



UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION IV
611 RYAN PLAZA DRIVE, SUITE 400
ARLINGTON, TEXAS 76011-4005

December 13, 2002

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

SUBJECT: NRC INSPECTION REPORT 040-07580/2002-02

Dear Mr. Dohmann:

This refers to the inspection conducted on November 19-20, 2002, 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.

In accordance with 10 CFR 2.790 of the NRC's "Rules of Practice," a copy of this letter, its enclosure, 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, Ph.D., at (817) 860-8191.

Sincerely,

/RA/

Ken E. Brockman, Director
Division of Nuclear Materials Safety

Docket No.: 040-07580
License No.: SMB-911

Enclosure:
NRC Inspection Report
040-07580/2002-02

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-3-

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-4-

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MIS System

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ENCLOSURE

U. S. NUCLEAR REGULATORY COMMISSION
REGION IV

Docket No.: 040-07580
License No.: SMB-911
Report No.: 040-07580/2002-02
Licensee: Fansteel, Inc.
Facility: Muskogee Plant
Location: Muskogee, Oklahoma
Inspection Dates: November 19-20, 2002
Inspector: Robert J. Evans, PE, CHP, Senior Health Physicist
Fuel Cycle & Decommissioning Branch
Approved By: D. Blair Spitzberg, Ph.D., Chief
Fuel Cycle & Decommissioning Branch
Attachment: Supplemental Inspection Information

EXECUTIVE SUMMARY

Fansteel, Inc., Muskogee Plant
NRC Inspection Report 040-07580/2002-02

This inspection reviewed site status, management organization and controls, radiation protection program, transportation activities, environmental protection program, emergency preparedness/fire protection program, and followup of a previous inspection finding.

Management Organization and Controls

- The staffing level was adequate to maintain the plant in a shutdown condition and to ensure compliance with applicable regulations and license conditions (Section 1).

Radiation Protection

- The licensee implemented a radiation protection program that met the requirements established in 10 CFR Part 20 and the license. Site tours confirmed that security and control of the radioactive material were adequate. Occupational exposures were below regulatory limits. Contamination control efforts were effective (Section 2).

Inspection of Transportation Activities

- The licensee shipped calcium fluoride material to third party entities 14 times since the previous inspection. The licensee was allowed to ship the material to non-licensees because the material contained unimportant quantities of source material as defined in 10 CFR 40.13 (Section 3).

Environmental Protection

- The environmental and effluent monitoring programs were implemented in accordance with regulatory and license requirements (Section 4).

Emergency Preparedness/Fire Protection

- The licensee had an emergency response and fire protection program in effect that was appropriate for the current mode of plant operation (Section 5).

Followup

- A previous Inspection Followup Item related to the organizational structure was left open. The future organizational structure depends on the licensee's long-term plans for the plant (Section 6).

Report Details

Summary of Site Status

From 1958 until 1989, the Fansteel facility extracted tantalum metal and columbium oxide from ore and slag feedstock. The U.S. Atomic Energy Commission issued a source material license to Fansteel during 1967 for possession of thorium and uranium that was contained in the raw material being processed in the plant. The facility ceased operations during December 1989.

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

During March 1999, the NRC authorized Fansteel to commence with residue recovery operations. The licensee initiated a phased restart of the plant on April 1, 1999. Since April 1999, the licensee processed roughly 50 tons of pond material while conducting preoperational testing of plant equipment and process flowpaths.

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 U.S. Bankruptcy Code. Fansteel suspended operations at its Muskogee facility at that time and released a number of plant workers. On January 15, 2002, Fansteel formally filed voluntary petitions for reorganization under Chapter 11 and simultaneously notified the NRC of the bankruptcy filing pursuant to 10 CFR 40.41(f).

The plant was in the suspended operations mode during the inspection. The facility had been in this mode of operation since November 2001. The only plant systems being maintained in service included the groundwater treatment system, waste water treatment plant, plant boilers, air compressors, and building utilities (electricity, heat, water). The process systems had been drained of potentially radioactive material. The material was bagged and placed into storage in the former sodium reduction building. All CaF₂ material in the plant was returned to onsite Ponds 8 and 9 via the waste water treatment system.

