



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

December 18, 2001

A. Fred Dohmann, General Manager
Fansteel, Incorporated
Number Ten Tantalum Place
Muskogee, Oklahoma 74403

SUBJECT: NRC INSPECTION REPORT 040-07580/01-03

Dear Mr. Dohmann:

This refers to the inspection conducted on December 4-6, 2001, at Fansteel's rare earth recovery facility in Muskogee, Oklahoma. This inspection was an examination of activities conducted under your license as they relate to safety and compliance with the Commission's rules and regulations and with the conditions of your license. Within these areas, the inspection consisted of selected examination of procedures and representative records, observations of activities, and interviews with personnel. The enclosed report presents the results of that inspection.

The purpose of the inspection was to ensure that the plant and its radioactive material were safe, secure, and being controlled in accordance with regulatory and license requirements. At the time of the inspection, the NRC inspector noted that security and control of the radioactive material were adequate, staffing was sufficient to implement the required programs, and Fansteel was in compliance with all regulatory and license requirements. Since no violations were identified, no response to this letter is required.

In accordance with 10 CFR 2.790 of the NRC's "Rules of Practice," a copy of this letter, its enclosures, and your response (if any) will be made 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/reading-rm/adams.html> (the Public Electronic Reading Room).

Should you have any questions concerning this inspection, please contact Mr. Robert J. Evans at (817) 860-8234 or Dr. D. Blair Spitzberg at (817) 860-8191.

Sincerely,

/RA/

Dwight D. Chamberlain, Director
Division of Nuclear Materials Safety

Docket No.: 040-7580
License No.: SMB-911

Fansteel, Inc.

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Enclosure:
NRC Inspection Report
040-07580/01-03

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Fansteel, Inc.

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ENCLOSURE

U. S. NUCLEAR REGULATORY COMMISSION
REGION IV

Docket No.: 040-07580
License No.: SMB-911
Report No.: 040-07580/01-03
Licensee: Fansteel, Inc.
Facility: Muskogee Plant
Location: Muskogee, Oklahoma
Inspection Dates: December 4-6, 2001
Inspector: Robert J. Evans, PE, CHP, Health Physicist
Fuel Cycle & Decommissioning Branch
Approved By: D. Blair Spitzberg, Ph.D., Chief
Fuel Cycle & Decommissioning Branch
Attachments: Supplemental Inspection Information
Photographs Taken at the Fansteel Facility

EXECUTIVE SUMMARY

Fansteel, Inc. Muskogee Plant
NRC Inspection Report 040-07580/01-03

In a press release dated November 19, 2001, Fansteel announced that it may file for bankruptcy on or before December 15, 2001. This inspection reviewed the site status, management organization and controls, radiation protection program, environmental monitoring program, and decommissioning recordkeeping requirements. Overall, the licensee was conducting site operations in compliance with applicable regulations and license conditions, and the plant was being maintained in the safe shutdown mode.

Inspection of Material Licensees Involved in an Incident or Bankruptcy Filing

- The licensee's press release stated that it had temporarily shut down the Fansteel facility. The licensee did not intend to revise its decommissioning plan or its financial assurance instruments at this time. The licensee's long-term plans for the plant will be a corporate decision that will be made at a later date (Section 1.a).
- The licensee recently reduced the onsite staffing as a result of its financial situation. Key positions were continuing to be manned including the radiation protection staff and site security. The licensee indicated that manning of these positions was expected to continue unaffected by any potential bankruptcy proceedings. The licensee's staffing was adequate to maintain the plant in a shutdown condition and to ensure compliance with applicable regulations and license conditions (Section 1.b).
- Site tours confirmed that security and control of the radioactive material was adequate. The plant was shut down, and system draining/cleaning was in progress. Radiological postings were adequate throughout the plant. Site fences and gates were in good condition. Overall, facility operations were being conducted in accordance with applicable license conditions and NRC regulations (Section 1.c).
- Portions of the radiation protection program were reviewed. The program was fully implemented at the time of the inspection. Occupational doses were small fractions of the regulatory requirements. Air samples were being collected as required. Contamination controls were in place to help prevent the spread of loose radioactive material (Section 1.d).
- The environmental and effluent monitoring programs were being implemented in accordance with regulatory and license requirements. Based on the licensee's records, any offsite releases had a minimal impact on the environs of the site. No sample result exceeded any regulatory or reporting limit (Section 1.e).
- Decommissioning records were being maintained in an onsite location with one exception. The financial assurance records were being maintained in the corporate office (Section 1.f).

