

March 21, 2008

Mr. Russell B. Starkey, Jr.
Vice President - Operations
United States Enrichment Corporation
Two Democracy Center
6903 Rockledge Drive
Bethesda, MD 20817

SUBJECT: INSPECTION REPORT NO. 70-7001/2008-201 AND NOTICE OF VIOLATION

Dear Mr. Starkey:

The U.S. Nuclear Regulatory Commission (NRC) conducted a routine, scheduled, and announced criticality safety inspection February 25-29, 2008, at the Paducah Gaseous Diffusion facility in Paducah, Kentucky. The purpose of the inspection was to determine whether activities authorized by your certificate involving special nuclear material were conducted safely and in accordance with regulatory requirements. Throughout the inspection, observations were discussed with your staff. An exit meeting was held on February 29, 2008, during which inspection observations and findings were discussed with your management and staff.

The inspection, which is described in the enclosure, focused on: (1) the most hazardous activities and plant conditions; (2) the most important controls relied on for safety and their analytical basis; and (3) the principal management measures for ensuring controls are capable, available, and reliable to perform their functions relied on for safety. The inspection consisted of analytical basis review, selective review of related procedures and records, examinations of relevant nuclear criticality safety (NCS)-related equipment, interviews with NCS engineers and plant personnel, and facility walkdowns to observe plant conditions and activities related to safety basis assumptions and related NCS controls.

Based on the results of the inspection, the NRC has determined that one Severity Level IV violation of NRC requirements occurred. The violation was evaluated in accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions" (Enforcement Policy), NUREG-1600. The current Enforcement Policy is included on the NRC's web site at www.nrc.gov; select What We Do, Enforcement, then, Enforcement Policy. The violation is being cited in the enclosed Notice of Violation (Notice) as Severity Level IV violation, and the circumstances surrounding it are described in detail in the subject inspection report. The violation is being cited in the Notice because it was identified as a result of NRC inspection. The violation being cited as a Severity Level IV violation is the failure to document justification for using less than optimal reflective conditions in a nuclear criticality safety evaluation for chemical trap operations.

You are required to respond to this letter and should follow the instructions specified in the enclosed Notice when preparing your response. The NRC will use your response, in part, to determine whether further enforcement action is necessary to ensure compliance with regulatory requirements.

In accordance with 10 CFR 2.390 of NRC's "Rules of Practice," a copy of this letter and the enclosure will be available in the public electronic reading room of the NRC's Agency-Wide Documents Access and Management System (ADAMS). ADAMS is accessible from the NRC web site at <http://www.nrc.gov/reading-rm/adams.html>.

If you have any questions concerning this report, please contact Thomas Marenchin, of my staff, at (301) 492-3209.

Sincerely,

/RA/

Deborah A. Jackson, Chief
Technical Support Branch
Division of Fuel Cycle Safety
and Safeguards, NMSS

Docket No.: 70-7001

Enclosures: 1. Notice of Violation
2. Inspection Report No. 70-7001/2008-201

cc: S. Penrod, Paducah General Manager
V. Shanks, Paducah Regulatory Affairs Manager
W. Jordan, Portsmouth General Manager
S. A. Toelle, Director, Nuclear Regulatory Affairs, USEC
R. M. DeVault, Regulatory Oversight Manager, DOE
G. A. Bazzell, Paducah Facility Representative, DOE
Janice H. Jasper, State Liaison Officer

R. B. Starkey, Jr.

- 2 -

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DATE	3/20/08		3/20/08		3/19/08		3/21/08

OFFICIAL RECORD COPY

NOTICE OF VIOLATION

United States Enrichment Corporation
Paducah Gaseous Diffusion Plant

Docket No. 70-7001
Certificate No. GDP-1

During a U.S. Nuclear Regulatory Commission (NRC) routine inspection conducted from February 25 through 29, 2008, a violation of NRC requirements was identified. In accordance with NUREG-1600, "General Statement of Policy and Procedure for NRC Enforcement Actions," the violation is listed below.

Certificate Condition No. 8 requires the conduct of operations in accordance with the statements and representations contained in the Certificate Application through Revision 84, dated November 3, 2003, which includes the Safety Analysis Report.