Hydrofluoric acid and ammonium hydroxide material was being held pending sale to third-party entities. The solvent extraction organics material had been removed from the process circuit and was being stored in barrels. With the solvent extraction material in storage, the licensee removed the carbon dioxide fire suppression system from operation on July 2, 2002, and placed the system in long-term lay up. Licensed material, including bagged Pond 5 material and drummed and bagged process material, remained in storage in the sodium reduction building.

By letter dated June 25, 2002, the licensee submitted a decommissioning cost estimate to the NRC in accordance with License Condition 21. Further, by application dated August 27, 2002, Fansteel requested that its operating license be renewed. Following a detailed review of the decommissioning cost estimate information, the NRC concluded that the information was insufficient. Accordingly, by letter dated October 22, 2002, Fansteel's request for a license

renewal was denied by the NRC and the licensee was reminded that it was to proceed with decommissioning in accordance with 10 CFR 40.42(d).

The licensee plans to submit a revised decommissioning plan to the NRC in the near future. In the interim, the licensee plans to meet with the NRC during mid-December 2002, in part, to discuss its decommissioning options with the agency.

1 Management Organization and Controls (88005)

1.1 Inspection Scope

The inspector reviewed the licensee's organizational structure to determine whether management controls were in place to ensure compliance with license and regulatory requirements.

1.2 Observations and Findings

During November-December 2001, in response to its financial status, the licensee reduced the number of onsite personnel from 38 to 11. At the time of this inspection, there were eight plant workers. The individuals remaining included the site general manager, radiation safety officer, radiation technician, plant chemical engineer, operations manager, documentation control coordinator/administrative assistant, and two crew leaders. Contract workers included a project engineer, a custodian, and a groundskeeper. In addition, the licensee still had a contract security force in place. This organizational structure was considered a short-term staffing plan with no additional layoffs planned.

During the inspection, the plant was in the suspended operations mode. The staff was being used to maintain the waste water, groundwater, and environmental monitoring systems. Key positions, including the radiation protection staff, were filled with qualified individuals. The current staffing level was determined to be adequate to maintain compliance with regulatory and license requirements while the plant remained shut down.

1.3 Conclusions

The staffing level was adequate to maintain the plant in a shutdown condition and to ensure compliance with applicable regulations and license conditions.

2 Radiation Protection (83822)

2.1 Inspection Scope

The inspector examined the licensee's radiation protection program for compliance with 10 CFR Part 20 and license requirements.

2.2 Observations and Findings

a. Occupational Exposures

Section 3.3 of the license application stipulates that thermoluminescent dosimeters are to be worn whenever workers are engaged in activities where radioactive material is present. The thermoluminescent dosimeter results for 2002 were reviewed. One worker received 12 millirems of exposure during the third quarter of 2002, while a second worker received 10 millirems of exposure. These two individuals were crew leaders; individuals who worked in the plant on a daily basis. All other monitoring results were zero.

The licensee monitored selected workers for internal exposures in accordance with Section 3.5.1 of the license application. Monitoring consisted of issuance of lapel air samplers to selected workers, primarily those conducting work under the directions of special work permits. The air sampler filters were collected and analyzed for gross alpha content. If the action limit was exceeded, then the radiation safety officer was required to identify the source of the radioactive material and implement suitable corrective measures. Overall, the inspector noted a downward trend in air sample results because of plant shutdown and subsequent removal of licensed material from the plant systems.

According to the licensee's internal procedures, lapel air samples were counted at least twice, once immediately and once 72 hours later to allow for decay of short-lived radioisotopes. The second count was considered the "final" count, and a derived air concentration value was calculated and assigned to workers based on this final count. The inspector noted that the action limit had been exceeded multiple times during 2002, mostly during the first quarter of 2002. The inspector questioned whether the radiation safety officer took corrective actions in response to each action limit exceedance. The licensee provided documentation to the inspector indicating that it had taken corrective action in response to each valid action level exceedance.

Four incidents were determined to be valid exceedances, and a condition report was issued by the licensee for each of these four incidents. The four incidents involved the washout of a dryer, relocation of bagged raffinate material within the sodium reduction building, sweeping of the plant, and miscellaneous work on the back pad. In each case, an internal dose was assigned to the workers based on time in the area and whether the individual was wearing a respirator or not. The inspector randomly checked the dose calculations and confirmed accuracy of the calculations. At the time of the inspection, the collective doses were well below the regulatory limits, but the final dose assignments for 2002 will be reviewed during a future inspection.

b. Contamination Control

The inspector reviewed the surface contamination control program for compliance with Section 3.5.2 of the license application. The licensee conducted weekly surface contamination surveys and biweekly swipe sample surveys. The licensee surveyed the onsite lunchroom on a weekly basis. All other areas of the plant were surveyed on a

rotational basis. The inspector reviewed the survey records for 2002. Elevated levels of fixed contamination were present only in the plant process areas. No swipe sample exceeded the action level suggesting that the licensee's control of loose contamination was effective.

