UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION IV
612 EAST LAMAR BLVD, SUITE 400
ARLINGTON, TEXAS 76011-4125

May 31, 2013

Mr. Robert Compernolle, President
FMRI, Inc.
Number 10 Tantalum Place
Muskogee, OK 74403

SUBJECT: NRC INSPECTION REPORT 040-07580/13-001

Dear Mr. Compernolle:

This letter refers to the inspection conducted on April 17-19, 2013, at your facility located in Muskogee, Oklahoma. During this inspection, the U.S. Nuclear Regulatory Commission (NRC) staff examined activities conducted under your license as they relate to public health and safety to confirm 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 preliminary inspection results were presented to your onsite staff at the conclusion of the inspection on April 19, 2013. The enclosed report presents the results of this inspection. In summary, no violations were identified, and no response to this letter is required.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter, its enclosure, and your response, if you choose to provide one, will be made available electronically for public inspection in the NRC Public Document Room or from the NRC's Agencywide 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, your response should not include any personal privacy, proprietary, or safeguards information so that it can be made available to the public without redaction.

Should you have any questions concerning this inspection, please contact Mr. Robert Evans at 817-200-1234 or the undersigned at 817-200-1191.

Sincerely,

/RA/

D. Blair Spitzberg, Ph.D., Chief
Repository and Spent Fuel Safety Branch
Division of Nuclear Materials Safety

Docket: 040-07580
License: SMB-911

Enclosure:
NRC Inspection Report 040-07580/13-001

cc w/encl: See attached list

Should you have any questions concerning this inspection, please contact Mr. Robert Evans at 817-200-1234 or the undersigned at 817-200-1191.

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Category	■ Publicly Available		■ Non-sensitive	
Category	☐ Non-publicly Available		☐ Sensitive	
KEYWORD:		**Sensitive -**		

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RJEvans	GASchlapper	DBSpitzberg	
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U.S. NUCLEAR REGULATORY COMMISSION
REGION IV

Docket:	040-07580
License:	SMB-911
Report:	040-07580/13-001
Licensee:	FMRI, Inc.
Facility:	Muskogee Plant
Location:	Muskogee, Oklahoma
Date:	April 17-19, 2013
Inspectors:	Robert Evans, PE, CHP, Senior Health Physicist Repository and Spent Fuel Safety Branch
	Gerald Schlapper, Ph.D., PE, CHP, Health Physicist Repository and Spent Fuel Safety Branch
Approved By:	D. Blair Spitzberg, Ph.D., Chief Repository and Spent Fuel Safety Branch Division of Nuclear Materials Safety
Attachment:	Supplemental Inspection Information

Enclosure

EXECUTIVE SUMMARY

FMRI, Inc.
NRC Inspection Report 040-07580/13-001

This inspection was a routine, announced inspection of decommissioning activities in progress at the FMRI facility in Muskogee, Oklahoma. In summary, the licensee was conducting site activities in accordance with license requirements.

Management Organization and Controls

- The licensee maintained site staffing in accordance with license requirements. (Section 1.2)

Radiation Protection/Maintenance and Surveillance Testing

- The licensee implemented its radiation protection program in compliance with 10 CFR Part 20 requirements and the license. Occupational exposures were a small fraction of the regulatory limits. (Section 2.2)

Radioactive Waste Management/Low-Level Radioactive Waste Storage/Transportation Activities

- The licensee was storing bagged work-in-progress (WIP) and waste material in the onsite buildings in accordance with license requirements. No shipping operations were in progress during the inspection. The licensee was reconsidering its options for future shipments, and any changes will be reflected in an updated transportation plan. (Section 3.2)

Environmental Protection

- The licensee conducted environmental monitoring in accordance with license requirements. One sample result exceeded the reporting limit, and the licensee reported this sample as specified in the license. (Section 4.2)

Emergency Preparedness/Fire Protection

- The licensee had emergency response and fire protection programs in effect that were appropriate for the current mode of plant operation. (Section 5.2)

Report Details

Summary of Site Status

At the time of the inspection, the Muskogee site was in standby. The licensee had temporarily suspended Phase 1 decommissioning. Phase 1 decommissioning includes removal of work-in-progress (WIP) residue material from Ponds 2 and 3 and transfer of this material to an out-of-state uranium mill for use as alternate feed material.