- A previous Inspection Followup Item related to the organizational structure is being left open. The future organizational structure depends on the licensee's long-term plans for the plant. Should the licensee file for bankruptcy, the NRC will closely monitor the organizational structure in place at the plant through its Bankruptcy Review Team (Section 2.1).
- A previous violation related to the licensee's failure to post the Sodium Reduction Building as an airborne radioactivity area was closed. The licensee implemented corrective actions that included posting of the building, controlling access to the building, and relocating the radon monitor in the building (Section 2.2).

Report Details

Summary of Site Status

From 1958 until 1989, the 110-acre Fansteel facility produced tantalum metal and columbium oxide extracted from ore and slag feedstock. The Atomic Energy Commission issued Fansteel a license during January 1967 for possession of uranium and thorium source material that was present in the ores and slag material. The facility ceased operations during December 1989. During 1993, the licensee conducted a site characterization survey to delineate the contamination still present at the site.

By application dated January 25, 1995, Fansteel requested a license amendment to authorize the onsite processing of pond residues containing precious metals. This material was designated as work-in-progress (WIP) material. The licensee planned to recover these rare metals while simultaneously reducing the total volume of radioactive waste within the WIP material. The licensee also planned to recover calcium fluoride (CaF₂) material from existing onsite waste treatment Ponds 6-9.

On March 25, 1997, the NRC authorized Fansteel to proceed with the WIP project and to install a french drain groundwater collection and remediation system. On December 18, 1997, the NRC issued License Amendment 1, which authorized the reprocessing of waste water treatment residue in Ponds 6-9. On March 15, 1999, the NRC issued License Amendment 4, which removed several license conditions that restricted Fansteel from starting residue recovery operations. The licensee initiated a phased restart of the plant on April 1, 1999. On August 20, 1999, the NRC approved Fansteel's revised decommissioning plan.

At the time of the onsite inspection, the site consisted of several sections. The eastern property was a 56.5-acre parcel of land that was designated as "affected" because it contained radioactive material. Radioactive material was contained in:

- Ponds 2 and 3, which contained approximately 4.7 million cubic feet of radioactive waste residue.
- Approximately 0.6 million cubic feet of contaminated soil.
- Dirt excavated during french drain construction, currently located near main entrance in a covered pile.
- Sodium Reduction Building; approximately 1200 tons of material was previously located in Pond 5 or was residual WIP material and is now being stored in "super-sacks" or drums in the building.
- Recovery product (14 tons) currently in temporary storage at an outdoor location behind the plant.
- Process tanks in the plant (13 tons of WIP material is still in the processing equipment).

The southwestern and northern properties were both considered “unaffected” by past operations. The southwestern property was the site designated for the onsite disposal cell as stipulated in the decommissioning plan. Both the southwestern and northern properties may still contain some wind-blown contamination. The properties will be radiologically surveyed at some point in the future to ensure that they are free of residual contamination prior to unrestricted release of the properties. During 1996, the NRC released for unrestricted use, a 35-acre parcel referred to as the northwest property from the license.

1 Inspection of Material Licensees Involved in an Incident or Bankruptcy Filing (87103)

1.1 Inspection Scope

The status of the Fansteel facility was reviewed, including facility operations, site staffing, radioactive material control, radiation protection and environmental monitoring program implementation, and decommissioning activities.

1.2 Observations and Findings

a. Background Information

During mid-November 2001, the licensee became aware that its financial situation may require a change in plant status. On November 19, 2001, Fansteel issued a press release announcing that it was contemplating the filing of a voluntary petition for protection under Chapter 11 of the United States Bankruptcy Code. The press release stated that Fansteel had suspended operations at its Muskogee facility. Personnel layoffs occurred at the site 2 days later.