Section 3.5.2 of the licensee application states that surface contamination surveys will be conducted prior to release of equipment from radiologically controlled areas. The inspector conducted a review of the licensee's equipment release records for 2002. Based on these records, no item had been released with contamination above the limits specified in Condition 27 of the license.

The license application, Section 3.5.3, states, in part, that uniforms are surveyed for alpha contamination prior to pick up by a laundry service. The inspector reviewed the program for performing contamination surveys on anti-contamination coveralls. The inspector noted that coverall surveys were being conducted in accordance with an approved procedure. The radiation protection technician who conducted the surveys stated that surveys were conducted on every coverall prior to release to an offsite laundry facility. Records for 2002 indicated that the laundry contamination levels were well below the release limits stipulated in the license.

c. Radiation Safety Training

The licensee's radiation protection training program was reviewed to determine compliance with 10 CFR 19.12 and Sections 2.3, 3.1 and 3.4 of the license application. The license application requires all new employees to receive general employee radiation safety training. A review of 2002 training documents was performed. Level I general employee training, which included emergency procedures, was provided on an as-needed basis to contractors to allow access to the plant site but not plant buildings. Level II training, which included radiation safety, was conducted during March 2002 for all employees that entered the plant. Site familiarization training was provided to local fire fighters during April 2002. The training included a site tour.

d. Special Work Permits

In accordance with Section 3.2 of the license application, the licensee had a special work permit program in place. Special work permits were used for all maintenance tasks, including any work involving licensed material. The permits listed both radiological and non-radiological safety hazards, personnel protective equipment requirements, and monitoring requirements. Workers were required to sign the special work permits indicating that they have read and understood the permit requirements. A review of the 2002 special work permits was conducted, and the inspector concluded that the licensee was using the special work permit program to minimize potential radiological hazards to plant workers.

e. Air Sampling

Plant area air sampling was conducted at three locations identified by the radiation safety officer as locations having the potential for airborne contamination. One sample

point was located in the Chem C building while the remaining two locations were in the Chem A building. The sample filters were exchanged on a weekly basis. The inspector reviewed the sample results for 2002 and noted that no sample result exceeded the administrative action level. The inspector noted a downward trend in air sample results following suspension of plant operations during the fall of 2001.

f. Radon Sampling

Radon sampling was conducted quarterly at seven locations around the site. The only area that exceeded the action level of 30 picocuries per liter was the sodium reduction building. The 2002 sample results varied from 38.8 to 47.7 picocuries per liter. This building was used to house bagged pond material. The building was routinely locked and posted as an airborne radiation area. A special work permit was required for entry into the building.

g. Radiation Protection Program Reviews

Annual program reviews are required by 10 CFR 20.1101(c). The licensee conducted the 2001 review on March 5, 2002. The review appeared to be thorough and included all program areas. Portions of the annual program review was conducted by a third-party contractor. The respiratory protection and air sampling programs were reviewed by a consultant during August-September 2001.

License application Section 2.1.2 stipulates that a radiation safety committee be established. The committee met at least quarterly. The inspector reviewed the meeting minutes for 2002. The committee discussed relevant issues including trends.

h. Instrument Calibrations

The licensee had a variety of radiological survey meters available for use. The inspector confirmed that the survey meters in use had up-to-date calibrations. The removable contamination counter was efficiency checked each day prior to use using calibrated check sources. Lapel air samplers were calibration checked just prior to use using a flow calibrator. The flow calibrator was calibration checked on an annual basis. Perimeter (low volume) air sampler rotameters were calibration checked annually, most recently during March 2002. Area (high volume) air samplers were also checked annually, most recently during April 2002. Equipment removed from service had been clearly tagged out-of-service.

i. Site Tour

A site tour was conducted to observe activities in progress. The tour included all buildings, ponds, and radioactive material storage areas. Radiological surveys were conducted using an NRC issued Ludlum Model 19 MicroRoentgen meter (NRC No. 015540, calibrated to radium-226). The site tour confirmed that all areas with radiological materials, including the ponds, french drain system, and the Chem A, Chem C and sodium reduction buildings were properly maintained and posted with "Caution, Radioactive Material," signs as appropriate. The general area exposure rates

in the main plant were noted to be at or near background levels. These measurements were expected since most radioactive material had been removed from the plant and returned to the ponds or relocated to the sodium reduction building. Adequate protective clothing and contamination control practices were evident in the plant.