The licensee commenced with Phase 1 work during 2005. The licensee started by removing, bagging, and shipping WIP material from Pond 3. The licensee completed the removal of WIP material from Pond 3 during 2010. The licensee then reshaped the slopes of Pond 3 for erosion control. During 2011, the licensee removed and packaged all remaining Pond 3 material stored in the onsite drying bed, and the licensee reshaped the drying bed for erosion control.

The licensee started removing WIP material from Pond 2 in August 2011. The licensee suspended this work in December 2011. The licensee resumed bagging operations in Pond 2 during July 2012. The licensee subsequently stopped bagging operations in October 2012 because the storage areas (Chem A and Chem C buildings) were almost full of bagged material. The licensee elected to discontinue bagging operations until it starts shipping bagged material to the out-of-state mill. The licensee currently plans to resume shipping operations later this year.

Since the last inspection, the licensee continued to decontaminate, survey, and free-release scrap material from the facility. The licensee also continued to operate the wastewater treatment system in accordance with decommissioning plan instructions. Further, the licensee continued to conduct routine monitoring and surveys in accordance with license requirements.

By letter dated June 21, 2011, the licensee requested U.S. Nuclear Regulatory Commission (NRC) approval for consent for indirect change of control of the license from Fansteel to Green Lantern Acquisition 1. The licensee submitted a second letter dated June 21, 2011, requesting modification of the license to support the proposed change in ownership. The NRC subsequently approved the transfer by amending the license on October 2, 2012. However, by letter dated April 12, 2013, the licensee informed the NRC that the indirect change of control did not happen. At the close of the inspection period, the NRC had not formally responded to the licensee's April 12, 2013, letter.

1 Management Organization and Controls (88005)

1.1 Inspection Scope

The inspectors reviewed the licensee's management organization and controls to ensure that the licensee was maintaining effective oversight of decommissioning activities.

1.2 Observations and Findings

The licensee's organizational requirements are provided in Figure 9-1 of the decommissioning plan. At the time of the inspection, site staffing consisted of the general manager/operations manager, one radiation technician, one maintenance worker, one laborer, and the radiation safety officer. The general manager reported to the company president. In summary, site staffing was in compliance with

decommissioning plan requirements, and the licensee had enough staff to ensure compliance with routine monitoring and maintenance as required by the license. The inspectors briefly discussed with licensee representatives the staffing required for active decommissioning. The licensee plans to supplement the site staff as necessary when it resumes pond reclamation and shipping operations.

1.3 Conclusions

The licensee maintained site staffing in accordance with license requirements.

2 Radiation Protection/Maintenance and Surveillance Testing (83822/88025)

2.1 Inspection Scope

The inspectors reviewed the licensee's implementation of its radiation protection program to ensure compliance with Title 10 of the Code of Federal Regulations (CFR) Part 20 requirements and the license.

2.2 Observations and Findings

a. Radiation Protection Program

The license provides instructions for routine radiological surveys. The inspectors reviewed a selection of daily, weekly, bi-weekly, monthly, quarterly and annual area radiation surveys for the site. The radiation safety officer (RSO) determines survey frequencies based on historical data and workload in the various locations. The inspectors noted that the licensee did not consistently document the justifications for changes in types of surveys, frequencies of surveys, and instruments to be used; although, the RSO can provide the justification when asked. The RSO provided a matrix of survey frequencies to the radiation technician who conducted the surveys. The inspectors noted that the survey forms were complete; although, the inspectors noted that there were instances where the location of measurements was not clearly specified on the survey form. The most recent periodic radiation and contamination surveys were observed to be posted in the appropriate areas.