Section 5.2.2.3 of the Safety Analysis Report states, in part, that when engineering judgment is used to ascertain the likelihood or credibility of an event that the basis for this judgment is documented in the Nuclear Criticality Safety Evaluation.

Contrary to the above, on November 15, 2007, the certificatee failed to document in a Nuclear Criticality Safety Evaluation (NCSE) for chemical trap operations (NCSE 118) its engineering judgment that more reflective conditions than those modeled were not credible. The certificatee specifically failed to document its judgment that a violation of a spacing requirement for the traps could not occur in the corner of a room and its judgment that it is not credible to have additional reflection other than a block of water representing a single operator.

Pursuant to the provisions of 10 CFR 2.201, the United States Enrichment Corporation is hereby required to submit a written statement or explanation to the U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, DC 20555, with copies to the Chief, Technical Support Branch, Division of Fuel Cycle Safety and Safeguards, Office of Nuclear Material Safety and Safeguards, Regional Administrator, Region II, and a copy to the NRC Resident Inspector at the Paducah Gaseous Diffusion Plant, within 30 days of the date of the letter transmitting this Notice of Violation (Notice). This reply should be clearly marked as a "Reply to a Notice of Violation" and should include for each violation: (1) the reason for the violation, or, if contested, the basis for disputing the violation or severity level; (2) the corrective steps that have been taken and the results achieved; (3) the corrective steps that will be taken to avoid further violations; and (4) the date when full compliance will be achieved. Your response may reference or include previous docketed correspondence, if the correspondence adequately addresses the required response. If an adequate reply is not received within the time specified in this Notice, an order or a Demand for Information may be issued as to why the certificate should not be modified, suspended, or revoked, or why such other action as may be proper should not be taken. Where good cause is shown, consideration will be given to extending the response time.

If you contest this enforcement action, you should also provide a copy of your response to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555-0001.

Enclosure 1

Because your response will be made available electronically for public inspection in the NRC Public Document Room (PDR), or from the NRC's Agency-wide Documents Access and Management System (ADAMS), accessible from the NRC web site at <http://www.nrc.gov/reading-rm/adams.html>, to the extent possible, it should not include any personal privacy, proprietary, or safeguards information so that it can be made available to the public without redaction. If personal privacy or proprietary information is necessary to provide an acceptable response, then please provide a bracketed copy of your response that identifies the information that should be protected and a redacted copy of your response that deletes such information. If you request withholding of such material, you must specifically identify the portions of your response that you seek to have withheld, and provide in detail the bases for your claim of withholding (e.g., explain why the disclosure of information will create an unwarranted invasion of personal privacy or provide the information required by 10 CFR 2.390(b) to support a request for withholding confidential commercial or financial information). If safeguards information is necessary to provide an acceptable response, please provide the level of protection described in 10 CFR 73.21.

In accordance with 10 CFR 19.11, you may be required to post this Notice within two working days.

Dated at Rockville, Maryland

this 21st day of March 2008

**U.S. NUCLEAR REGULATORY COMMISSION
OFFICE OF NUCLEAR MATERIAL SAFETY AND SAFEGUARDS**

Docket No.: 70-7001

Certificate No.: GDP-01

Report No.: 70-7001/2007-201

Certificatee: United States Enrichment Corporation

Location: Paducah, Kentucky

Inspection Dates: February 25-29, 2008

Inspectors: Thomas Marenchin, Criticality Safety Inspector
Blake Purnell, Criticality Safety Inspector

Approved by: Deborah A. Jackson, Chief
Technical Support Branch
Division of Fuel Cycle Safety
and Safeguards, NMSS

Enclosure 2

**United States Enrichment Corporation
Paducah Gaseous Diffusion Plant**

NRC Inspection Report 70-7001/2008-201

EXECUTIVE SUMMARY

Introduction

Staff of the U. S. Nuclear Regulatory Commission (NRC) performed a routine, scheduled, and announced criticality safety inspection of the Paducah Gaseous Diffusion Plant in Paducah, Kentucky, from February 25-29, 2008. The inspection included an on-site review of certificatee programs dealing with plant operations, the nuclear criticality safety (NCS) program, audits and inspections, and NCS-related corrective actions. The inspection focused on risk-significant fissile material processing activities including those in Buildings C-310, C-331, C-333, C-335, C-400, and C-720.