By NRC letter dated November 29, 2001, the NRC acknowledged Fansteel's press release and reminded the licensee of its obligations for regulatory and license compliance. In addition, the NRC implemented a Bankruptcy Review Team in accordance with Appendix H, “Bankruptcy Review Team Procedures,” to NUREG-1556, Volume 15, Consolidated Guidance About Materials Licensees.

At the time of this inspection, the licensee had processed about 50 tons of WIP material obtained from Pond 2 through the plant since initial startup in April 1999. The calciner was removed from service during early October 2001 to repair its seals. The plant had been shut down since that time. The licensee currently does not plan to modify its NRC-approved decommissioning plan or its financial assurance instruments until it determines what its long-term plans are for the facility.

b. Organizational Structure

The inspector reviewed the licensee's organizational structure and its management controls to determine whether functional responsibilities had been clearly established and whether controls were in place to ensure license compliance for the current mode of plant operations.

During November 2001, the licensee reduced the number of onsite personnel from 38 to 11 at the time of the onsite inspection. The individuals remaining included the site general manager, radiation safety officer, radiation technician, plant chemical engineer, operations manager, documentation control coordinator, administrative assistant, two crew leaders, and two plant operators. The licensee also had two contractors working under the oversight of the plant chemical engineer. In addition, the licensee still had a contract security force in place. This organizational structure was considered a short-term staffing plan and no additional layoffs were planned in the immediate future.

During the inspection, the plant was in the suspended operations mode. According to the plant general manager, the highest priority items were health, safety and environmental compliance, including compliance with applicable regulations, license conditions, and state permits. The staff would be used to maintain continued operability of the waste water, groundwater, and environmental monitoring systems. The licensee also planned to place the plant in standby, including draining and cleaning of all unnecessary plant systems. No timetable had been set for the completion of these activities, and the existing staff would be used to perform these operational and maintenance tasks. These activities were being completed as quickly as feasible based on economics and opportunity.

The general manager believed he had the personnel to ensure license and regulatory compliance during this interim period. The NRC inspector noted that key positions, including the radiation protection staff, were still filled with qualified individuals. The licensee stated that it would use contractors on an as-needed basis for some short-term maintenance activities, but contractors would not be used to fill permanent plant staffing vacancies. The licensee stated during the inspection that it would submit an updated organizational chart to the NRC in the near future. Whether the organizational structure permanently changes depends on the licensee's eventual decision regarding its long-term plans for the facility.

c. Site Status/Tours

The licensee's reprocessing plant was in shutdown/standby during the inspection. The activities in progress or planned for the immediate future included:

- Cleaning and draining residual material from all plant systems. The residual WIP material will be packaged and stored in the Sodium Reduction Building. The CaF_2 material will be returned to Ponds 8 and 9 via the waste water treatment system.
- Relocating the radioactive waste material (13 bags), currently in temporary storage, from a location behind the plant into the Sodium Reduction Building.
- Selling its remaining hydrofluoric acid (40,000 pounds) and ammonium hydroxide (31,000 pounds) to third party entities.
- Neutralizing its remaining sulfuric acid (46,000 pounds) and sodium hydroxide (38,000 pounds).

- Draining the solvent extraction circuit and storing the organics in drums in the Chem A Building. Until the organics are removed, the licensee must keep its carbon dioxide fire suppression system in service.
- Covering the void in Pond 2 with a liner and filling in the space with soil. (WIP material that was recently processed in the plant was obtained from Pond 2.)

Plant systems that will be maintained in service and not placed in a standby mode include the groundwater treatment system, the waste water treatment plant, the plant boilers and air compressors, and building utilities (electricity, heat, water). The licensee had no short-term plans to sell any plant equipment. Whether the licensee eventually decides to sell plant assets depends on the licensee's decision regarding the future of the site.