Materials License SMB-911 requires that equipment released from the site satisfy the limits provided in Regulatory Guide 1.86. The inspector reviewed selected release forms for items such as 55-gallon drums, dollies, tool boxes, and tools and noted that the release criteria were satisfied. The inspectors also noted that the licensee requested independent verification by a contract laboratory for survey of a major piece of equipment−the paddle dryer.

The licensee discontinued the use of individual dosimeters for determining external dose at the end of 2007 based on historical data showing minimal exposures. The licensee's Radiation Safety Committee approved this decision at that time. The RSO issued an annual memorandum to file noting that external dosimetry is not required.

Internal doses are monitored using personnel lapel air samples. The licensee converted the air sample results to derived air concentration-hours, and intake estimates are used to calculate dose. During 2012, seven individuals were monitored with the maximum exposure of 52.5 mrem to an individual. This is approximately 10 percent of the site

action level of 500 mrem and one percent of the regulatory limit of 5 rem. The total collective dose for the seven individuals was 128 mrem in 2012. Data supplied by the licensee indicates similar levels of exposure for 2011.

For non-routine work, radiation protection requirements are detailed on Special Work Permits (SWP). On July 7, 2012, SWP 1841 was approved by the RSO and operations manager for packaging WIP residue in bags from Pond 2. At the time of inspection, this was the only active SWP. The inspectors reviewed the SWP and noted that safety precautions and protective equipment requirements were appropriate for this effort. The RSO issued a memorandum to file regarding justification of the fact that respiratory protection would not be required during the excavation and bagging of WIP from Pond 2. The inspectors verified that this SWP was posted in the laboratory area and that active workers had signed and dated the SWP.

b. Training Program

The inspectors reviewed the documentation of training for site personnel for 2012 and 2013 to the date of the inspection. Training and qualification memos were issued in 2012 by the RSO and operations manager for active on-site workers. All onsite personnel other than visitors are required to complete General Employee Training (GET) as described in Standard Operating Procedure G-005, Revision 1, approved June 27, 2012. Three levels of training are specified depending on access requirements of the individual. Supplemental training is required of those performing the duties of a crew leader and/or radiation technician. The procedure specifies that personnel with previous training and/or experience may be eligible for waiver of some or all of the requirements but waivers must be approved by the plant safety director (general manager). The inspector reviewed selected files and noted, for example, that for a previous crew chief and for the RSO, a memo of qualification was signed by the operations manager and RSO. The resume of the RSO was attached to the memo, confirming that the individual meets training and experience requirements to serve as RSO.

The GET procedure requires refresher training on an annual basis. Licensee records reflect the completion of annual refresher training in December 2012 for all employees.

The inspector reviewed training records for the radiation technician, a former employee who recently returned to the site and is currently participating in a training program that consists of material to be read, lectures to attend, and on the job demonstrations to be completed. The inspector verified in discussions with the RSO and with the trainee that the trainee is not allowed to complete duties until he has completed required oral and practical examinations. Completion of training requirements is noted through memos signed by the RSO and operations manager.

The inspectors verified that survey instrument calibrations were current and observed that the technician in training satisfied the requirements for completion of surveys of 55-gallon drums prior to release for recycling.

The inspectors noted that at the time of the inspection no individual met the requirements of the Department of Transportation for 3 year refresher training and that this training must be completed prior to resumption of shipments of hazardous materials.

c. Air Sampling

The licensee conducted air sampling at six environmental monitoring stations. The inspectors reviewed how the licensee controlled and analyzed these air samples. The licensee replaced the filters weekly and analyzed the filters for gross alpha radioactivity. The licensee delayed the analysis by 72 hours to allow for the decay of naturally occurring short-lived radon progeny. The licensee analyzed the filters using a calibrated laboratory-based counter. Prior to measuring the radioactivity, the technician conducted daily background and efficiency checks. The inspectors confirmed that the licensee conducted the filter analyses in accordance with license requirements. The inspectors noted that none of the air sample results exceeded the action level specified in License Condition 10.5.7.