Results

- A Severity Level IV violation was identified regarding the failure to document the use of engineering judgment in a nuclear criticality safety evaluation (NCSE) for chemical trap operations.
- The NCS program as observed was adequate for maintaining acceptable levels of safety.
- Certificatee NCS walkthroughs, assessments, and surveillance were adequate for maintaining acceptable levels of safety
- A Severity Level IV violation was identified regarding the failure to document the use of engineering judgment in an NCS evaluation for chemical trap operations.
- No safety concerns were identified during walkdowns of the facility and operations.
- No concerns were identified regarding the certificatee's criticality accident alarm system (CAAS) coverage of fissile material operations.

REPORT DETAILS

1.0 Summary of Plant Status

U.S. Enrichment Corporation (USEC) enriches uranium for domestic and international customers at the Paducah Gaseous Diffusion Plant. In conjunction with routine enrichment activities, the certificatee performs laboratory operations, cleaning and decontamination services, and maintenance and support activities. During the inspection, the certificatee was performing routine enrichment and support operations.

2.0 Nuclear Criticality Safety Program (IP 88015)

a. Inspection Scope

The inspectors reviewed the certificatee's NCS program. The inspectors evaluated the adequacy of the program to assure the safety of fissile material operations. The inspectors interviewed the certificatee's managers, NCS engineers, system engineers, and facility operators during document review and facility walkdowns. The inspectors reviewed NCS administrative procedures and selected NCS controls to determine whether the procedures adequately implemented the NCS program described in the certificate. The inspectors reviewed selected aspects of the following documents:

- CP4-CO-AR8310, "Alarm Response For C-310," Revision 17, dated August 8, 2007
- CP4-CO-CA2027, "Operation of the C-335 Seal Exhaust and Wet Air Station," Revision 12, dated November 8, 2007
- CP4-EG-NS1101, "Nuclear Criticality Safety Evaluations and Approvals," Revision 10, dated February 1, 2007
- CP4-EG-NS1104, "Nuclear Criticality Safety Engineer Response To Emergency, Off-Normal, and Process Conditions," Revision 2, dated January 17, 2006
- CP4-EG-NS1107, "Nuclear Criticality Safety Oversight Program," Revision 3, dated April 6, 2005

b. Observations and Findings

The inspectors observed that the certificatee had an NCS program which was independent from production and was implemented through written procedures. The inspectors determined that the certificatee's NCS program was conducted in accordance with written administrative procedures that reflected the program described in the certificate.

c. Conclusions

The NCS program as observed was adequate for maintaining acceptable levels of safety.

3.0 Nuclear Criticality Safety Inspections, Audits and Investigations (IP 88015)

a. Inspection Scope

The inspectors reviewed records of previously-completed certificatee internal NCS walkthroughs of fissile operations in Buildings C-310, C-331, C-333, C-335, C-400, and C-720. The inspectors observed a surveillance of the Building C-333, CAAS. The inspectors reviewed selected aspects of the following documents:

- 07-WS-005, "C-728 NCS Walkthrough," dated September 11, 2007
- 07-WS-006, "NCS Walkthrough for C-745 UF₆ Cylinder Storage Yards," dated September 11, 2007
- 07-WS-007, "C-727, C-746-Q1, C-754, C-754-A, C-757 Facility NCS Walkthrough," dated September 21, 2007
- KP-OP-2007-A250, "Internal Audit Report – Operations," dated December 11, 2007

b. Observations and Findings

The inspectors determined that the certificatee's NCS engineers observed plant operations to determine adequacy of implementation of NCS requirements and ensured that implementation weaknesses were identified and entered into the corrective action system. The inspectors observed that the certificatee's NCS walkthroughs and assessments were conducted within the required time limit and were performed in accordance with written procedures. The inspectors noted that the walkthroughs and assessments were performed by NCS engineers who: (1) reviewed NCS issues from previous audits; (2) reviewed the adequacy of control implementation; (3) reviewed plant operations for compliance with certificatee requirements, procedures, and postings; and (4) examined equipment and operations to determine that past evaluations remained adequate.

c. Conclusions

The certificatee's NCS walkthroughs, assessments, and surveillance were adequate for maintaining acceptable levels of safety.

