



**UNITED STATES
NUCLEAR REGULATORY COMMISSION**

REGION IV
1600 E. LAMAR BLVD.
ARLINGTON, TX 76011-4511

September 26, 2014

Mike Thomas, Vice President
Environmental, Safety, and Health
Uranerz Energy Corporation
1701 East "E" Street
P.O. Box 50850
Casper, Wyoming 82605

SUBJECT: NRC INSPECTION REPORT 040-09067/14-001

Dear Mr. Thomas:

This refers to the unannounced, routine inspection conducted on June 23-24, 2014, at the Nichols Ranch facility located in Nichols Ranch ISR Project, Nichols Ranch Unit, in Campbell and Johnson Counties, Wyoming. The 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 the conditions of your license. Within these areas, the inspection consisted of selected examinations of procedures and representative records, observations of activities, and interviews with personnel. The inspection findings were discussed with you at the exit briefing conducted at the conclusion of the onsite inspection.

Based on the results of this inspection, the NRC has determined that one Severity Level IV violation of NRC requirements occurred. This violation involved injecting lixiviant into an injection well which had failed a mechanical integrity test. This is contrary to License Condition 10.5 and commitments made in license application Sections 3.4.6 and 6.1.5. This non-repetitive, licensee-identified, non-willful and corrected violation is being treated as a Non-Cited Violation (NCV), consistent with Section 2.3.2 b, of the Enforcement Policy. The NCV is described in the subject inspection report. If you contest the violation or significance of the NCV, you should provide a response within 30 days of the date of this inspection report, with the basis for your denial, to the U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington DC 20555-0001, with copies to the Regional Administrator, Region IV, and the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter, its enclosure, and your response, should you chose 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 or proprietary, information so that it can be made available to the Public without redaction.

M. Thomas

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Should you have any questions concerning this inspection, please contact Ms. Linda M. Gersey, Health Physicist, at 817-200-1299, or the undersigned at 817-200-1191.

Sincerely,

/RA/

Ray L. Kellar, P.E., Chief
Repository and Spent Fuel Safety Branch
Division of Nuclear Materials Safety

Docket: 040-09067

License: SUA-1597

Enclosure:

NRC Inspection Report 040-09067/14-001

cc:

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Program Manager
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Mr. Mark Rogaczewski
District 3 Supervisor
Land Quality Division
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Director, Wyoming Radiation Control Program

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U.S. NUCLEAR REGULATORY COMMISSION
REGION IV

Docket: 040-09067

License: SUA-1597

Report: 040-09067/14-001

Licensee: Uranerz Energy Corporation

Location: Nichols Ranch ISR Project, Nichols Ranch Unit
Johnson and Campbell Counties, Wyoming

Dates: June 23-24, 2014

Inspectors: Linda M. Gersey, Health Physicist, Team Leader
Repository and Spent Fuel Safety Branch
Division of Nuclear Materials Safety

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Management Programs

Approved by: Ray L. Kellar, P.E., Chief
Repository and Spent Fuel Safety Branch
Division of Nuclear Materials Safety

Attachments: Supplemental Inspection Information

Enclosure

EXECUTIVE SUMMARY

Uranerz Energy Corporation, In-Situ Recovery Facility NRC Inspection Report 040-09067/14-001

This inspection included a review of site status, site tours, management organization and controls, site operations, radiation protection, and environmental protection.

Management Organization and Controls

- The organizational structure and staffing levels maintained by the licensee during the inspection period met the requirements specified in the license and were sufficient for the work in progress. (Section 1.2a)
- The licensee's safety and environmental review evaluations were performed in accordance with license requirements. (Section 1.2b)
- The licensee was conducting audits and inspections as required by regulatory requirements and the license. (Section 1.2c)

In-Situ Leach Facilities

- The licensee was conducting in-situ recovery activities in accordance with license and regulatory requirements, with one exception. (Section 2.2a)
- One non-cited violation was identified related to the licensee's use of an injection well that had failed a mechanical integrity test, which is contrary to license condition 10.5. (Section 2.2a)
- The licensee was in the process of correcting wellhead leak detection system failures. (Section 2.2a)

Radiation Protection

- The licensee implemented a radiation protection program that met the requirements of 10 CFR Part 20 and the license. (Section 3.2)

Effluent Control and Environmental Protection and Maintaining Effluents from Materials Facilities As Low As Reasonably Achievable (ALARA)

- The licensee implemented the effluent monitoring plan in accordance with license commitments. (Section 4.2a)
- Wellfield and excursion monitoring was being conducted in accordance with license commitments. (Section 4.2b)

Report Details

Site Status

Uranerz Energy Corporation, Nichols Ranch Project, was authorized to begin operations by letter dated April 15, 2014, (ADAMS Accession Number ML14105A422). At the time of the inspection, Uranerz Energy Corporation was extracting uranium at the Nichols Ranch Unit using the in-situ recovery process. The licensee had initiated injection of lixiviant in the first wellfield, known as Production Area 1 (PA1). The ion exchange processing facility at Nichols Ranch was in service supporting four header houses in PA1. Resin shipments were being sent for processing at Power Resources, Inc. Smith Ranch Central Processing Plant (CPP).