The inspectors reviewed the calibration records of the air samplers and reviewed how the licensee calculated the gross alpha radioactivity results. The inspectors noted that the licensee used an ideal flow rate versus the actual as-found and as-left flow rates of the air samplers. However, the inspectors noted that the licensee's air sample results were consistently below the NRC's effluent concentration limit, indicating that slight variations in flow rate would have resulted in little variation in the calculated air sample results. In response to the inspectors' findings, the licensee stated that it would reconsider how it recorded air sample flow rates.

2.3 Conclusions

The licensee implemented its radiation protection program in compliance with 10 CFR Part 20 requirements and the license. Occupational exposures were a small fraction of the regulatory limits.

3 Radioactive Waste Management/Low-Level Radioactive Waste Storage/ Transportation Activities (84850/84900/86740)

3.1 Inspection Scope

The inspectors conducted a review of the licensee's handling and storage of radioactive wastes to ensure compliance with license requirements.

3.2 Observations and Findings

At the time of the inspection, the licensee continued to store bagged WIP material in various locations around the site. Records indicate that the licensee possessed 2752 bags of WIP material, including 2048 bags of Pond 2 material and 704 bags of Pond 3 material. The bagged WIP material was being stored in the thermite building, Chem C building, and Chem A building.

In addition to WIP material, the licensee had bagged debris (non-WIP material) in storage in the former wastewater treatment facility. The licensee continued to store contaminated soils in the sodium reduction building. This soil originated from previous reclamation work involving Ponds 1N, 1S, and 5. The licensee also continued to store about 7,000 cubic yards of potentially contaminated soil recovered during construction of the intercept trench. This material was stored onsite under sheets of plastic. Finally, the licensee continued to store approximately 68,000 dry tons of calcium fluoride material in

Ponds 8 and 9. These various materials will be relocated, packaged, shipped, transferred and/or disposed during future decommissioning activities.

The inspectors reviewed the licensee's staging of WIP material in the outdoor staging areas. License Condition 25 provides the requirements for outdoor staging. This license condition provides restrictions for number of lifts, cover material, base material, routine inspections, and storm water runoff. The licensee stored material in the outdoor staging areas until July 2012. At that time, the licensee transferred all WIP material from the staging areas to inside the Chem A and Chem C buildings. At the time of this inspection, no WIP material was located in the outdoor staging areas.

The licensee discontinued shipment operations during early 2009. The licensee still plans to ship the remaining WIP material to a mill in Utah for use as alternate feed material, but the licensee has not finalized how the material will be transported to the mill. For example, the licensee needs to reestablish the route and transportation methods (rail or truck, for example). Once the licensee determines how it will ship WIP material to the out-of-state mill, and how it will ship the residual waste material to a disposal facility, then it will update the transportation plan accordingly. The inspectors will review the updated transportation plan during a future inspection.

3.3 Conclusions

The licensee was storing bagged WIP and waste material in the onsite buildings in accordance with license requirements. No shipping operations were in progress during the inspection. The licensee was reconsidering its options for future shipments, and any changes will be reflected in an updated transportation plan.

4 Environmental Protection (88045)

4.1 Inspection Scope

The inspectors reviewed the licensee's environmental monitoring program for compliance with regulatory and license requirements.

4.2 Observations and Findings

a. Liquid Effluents

The liquid effluent requirements are provided in Section 11.2 of the decommissioning plan. The licensee used four outfalls for the discharge of water from the site. Plant wastewater was discharged through Outfall 001. The other three outfalls (002, 003, and 005) were used for the discharge of storm water runoff. All four outfalls discharged to the Arkansas River.