The licensee will create special procedures, revise existing procedures, or issue special work permits as necessary. The inspector reviewed recent special work permits and noted several that pertained to the plant shutdown. Work hazards and required safety equipment were stipulated on all permits.

The inspector toured the plant chemistry laboratory. Work-in-progress included discarding unnecessary samples, laboratory cleanup, and analyses of remaining samples obtained from the last production run. Since the last inspection, the only material shipped offsite were laboratory samples but no shipments of completed product.

Site tours were conducted to observe activities in progress. The tours included all buildings, ponds, and radioactive material storage areas. Radiological surveys were conducted using an NRC issued Ludlum Model 19 MicroRoentgen meter (NRC No. 015518, calibrated to cesium-137). The highest exposure rate in the areas routinely accessible to plant personnel was observed at the outdoor storage area. This measurement, 250 microRoentgens per hour, was well below the definition of a radiation area (5000 microRoentgens per hour). The plant general areas were noted to be at or near background exposure rates.

Site tours confirmed that all areas containing radioactive material were properly maintained and posted with "Caution, Radioactive Material" signs as appropriate. The Sodium Reduction Building, an area with controlled access, was labeled as an airborne radioactivity area. All storage areas displayed proper radiological postings as required by 10 CFR 20.1902(e).

Site security was provided during regular business hours by a security guard and by site personnel. Access to the site was limited by locked gates during non-business hours to prevent unauthorized access to the facility. Security guards were present at the site at all times. The site perimeter fence was in good condition and properly posted. All radioactive material storage areas were secured and controlled within the site boundary in accordance with the requirements of 10 CFR 20.1801.

The inspector reviewed the licensee's emergency plans. The licensee still had emergency supplies and operable wash stations and fire extinguishers in the plant. The licensee believed it still had adequate staffing to implement the emergency plan, although the site depends on offsite responders for many accident scenarios. The licensee had no short-term plans to downgrade its fire protection capabilities, but may allow the carbon dioxide fire suppression system certification to expire when the organics are removed from the solvent extraction circuit.

d. Radiation Protection

The inspector examined the radiation protection program for compliance with the license and 10 CFR Part 20 requirements. The program areas reviewed included personnel exposures, in-plant air sampling, contamination surveys, and equipment release records. The licensee had no short-term plans to change its radiation protection program and would discuss those changes, if any were to be proposed, with the NRC prior to implementation.

Occupational radiation exposures at the Fansteel site were monitored using both thermoluminescent dosimeters and air sample results. The thermoluminescent dosimeter sample results for the first three quarters of 2001 were reviewed. The highest exposure was 11 millirems, a value well below the NRC's annual total effective dose equivalent of 5000 millirems. All other personnel exposure measurements were essentially zero.

The inspector reviewed the fixed air sample results for October-November 2001. Air samples were collected at five locations in the Chem A Building; two in the penthouse; two near the calciner, and one near the recovery product filter press. Several sample results exceeded the administrative action level during early October 2000. These sample results were obtained during maintenance on the calciner, including welding. Any individual working in the immediate vicinity of the calciner was routinely assigned respirators. No sample result exceeded the administrative action level since early October, the time when the calciner and the plant were both shut down.

Lapel air samplers were issued to selected individuals. The sample results for the third quarter of 2001 were reviewed. The two highest sample results occurred during cleaning of the calciner seals and during welding on the calciner. In both instances, work was being conducted under the written guidance of a special work permit, and half-face respirators were worn by the workers.

The licensee also had a contamination control program in place at the site that included controlled equipment releases and routine sampling for contamination in and around the plant. The inspector reviewed the equipment release records for November 2001 and concluded that no component had been released from the site with contamination above the release limits.