1 Management Organization and Controls (88005)

1.1 Inspection Scope

Ensure that the licensee had established an organization to administer the technical programs and to perform internal reviews, self-assessments, and audits.

1.2 Observations and Findings

a. Organizational Structure

The inspectors reviewed the organizational structure of the licensee's Nichols Ranch facility for compliance with Application Section 5.5.1. The licensee had a total of 33 full-time employees which report to the Nichols Ranch facility. The licensee has one qualified Radiation Safety Officer (RSO) and one qualified Health Physics Technician (HPT). The Environmental Health and Safety Manager is also qualified as an RSO. The licensee uses contractors for drilling work and as needed. The inspectors determined that the licensee had sufficient staff to implement the radiation protection, groundwater monitoring, and environmental programs at its current operating level.

b. Safety and Environmental Review Panel

License Condition (LC) 9.4 of the performance-based license requires, in part, that the licensee establish a Safety and Environmental Review Panel (SERP) process to evaluate if program changes require an NRC license amendment prior to implementation. The inspectors reviewed two SERP evaluations and concluded that the licensee had implemented the SERP determinations for the following evaluations in accordance with the performance-based license conditions.

SERP-1-2014 – Relocation of 4 Environmental Monitoring Stations

The licensee relocated 4 environmental monitoring stations to ensure that the particulate air sampling stations were located in the sectors with the highest predicted radioactivity concentrations resultant from operations. These changes were made in accordance with LC 11.9 and preoperational LC 12.7.

SERP-3-2014 – Qualifications of the Health Physics Technician

The licensee evaluated the education, training, and experience of an individual in accordance with LC 9.7, which states, in part, that the licensee shall follow NRC

Regulatory Guide (RG) 8.31, "Information Relevant to Ensuring that Occupational Radiation Exposures at Uranium Recovery Facilities Will Be As Low As Reasonably Achievable."

c. Audits and Inspections

The inspectors reviewed the audits and inspections being generated by the licensee in accordance with LC 9.7 and RG 8.31. The licensee was conducting and documenting a daily walk-through of all work and storage areas of the facility to ensure good radiation practices were being followed, as required by LC 9.10. The HPT or RSO perform and document the daily walk-through. The RSO was performing a weekly inspection of all facility areas to observe general radiation control practices and review required changes in procedures and equipment. In addition, the RSO was generating a monthly report that summarized the results of the daily and weekly inspections, and monitoring and radiation exposure data. The inspectors found that the audits and inspections met requirements contained in the license.

1.3 Conclusions

The organizational structure and staffing levels maintained by the licensee during the inspection period met the requirements specified in the license and were sufficient for the work in progress. The licensee's safety and environmental review evaluations were performed in accordance with license requirements. The licensee was conducting audits and inspections as required by regulatory requirements and the license.

2 In-Situ Leach Facilities (89001)

2.1 Inspection Scope

Determine if in-situ recovery activities were being conducted by the licensee in accordance with the NRC's regulatory requirements and the license.

2.2 Observation and Findings

a. Recovery Operations

At the time of the inspection, uranium recovery operations were being performed at Nichols Ranch PA1. The Production Area Pump Test document for PA1 had been approved by the Wyoming Department of Environmental Quality (WDEQ) and verified by NRC to begin operations. Four header houses were in operation in the northern portion of PA1. The licensee stated that no additional header houses or well installation is underway in PA1 because of market conditions.

The inspectors reviewed the injection, production, bleed and waste disposal rates from PA1. The current production flow was approximately 1,100 gallons per minute (gpm). The bleed was determined from a review of onsite data to be approximately 1%. The values were well within approved operating ranges.

The licensee is required to demonstrate an inward gradient in wellfields during all operations in accordance with LC 10.9. The inspectors evaluated the bleed rate, recent ground water levels in the monitoring well ring provided by the licensee, and the

monitoring ring well hydrographs to confirm the presence of an inward gradient. The bleed was demonstrated to be about 1%, which was the application commitment for creating the required inward gradient. The monitoring ring well hydrographs showed a continuous and substantial decrease in water level from the start of recovery to the present date. In addition, the inspectors evaluation of current water level contours in PA1 compared to the original pre-operational water levels demonstrated a satisfactory inward gradient was being maintained in PA1 as required by LC 10.9.

The inspectors conducted a review of the licensee's wastewater sources and volume. The current sources of wastewater include the production bleed stream, plant wash-down water, sump water, and laboratory wastes. As described in the license application, the licensee is authorized to dispose of plant and wellfield operations wastewater through deep disposal well (DDW) injection. The licensee currently has two DDWs available for use. No waste storage ponds are located at the site. The licensee stated that the wastewater disposal rates are currently so small that they do not need to continuously inject into the DDWs. When they do inject, they have used both DDW1 and DDW 4 which will each take the approximately 10-11 gpm of wastewater produced without any additional well head pressure. The licensee indicated DDW 4 will take 70 gpm with a wellhead pressure of 350 pounds per square inch (psi) and DDW 1 has similar capacity. The inspectors concluded the licensee has demonstrated that the two DDW s have sufficient capacity to handle current and projected wastewater disposal requirements as required in LC 10.11.

