GMVasquez for/	/LCarson for via E/	/RA/
12/01/00/00	10/26/00	12/04/00

RIV: RC	OE:Director	OGC
KDSmith	RWBorchardt	JLieberman
/RA/	/GMVasquez for via E/	/GMVasquez for via E/
11/21/00	12/01/00	11/21/00