4.0 Nuclear Criticality Safety Event Review and Follow-up (IP 88015)

a. Inspection Scope

The inspectors reviewed recent internally- and externally-reported NCS-related events. The inspectors reviewed selected aspects of the following documents:

- NCS-INC-07-004, "NCS boundary ropes discovered within 2 feet of several groups of stored GEN-20 equipment," Revision 0, dated September 19, 2007
- NCS-INC-07-005, "A cylinder was removed from the liquid handling area while not properly documented," Revision 0, dated November 28, 2007

- NCS-INC-08-001, "The C-310 West Normetex high oil pressure switch was found out of calibration," Revision 0, dated January 29, 2008
- NCS-INC-08-002, "A waste pigtail was discovered in a HP rad bag and not stored according to the requirements of NCSA [nuclear criticality safety approval] GEN-038," dated February 4, 2008
- NCS-INC-08-003, "Power to C-310 West Normetex Pump Alarm Panel," Revision 0, dated February 25, 2008

b. Observations and Findings

The inspectors determined that events were investigated in accordance with written procedures and appropriate corrective actions were assigned. The inspectors reviewed the documents for the waste pigtail event, NCS-INC-08-002, in which the certificatee identified a waste pigtail that was discovered in a HP rad bag and not stored in a maximum size 58 gallon drum. The storage of the pigtails in the 58 gallon drum is a requirement of NCSA GEN-038. The certificatee used procedure CP4-EG-NS1104 to evaluate the impact on double contingency due to the event. NCSE [nuclear criticality safety evaluation]-042 identifies the two controls for this event as a maximum of fifteen waste pigtails shall be accumulated in a maximum 58 gallon drum and a minimum of two feet edge-to-edge spacing shall be maintained between the drum containing waste pigtail and other fissile/potentially fissile material containing items except for waste pigtails being added to the drum. The certificate staff stated that their belief is that because there was only one pigtail involved in the event and when the pigtail was discovered, there was no fissile material within two feet of the pigtail, that double contingency was maintained. The inspectors determined that the two feet edge-to-edge spacing could have been lost during the course of the event and further information is required on this event. The certificatee's evaluation of impact on double contingency during the waste pigtail event is **Unresolved Item (URI) 70-7001/2008-201-01**.

c. Conclusions

An unresolved item was identified regarding the certificatee's evaluation of the impact on double contingency due to the waste pigtail event.

5.0 Plant Activities (IP 88015)

a. Inspection Scope

The inspectors performed plant walkdowns to review activities in progress and to determine whether risk-significant fissile material operations were being conducted safely and in accordance with regulatory requirements. The inspectors verified the adequacy of management measures for assuring the continued availability, reliability, and capability of safety-significant controls relied upon by the certificatee for controlling criticality risks to acceptable levels. The inspectors performed walkdowns of Buildings C-310, C-333, C-335, C-400, and C-720. The inspectors reviewed selected aspects of the following documents prior to performing the walkdowns:

- NCSA GEN-038, "Operation and Maintenance of the C-360, C-333A, and C-337A Autoclaves," Revision 5, dated August 21, 2007
- NCSE-032, "Product and Side Withdrawal in the C-310 Building," Revision 8, dated October 25, 2007
- NCSE-041, "Normetex Pumps used For UF₆ Product Withdrawal," Revision 9, dated April 26, 2007
- NCSE-042, "Operation and Maintenance of the C-360, C333A, and C-337A Autoclaves," Revision 7, dated July 19, 2007

b. Observations and Findings

The inspectors verified that controls identified in the NCS analyses reviewed were adequate to assure safety. The cognizant NCS engineers were knowledgeable and able to explain the basis for changes in operations and controls.

c. Conclusions

No safety concerns were identified during walkdowns of the facility and operations.