The licensee collected water samples prior to and during each wastewater release. In addition, the licensee sampled the storm water outfalls during rain events. The licensee analyzed all samples for gross alpha and gross beta concentrations. The licensee compared the sample results to the action levels specified in the license. If any gross alpha or the gross beta concentration exceeded the action level, then the licensee conducted an isotopic analysis of that sample to determine if the release was reportable to the NRC. The inspectors reviewed the licensee's water sampling records for

January 2012 through March 2013 and confirmed that the licensee sampled and analyzed the liquid effluents as required by its National Pollutant Discharge Elimination System permit.

The licensee sampled the wastewater during discharge via Outfall 001. The licensee made three batch releases during 2012-2013. The licensee collected three samples from each release. Most samples slightly exceeded the action levels, and the licensee analyzed the samples for uranium and thorium concentrations as stipulated by the license. The most recent sample results, collected during March 2013, were not available for review. The remainder of the results indicated that none of the samples exceeded the reportability thresholds.

During 2012-2013, the licensee experienced 13 days of rain, and the licensee collected samples from the storm water outfalls on each of these days. The results of all samples were below the action level, except one. The gross alpha concentration slightly exceeded the action level for one sample collected during February 2013. As required by the license, the licensee analyzed the sample for uranium and thorium concentrations. These sample results were not available during the inspection, and the inspectors will review these results during a future inspection.

On March 26, 2013, the State of Oklahoma issued a consent order to FMRI that may ultimately result in the closure of Ponds 6 and 7. During normal discharge operations, the licensee releases wastewater fluids to Outfall 001 from Ponds 6 and 7. In response to the consent order, the licensee plans to conduct a test to determine if it can release fluids directly from Pond 9, thus bypassing Ponds 6 and 7. In accordance with the consent order, the licensee plans to complete this test by July 1, 2013. The NRC inspectors will review the results of this test during a future inspection, because the closure of Ponds 6 and 7 will alter the licensee's discharge pathway and will require the licensee to revise its site procedures.

b. Environmental Air Sampling

The licensee sampled airborne radioactivity at six locations. The sample stations included four perimeter stations, one background station, and one offsite station. The licensee continuously collected airborne particulates at these six locations and analyzed the samples weekly. The air samples were analyzed for gross alpha concentrations, and the sample results were compared to the action level specified in the license. Based on the licensee's 2012-2013 records, none of the sample results exceeded the administrative action level.

Radon sampling was conducted on a quarterly frequency at eight locations including the environmental stations. Elevated measurements were identified in the radiologically restricted areas including the Chem A and Chem C buildings, as expected, because WIP material was being stored in the buildings. The highest measurement was collected in the Chem C building during the fourth quarter of 2012. In response, the licensee previously posted the Chem C building as an airborne radioactivity area.

c. Groundwater Monitoring

The licensee sampled 19 monitoring wells and 4 sumps on a quarterly frequency. If the samples exceeded the gross alpha or gross beta action levels, then the licensee conducted an isotopic analysis of the samples. The inspectors reviewed the licensee's sample results for 2012-2013. The licensee collected all required samples, and conducted an isotopic analysis of all samples that exceeded the action levels.

Based on the isotopic sample results, the licensee discovered that one sample exceeded the reportability limit. The licensee collected a sample from Sump S-2 during September 2012 that exceeded the uranium reportability limit of 3,000 picocuries per liter. The uranium-238 concentration was 3860 picocuries per liter, while the uranium-234 concentration was 3390 picocuries per liter. In response, the licensee reported the exceedance to the NRC by letter dated December 6, 2012. The licensee suspects that the exceedances in the sump may be related to Phase I decommissioning activities. The licensee collected a sample from Sump S-2 during December 2012, and the sample results indicate that the uranium-238 and uranium-234 concentrations dropped to an estimated 556 picocuries per liter, values below the reportability limit. In its December 2012 letter to the NRC, the licensee reiterated that the intercept trench still functions to collect potentially contaminated groundwater that may be migrating from Ponds 2 and 3 towards the Arkansas River.