Routine surveys were conducted for fixed and removable contamination. The inspector noted that the licensee had conducted incomplete surveys during November-December 2001 because of survey instrumentation problems. The licensee

was unable to conduct surveys for fixed alpha contamination for about 3 weeks because one meter had broken while a second meter was offsite for re-calibration. Further, the licensee obtained gamma exposure rates using a meter with an expired calibration for a brief period of time. The inspector concluded that these instrumentation problems were isolated occurrences and were of minor safety significance because the licensee did not release any equipment or laundry and because the plant was in a stable, shutdown mode of operation during this time frame. The licensee issued condition reports for the equipment problems to document the problems and to propose corrective actions to prevent recurrence.

e. Environmental and Effluent Monitoring

The environmental and effluent monitoring program consisted of liquid effluent monitoring, groundwater monitoring, and air sampling. No program changes were planned by the licensee in the short-term, and the licensee was aware that any changes would require a license amendment. The inspector examined the licensee's sample results for portions of calendar year 2001 to ensure that radioactive material was not being released into the environs of the plant.

Groundwater monitoring consisted of sampling 19 wells and 4 sumps. The wells and sumps were sampled quarterly and analyzed for gross alpha and beta concentrations. The third quarter sample results for 2001 were reviewed. Eight wells and all four sumps contained fluid that exceeded the gross alpha and beta concentration action levels. In accordance with the license application, the licensee conducted an isotopic analysis of all sample results that exceeded the action levels. No sample result exceeded the 10 CFR Part 20, Appendix B, Table II release limit or the reportability limit.

Air particulate samples were collected at six locations, including four perimeter stations, an offsite (environmental) station, and a background station. The air particulate samples were exchanged weekly and analyzed for gross alpha activity. The sample results for the third quarter were reviewed. No sample result exceeded the administrative action level for gross alpha activity.

f. Decommissioning Recordkeeping

10 CFR 40.36(f) lists the decommissioning recordkeeping requirements. The records the licensee is required to maintain include records of spills or other unusual occurrences involving the spread of contamination, as-built drawings and equipment located in the restricted areas, a list of the restricted areas, and records for the decommissioning funding plan. The inspector noted that the licensee had all required records at the site with one exception. According to the licensee, the decommissioning funding records, documents required by 10 CFR 40.36(f)(4), were being maintained in the licensee's corporate office.

License Condition 21 states that the licensee shall review the decommissioning cost estimate at intervals not to exceed 13 months. The licensee submitted the last decommissioning cost estimate to the NRC by letter dated February 27, 2001. The NRC approved the licensee's decommissioning funding plan by letter dated May 21,

2001. Therefore, the licensee is required to resubmit its next decommissioning cost estimate to the NRC by March 2002.

1.3 Conclusion

The licensee's press release stated that it had temporarily shut down the Fansteel facility. The licensee did not intend to revise its decommissioning plan or its financial assurance instruments at this time. The licensee's long-term plans for the plant will be a corporate decision that will be made at a later date.

The licensee recently reduced the onsite staffing as a result of its financial situation. Key positions were continuing to be manned including the radiation protection staff and site security. The licensee indicated that manning of these positions was expected to continue unaffected by any potential bankruptcy proceedings. The licensee's staffing was adequate to maintain the plant in a shutdown condition and to ensure compliance with applicable regulations and license conditions.

Site tours confirmed that security and control of the radioactive material was adequate. The plant was shut down, and system draining/cleaning was in progress. Radiological postings were adequate throughout the plant. Site fences and gates were in good condition. Overall, facility operations were being conducted in accordance with applicable license conditions and NRC regulations.

Portions of the radiation protection program were reviewed. The program was fully implemented at the time of the inspection. Occupational doses were small fractions of the regulatory requirements. Air samples were being collected as required. Contamination controls were in place to help prevent the spread of loose radioactive material.

The environmental and effluent monitoring programs were being implemented in accordance with regulatory and license requirements. Based on the licensee's records, any offsite releases had a minimal impact on the environs of the site. No sample result exceeded any regulatory or reporting limit.

Decommissioning records were being maintained in an onsite location with one exception. The financial assurance records were being maintained in the corporate office.