6.0 Nuclear Criticality Safety Evaluations and Analyses (IP 88016)

a. Inspection Scope

The inspectors reviewed NCS analyses to determine that criticality safety of risk-significant operations was ensured through engineered and administrative controls with adequate safety margin including preparation and review by qualified staff. The inspectors accompanied NCS and other technical staff on walkdowns of NCS controls in selected plant areas. The inspectors reviewed selected aspects of the following documents:

- NCSA GEN-038, "Operation and Maintenance of the C-360, C-333A, and C-337A Autoclaves," Revision 5, dated August 21, 2007
- NCSE-032, "Product and Side Withdrawal in the C-310 Building," Revision 8, dated October 25, 2007
- NCSE-032, "Product and Side Withdrawal in the C-310 Building," Revision 9, dated February 27, 2008
- NCSE-041, "Normetex Pumps used For UF₆ Product Withdrawal," Revision 9, dated April 26, 2007
- NCSE-042, "Operation and Maintenance of the C-360, C333A, and C-337A Autoclaves," Revision 7, dated July 19, 2007
- NCSE-049, "Handling, Storage, and Valve Change Operations of Large UF₆ Cylinders at the Paducah GDP," Rev. 10, dated July 19, 2007

- NCSA GEN-003, "Handling, Storage, and Valve Change Operations of Large UF₆ Cylinders at the Paducah GDP," Rev. 8, dated August 21, 2007
- NCSE-072, "1S Cylinder Receipt and Analysis," Rev. 02, dated September 21, 2007
- NCSE-118, "Removal, Handling, and Transportation of Small Chemical Traps," Rev. 00, dated November 15, 2007
- CP4-GP-IM4120, "UF₆ System Maintenance," Rev. 21, dated January 31, 2008
- CP4-CU-CH2104, "Servicing Alumina/Sodium Fluoride Traps," Rev. 17, dated May 3, 2007
- CP4-EG-NS1101, "Nuclear Criticality Safety Evaluations and Approvals," Rev. 10, dated February 1, 2007

b. Observations and Findings

The inspectors reviewed NCS Approvals, NCSEs, and supporting calculations for new, changed, and other selected operations. Within the selected aspects reviewed, the inspectors determined that the analyses were performed by qualified NCS engineers, that independent reviews of the evaluations were completed by qualified NCS engineers, that subcriticality of the systems and operations was assured through appropriate limits on controlled parameters, and that double contingency was assured for each credible accident sequence leading to inadvertent criticality. The inspectors determined that NCS controls for equipment and processes assured the safety of the operations. Nuclear criticality safety analyses and supporting calculations demonstrated adequate identification and control of NCS hazards to assure operations within subcritical limits.

The inspectors reviewed NCSE for chemical trap operations (NCSE-118) and noted that the KENO models used to demonstrate that the operation was subcritical under credible process upsets had less than optimal reflective conditions. The NCSE required that two-foot spacing between batches of chemical traps be maintained for double contingency purposes. The evaluation of spacing upsets for the chemical traps did not address the possibility of the upset occurring with the traps shown in the corner of the room where reflection is the greatest. The NCS staff stated that it was possible to have one batch of chemical traps in a corner, as indicated in the model, but it was not credible to place two batches of traps in the corner in a manner that violated the spacing requirements. The inspectors noted that this information was not documented in the NCSE. The inspectors also noted that the only other significant source of reflection present in the models was from a single person represented by a 12-inch-thick, upright block of water. The NCS staff stated that this was considered bounding. The inspectors noted that no justification for using less than full water reflection was provided in the NCSE. The inspectors also did not find anything in the procedures used for chemical trap operations that would limit the operations to a single operator in one location. The failure to document the justification for using less than optimal reflective conditions in NCSE-118 is **Violation (VIO) 70-7001/2008-201-02**.

c. Conclusions

A Severity Level IV violation was identified regarding the failure to document the use of engineering judgment in an NCSE for chemical trap operations.

7.0 Criticality Alarm System (IP 88017)

a. Inspection Scope

The inspectors reviewed documentation of CAAS coverage, interviewed engineering and maintenance staff, and performed facility walkdowns to determine the adequacy of the certificatee CAAS. The inspectors reviewed selected aspects of the following documents:

- CP2-CO-CA2030, "Operation of the Criticality Accident Alarm System," Rev. 18, dated January 31, 2008.
- CP4-GP-IM6512, "C-333/C333A Criticality Accident Alarm System Maintenance and Testing," Rev. 10, dated May 13, 2006
- EV-C-832-04-002, "Re-Calculation of Selected KY/G-621 CAAS Detection Calculations," Rev. 0, dated July 2, 2004

b. Observations and Findings

The inspectors determined that the certificatee had installed and maintained a system of criticality detectors that were capable of monitoring fissile material operations at the facility and reliably detecting the minimum accident of concern. The inspectors observed CAAS maintenance and testing in building C-333, and noted that this activity was being conducted in accordance with approved procedures. The inspectors also noted that compensatory measures were in use while the C-333 CAAS was not in service, and that non essential personnel were required to leave the building.

c. Conclusions

No concerns were identified regarding certificatee CAAS coverage of fissile material operations.