Site security was provided by a security force and by site personnel during regular business hours. Access to the site was limited by locked gates during non-business hours to prevent unauthorized access to the facility. 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. All storage areas displayed proper radiological postings as required by 10 CFR 20.1902(e).

2.3 Conclusions

The licensee implemented a radiation protection program that met the requirements established in 10 CFR Part 20 and the license. Site tours confirmed that security and control of the radioactive material were adequate. Occupational exposures were below regulatory limits. Contamination control efforts were effective.

3 Inspection of Transportation Activities (86740)

3.1 Inspection Scope

The inspector reviewed the licensee's program for the shipment and transportation of potentially radioactive material.

3.2 Observations and Findings

The raw material and product sampling requirements are provided in Section 3.5.11 of the license application. Since the last inspection, the licensee shipped 14 samples of CaF₂ material to offsite, third party entities. The inspector reviewed the documentation associated with each shipment and concluded that the material could be transferred to non-licensees because the material complied with the requirements of 10 CFR 40.13, "Unimportant Quantities of Source Material." The licensee's records indicated that the average source material content in the CaF₂ was no more than 0.04 percent by weight, a value that was below the 0.05 percent limit specified in 10 CFR 40.13.

3.3 Conclusions

The licensee shipped CaF₂ material to third-party entities 14 times since the previous inspection. The licensee was allowed to ship the material to non-licensees because the material contained unimportant quantities of source material as defined in 10 CFR 40.13.

4 Environmental Protection (88045)

4.1 Inspection Scope

The inspector reviewed the licensee's program to control, monitor, and quantify releases of radioactive material to the environment and to ascertain whether the program was effectively implemented per regulatory and license requirements.

4.2 Observations and Findings

The environmental and effluent monitoring program requirements are specified in Section 3.5 of the license application. The program consisted of liquid effluent monitoring, groundwater monitoring, and perimeter air sampling. The inspector examined the licensee's sample results for 2002, in part, to determine if radioactive material was being released into the environs of the site.

Plant liquid effluents were discharged from Pond 6 to the Arkansas River through Outfall 001. The liquids were released in batch modes. During 2002, the licensee released liquids six times and collectively released about 9.3 million gallons of fluid. Samples were collected during each batch release. The fluid samples were analyzed for gross alpha and beta concentrations. The gross alpha and beta action levels, 15 picocuries per liter (pCi/L) and 50 pCi/L, respectively, were occasionally exceeded. If the action levels were exceeded, then the licensee conducted an isotopic analysis of the sample. No sample result exceeded the licensed limit for reportability to the NRC. Further, no sample result exceeded the respective effluent concentration limits provided in Appendix B to 10 CFR Part 20. As an example, the maximum isotopic analysis sample result was 6.27 pCi/L for uranium-238. This sample result was well below the effluent concentration limit of 300 pCi/L.

Outfalls 002, 003, and 005 were used for storm water runoff. During rain events, the licensee collected water samples from the outfalls. The samples were analyzed for gross alpha and beta content. If gross alpha or beta content exceeded 15/50 pCi/L, respectively, then the sample was analyzed for uranium and thorium content. During 2002, the licensee experienced 27 rain events. Only once during June 2002, did a gross alpha or beta concentration exceed the action level. The licensee conducted an isotopic analysis of this sample. The highest radionuclide concentration was 16.1 pCi/L for uranium-234, a result that was below the effluent concentration limit of 300 pCi/L.

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 wells were also sampled on a semi-annual basis for a number of chemical constituents in accordance with a state permit. The sample results for 2002 were reviewed, and the inspector concluded that the licensee had collected the required number of groundwater samples and analyzed the samples for the correct radiological and chemical constituents.