2 Followup (92701)

2.1 (Open) Inspection Followup Item 040-07580/9902-01: Submittal of a license amendment request for an organizational change

During a previous inspection, the NRC noted that the licensee's onsite organizational structure was not in agreement with license requirements. Specifically, the position of plant operations manager was split into two positions, plant operations manager-process and plant operations manager-mining and utilities. Fansteel previously stated that it

would submit a license amendment request to the NRC to update the license. This commitment was being tracked in the licensee's open commitment report.

During November 2001, the licensee announced that it may file for bankruptcy during December 2001. As a result of financial difficulties, the licensee reduced the onsite workforce from 38 individuals to 11 individuals. In addition, the NRC implemented a Bankruptcy Review Team in accordance with Appendix H, "Bankruptcy Review Team Procedures," to NUREG-1556, Volume 15, Consolidated Guidance About Materials Licensees.

During the current inspection, the licensee stated that it would submit an updated organizational structure to the NRC which would show the key positions required for maintaining the plant in a standby status. Also, the NRC's Bankruptcy Review Team will continue to monitor the licensee's performance into the foreseeable future, including site staffing. Once the licensee determines what its long-term plans are, then it will update the organizational structure as necessary to match its plans. Additional review of this Inspection Followup Item will be conducted during a future inspection.

2.2 (Closed) Violation 040-7580/0102-01: Failure to post an airborne radioactivity area

During the previous inspection, the NRC identified that the licensee had failed to post the Sodium Reduction Building as an airborne radioactivity area because of elevated radon-222 levels, a violation of 10 CFR 20.1902(d). In response to the NRC's findings, the licensee posted the building and implemented access control measures. The licensee's long-term plan was to remove the source of the radon-222, the radioactive material in storage in the building.

Since the previous inspection, the licensee relocated the radon monitor to an area in the Sodium Reduction Building that was more representative of actual conditions for individuals who enter the building. Depending on the results from the new location, the licensee may or may not have to post the building as an airborne radioactivity area in the future. The sample result for the second quarter of 2001 (26.4 picocuries per liter) was below the derived air concentration limit specified in 10 CFR Part 20, Appendix B, for radon-222 (30 picocuries per liter). Until several quarters of data are available, the licensee will continue to post the building as an airborne radioactivity area and will continue to control access to the building.

3 **Exit Meeting Summary**

The inspector reviewed the scope and findings of the inspection during the exit meeting that was conducted at the conclusion of the onsite inspection on December 6, 2001. The licensee did not identify as proprietary any information provided to, or reviewed, by the inspector.

ATTACHMENT 1

SUPPLEMENTAL INFORMATION

PARTIAL LIST OF PERSONS CONTACTED

Licensee

J. Burgess, Operations Manager
F. Dohmann, General Manager
K. Payne, Plant Radiation Safety Officer/Plant Safety Director

State of Oklahoma

K. Burch, Assistant Attorney General, Office of Attorney General
P. Bishop, Environmental Specialist, Oklahoma Department of Environmental Quality

INSPECTION PROCEDURES USED

IP 87103 Inspection of Material Licensees Involved in an Incident or Bankruptcy Filing
IP 92701 Followup

ITEMS OPENED, CLOSED AND DISCUSSED

Opened

None.

Closed

040-07580/0102-01 VIO Failure to post an airborne area [10 CFR 20.1902(d)].

Discussed

040-07580/9902-01 IFI Submittal of a license amendment request for an organization change.

LIST OF ACRONYMS USED

CaF₂ calcium fluoride
CFR Code of Federal Regulation
IFI Inspection Followup Item
IP Inspection Procedure
NRC Nuclear Regulatory Commission
VIO violation
WIP work-in-progress

ATTACHMENT 2
FANSTEEL FACILITY IN MUSKOGEE, OKLAHOMA



Pond 3 - contains previously processed ores and slag material.



Pond 3 - contains previously processed ores and slag material.



Excavated pit in Pond 2; location where WIP material was obtained.



Contaminated soil being stored in restricted area (covered for protection).



Sodium Reduction Building; Pond 5 material was stored in this building.



Temporary storage of about 14 tons of recovery product.



Portions of waste water treatment system located behind Chem C Bldg.



Laboratory located within Chem C Building.