8.0 Nuclear Criticality Safety Training (IP 88015)

a. Scope

The inspectors evaluated the effectiveness of the licensee NCS training through interviews with both categories of workers and the licensee training management. The inspectors also reviewed the findings of a recent audit of the NCS training program. The inspectors reviewed selected aspects of the following documents:

- C31-SA-07-06, "Self-Assessment Report: Nuclear Criticality Safety (NCS Training)," dated October 29, 2007

b. Observations and Findings

The inspectors determined that employees complete a general NCS training course with an annual refresher. The inspectors noted that incoming NCS engineers have a series of requirements and tasks that must be completed before being considered a qualified NCS engineer, which are outlined in NCSE-07, "Qualification and Training Requirements for a Nuclear Criticality Safety Engineer."

The inspectors observed that the certificatee's audits of the NCS training program are being conducted. The inspectors noted that there were no significant safety findings in the most recent audit. The inspectors determined that the certificatee's NCS training program adequately addressed NCS aspects of facility hazards affecting fissile material operations.

c. Conclusions

No safety concerns were identified regarding the certificatee's NCS training and qualification program.

9.0 Exit Meeting

The inspectors communicated the inspection scope and results to members of Paducah Gaseous Diffusion Plant management and staff throughout the inspection and during an exit meeting on February 29, 2008. Paducah Gaseous Diffusion Plant management and staff acknowledged and understood the findings as presented.

SUPPLEMENTARY INFORMATION

1.0 Items Opened, Closed, and Discussed

Items Opened

- URI 70-7001/2008-201-01** Tracks the certificatee's evaluation of impact on double contingency during the waste pigtail event.
- VIO 70-7001/2008-201-02** Tracks the certificatee's failure to document its justification for using less than optimal reflective conditions in NCSE-118 for chemical trap operations.

Items Closed

None

2.0 Inspection Procedures Used

- IP 88015 Nuclear Criticality Safety Program
IP 88016 Nuclear Criticality Safety Evaluations and Analyses
IP 88017 Criticality Alarm Systems

3.0 Partial List of Persons Contacted

USEC

- | | |
|---------------|---------------------------------------------|
| M. Boren | Nuclear Regulatory Affairs |
| R. Helme | Manager, Engineering |
| T. Henson | Manager, Nuclear Criticality Safety |
| T. Hofer | Engineer, Nuclear Criticality Safety |
| L. Jackson | Manager, Operations |
| M. Keef | Plant Manager |
| J. Labarraque | Manager, Nuclear Safet & Quality |
| J. Lewis | Manager, Maintenance |
| E. Paine | Manager, Chemical Operations |
| S. Penrod | General Manager |
| V. Shanks | Manager, Nuclear Regulatory Affairs |
| D. Stadler | Senior Engineer, Nuclear Regulatory Affairs |

Attachment

NRC

T. Marenchin	Criticality Safety Inspector, Headquarters
B. Purnell	Criticality Safety Inspector, Headquarters
M. Miller	Sr. Resident Inspector, Region II

All attended the exit meeting on February 29, 2008.

4.0 List of Acronyms and Abbreviations

ADAMS	Agency-Wide Document Access and Management System
CAAS	criticality accident alarm system
CFR	Code of Federal Regulation
NRC	U.S. Nuclear Regulatory Commission
DOE	U.S. Department of Energy
IP	inspection procedure
NCS	nuclear criticality safety
NCSA	nuclear criticality safety approval
NCSE	nuclear criticality safety evaluation
UF ₆	uranium hexafluoride
USEC	U. S. Enrichment Corporation (certificatee)
URI	Unresolved Item
VIO	violation