The gross alpha and beta concentrations in the quarterly groundwater samples were compared to the 15/50 pCi/L action levels. If the action levels were exceeded, then the licensee was required to conduct an isotopic analysis of the sample. As expected, the sample results for well MW-67, well MW-74, and Sump-2 exceeded the uranium effluent concentration limits but not the reportability limit. The highest radionuclide concentration was in a sample collected from Sump-2 during June 2002. The uranium-238 concentration was 1830 pCi/L with an effluent concentration limit of 300 pCi/L and a reportability limit of 3000 pCi/L.

Since the previous inspection, the licensee replaced the four french drain sump pumps. The licensee replaced the multi-staged pumps with single-stage pumps designed for pumping solids. In addition, the licensee installed new 2-inch discharge lines from the sumps to the waste water treatment plant.

Air particulate samples were continuously collected at six locations; four perimeter stations, an offsite (environmental) station, and a background station. Stack sampling was not conducted since the previous inspection because the calciner had been out-of-service since October 2001. The air particulate samples were exchanged weekly and analyzed for gross alpha activity. The sample results for January-November 2002 were reviewed. No sample result exceeded the action level; therefore, an isotopic analysis was not required for any air particulate sample.

4.3 Conclusion

The environmental and effluent monitoring programs were implemented in accordance with regulatory and license requirements.

5 Emergency Preparedness/Fire Protection (88050/88055)

5.1 Inspection Scope

The inspector reviewed the licensee's emergency preparedness program to ensure the program was maintained in a state of operational readiness. The inspector also reviewed the fire protection program to determine whether the licensee had the necessary organization and controls in place to implement the program.

5.2 Observations and Findings

The general safety procedures are provided in Section 3.4 of the license application. The inspector confirmed that the licensee had established a program for responding to emergencies. Emergency procedures had been developed for responding to general emergencies, fire, a radiological accident, a chemical accident, and severe weather. The procedures included instructions on the handling of an injured and contaminated worker, the staffing of emergency response stations, and maintenance of emergency response kits. According to the licensee, emergency response kits were inventoried monthly to ensure that supplies were being maintained in the kits. The licensee also

had instructions in place for reporting abnormal or emergency events to outside government agencies.

The solvent extraction organics material was previously removed from the process circuit and was being stored in barrels. With the solvent extraction material in storage, the licensee removed the carbon dioxide fire suppression system from service and placed the system in long-term lay up. The licensee will restore operability of the carbon dioxide fire suppression system prior to placing the solvent extraction circuit back into service. In addition, portable fire extinguishers were located throughout the site.

The inspector noted that the potential for an operational incident involving licensed material had been reduced because the plant was in suspended operations mode, the solvent extraction circuit had been drained, and most radioactive material was in storage in the ponds or sodium reduction building. Regardless, the licensee continued to maintain a state of readiness for any type of emergency that may occur at the site.

5.3 Conclusions

The licensee had an emergency response and fire protection program in effect that was appropriate for the current mode of plant operation.

6 **Followup (92701)**

6.1 (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 reduced the onsite workforce from 38 individuals to 11 individuals. During this inspection, the licensee's staff consisted of eight individuals. The licensee submitted an updated organizational structure to the NRC as part of the license renewal. However, the NRC rejected the license renewal. The licensee now plans to submit an updated organizational structure to the NRC as part of an upcoming decommissioning plan submittal. Additional review of this Inspection Followup Item will be conducted during a future inspection.

6 **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 November 20, 2002. The licensee did not identify as proprietary any information provided to, or reviewed, by the inspector.

ATTACHMENT

SUPPLEMENTAL INFORMATION

PARTIAL LIST OF PERSONS CONTACTED

Licensee

C. Adams, Radiation Technician
J. Burgess, Plant Operations Manager
F. Dohmann, General Manager
H. Notzl, Manager, Technical Services
K. Payne, Manager, Regulatory Compliance

INSPECTION PROCEDURES USED

IP 88005	Management Organization and Controls
IP 83822	Radiation Protection
IP 86740	Inspection of Transportation Activities
IP 88045	Environmental Protection
IP 88050	Emergency Preparedness
IP 88055	Fire Protection
IP 92701	Followup

ITEMS OPENED, CLOSED AND DISCUSSED

Opened

None.

Closed

None.

Discussed

040-07580/9902-01	IFI	Submittal of a license amendment request for an organizational change
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LIST OF ACRONYMS USED

CaF ₂	calcium fluoride
CFR	Code of Federal Regulation
IFI	Inspection Followup Item
IP	Inspection Procedure
NRC	Nuclear Regulatory Commission
pCi/L	picocuries per liter