4.3 Conclusions

The licensee conducted environmental monitoring in accordance with license requirements. One sample result exceeded the reporting limit, and the licensee reported this sample as specified in the license.

5 Emergency Preparedness/Fire Protection

5.1 Inspection Scope

The inspectors reviewed the licensee's emergency preparedness program to ensure that the program was being maintained in a state of operational readiness. The inspectors 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 inspectors reviewed equipment supporting fire protection at the site. The listing of fire extinguishers available for use was reviewed. Based on licensee data provided on the listing, the fire extinguisher annual inspections were last conducted in June 2012. As the inspection is required annually, the extinguishers were within the required range. During site tours, the inspectors verified the inspection dates on selected fire extinguishers and found them to be consistent with the licensee's listing.

With respect to the hydro-test required every five years for CO_2 and H_2O units and every 12 years for ABC units, the inspectors noted that the licensee's listing indicated that all were within limits with the exception of extinguishers number 51 (located on the forklift) and 43 (located in the BAY area) where no hydro-test date was indicated by a question mark on the listing supplied by the licensee. However, the licensee had noted that the

extinguisher status was marked as okay on the test sheet, inconsistent with the presence of the check mark, an indication of the level of record keeping noted at the site.

The inspectors reviewed current emergency procedures. There is only one procedure in use, General Emergency Response, EP-100, Revision 0, last reviewed on June 27, 2012. The procedure is to be reviewed every 24 months. The inspectors examined the procedure reviews beginning in June 2010 and noted that the 24-month periodicity for review had been met.

The emergency response procedure notes that no process lines are currently in operation. The procedure in Section 3.0 included information on characteristics of the hazardous materials present on-site and indicated the location of the materials. Noted were various water treatment chemicals, low-level radioactive material in soils and sludges, drums of petroleum naptha solvent, ammonium hydroxide, and small quantities of laboratory chemicals. The locations of emergency response equipment such as spill kits and fire extinguishers were noted in Attachment 1 of the procedures. Attachment 2 contains Emergency Response Facility Contact Numbers which were found to be current.

The inspectors noted a typographical error when reviewing document that referenced the reader to an incorrect Appendix of the Procedure when discussing the locations of hazardous materials, fire hydrants, and fire extinguishers. This error was corrected by the licensee during the inspection.

5.3 Conclusions

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

6 Exit Meeting

The inspectors reviewed the scope and findings of the inspection during the exit meeting conducted at the conclusion of the onsite inspection on April 19, 2012. The licensee did not identify as proprietary any information provided to, or reviewed, by the inspectors.

SUPPLEMENTAL INSPECTION INFORMATION

PARTIAL LIST OF PERSONS CONTACTED

Licensee

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T. Lawrence, Radiation Technician
R. Miller, Radiation Safety Officer, Omega Project Services

State of Oklahoma, Department of Environmental Quality

K. Deaton, Environmental Programs Specialist
L. McCaskill, Environmental Programs Specialist

INSPECTION PROCEDURES USED

IP 83822	Radiation Protection
IP 84850	Radioactive Waste Management
IP 84900	Low-Level Radioactive Waste Storage
IP 86740	Inspection of Transportation Activities
IP 88005	Management Organization and Controls
IP 88025	Maintenance and Surveillance Testing
IP 88045	Environmental Protection
IP 88050	Emergency Preparedness
IP 88055	Fire Protection

ITEMS OPENED, CLOSED, AND DISCUSSED

Open

None

Closed

None

Discussed

None

LIST OF ACRONYMS AND ABBREVIATIONS USED

ADAMS	Agencywide Documents Access and Managements System
CFR	Code of Federal Regulations
GET	General Employee Training
IP	Inspection Procedure
NRC	U.S. Nuclear Regulatory Commission
RSO	Radiation Safety Officer
SWP	Special Work Permit
WIP	work-in-progress