The inspectors noted that a large oil and gas drilling operation was located near the Nichols Ranch license boundary. The inspectors requested to know where the drilling water well for this operation was located. The licensee provided information on the location of the water well used to supply drilling water, which was found to be 2.7 kilometers (km) outside the PA1 wellfield boundary. The inspectors concluded the impact of the well on PA1 operations did not need to be evaluated as it was outside the 2 km limit required in LC 11.7.

The inspectors reviewed the recent mechanical integrity testing (MIT) which is required by LC 10.5. The licensee had conducted 40 MITs on PA1 wells that had been recently reworked to extend screen intervals. Of this number, one well failed MIT and 39 passed.

During the inspection, the licensee discussed a self-identified violation related to using an injection well that failed a MIT. Injection well N1B-089 failed MIT on February 2, 2014. The well, however, was later connected to Header House 4 and put into service as an injection well from April 15-24, 2014. The inspectors reviewed the licensee generated root cause and corrective action report. The root cause was found to be that the well had been MIT tested before the header house was installed. The well had not been marked as failing MIT and was inadvertently hooked up to the new header house. A total of 35,622 gallons was injected into the well before it was discovered. A MIT was conducted on April 29 and confirmed a casing failure was located at 40 feet below ground surface in a dry zone. The licensee's corrective action was to improve communication on failed MITs and update the MIT Standard Operating Procedure (SOP) to mark all new wells that fail MIT with red caps. All wells that fail the five year MIT are locked out and tagged out. The inspectors reviewed the updated SOP and verified that a memo on the corrective action and revised MIT SOP was communicated to licensee staff.

License Condition 10.5 requires, in part, that the licensee shall perform MITs on each injection and production well in accordance with section 3.4.6 of the license application before the wells have been utilized and any failed well casing that cannot be repaired to pass the MIT shall be appropriately plugged and abandoned in accordance with Section 6.1.5 of the license application. Contrary to the above, the licensee placed an injection well in service that had failed the MIT. This is a violation (NCV 040-09067/1401-01) of LC 10.5 and commitments made in license application Sections 3.4.6 and 6.1.5. However, this non-repetitive, licensee-identified, non-willful and corrected violation is being treated as a Non-Cited Violation, consistent with Section 2.3.2.b, of the NRC Enforcement Policy. The inspectors reviewed the corrective actions and found them to be sufficient to prevent a recurrence.

The inspectors examined the reportable and non-reportable spill reports. During the time period from April 1 to June 24, 2014, the licensee has experienced fourteen spills at the injection wellheads, of which four were reportable. Most of the spills were caused by clogged air pressure relief valves. One reportable spill was from an exceedance on a water pressure relief valve (rated at 150 psi). Most of these spills were detected by wellfield operators observing water flowing from the wellhead because the leak detection systems on the wellheads had failed in seven of the leaks. The inspectors discussed the wellhead leak detection system failures with the licensee staff who stated that the failures were due to the placement of the electrical box which supplies power to the system in the pan where the leak water collects. The inspectors examined the leak detection systems at the well heads which had failed to alarm at several wellheads in response to leaks. The inspectors noted that the electrical box was located in the water pan where it could be submerged and was not waterproof. Therefore, it is probable that the failure of the leak detection system is due to shorting out of the electrical box, as the licensee stated. The licensee assured the inspectors that the problem will be corrected by water proofing all of the electrical boxes. These corrective actions will be evaluated during a future inspection.

The inspectors also questioned the licensee staff about the 720 gallon spill at the wellhead of N1C-003 when the water pressure relief valve on the wellhead (rated at 150 psi) opened in response to a high pressure surge event. The maximum pressure allowed on the injection lines at any header house at Nichols Ranch is 150 psi. The licensee presented the real time pressure data from the pressure gauge on the injection trunk line entering the header house, the discharge pressure gauge on the header house booster pump and the pressure gauge after the bag filters and just before the injection well manifold. These pressure traces showed the pressure surge originated outside the header house, passed through the booster pump and the bag filters to enter the injection well manifold. The pressure data showed that the maximum pressure reached during the event was 144 psi. The licensee said the event had triggered the alarm at 140 psi which caused the header house to be shut down. The licensee stated it was investigating the cause of the high pressure event. The inspectors indicated that the problem needed to be resolved to prevent exceedance of the max allowable injection pressure. The corrective actions taken to resolve this issue will be evaluated during a future inspection.

b. Site Tours

The inspectors conducted site tours to observe in-situ recovery operations in progress. Areas toured included the Nichols Ranch Ion Exchange facility, PA1 wellfields and header houses 2 and 4, associated excursion monitoring wells and DDW 4.

The inspectors observed the operations underway in header houses 2 and 4, including the real time pressure gauge readings on the injection manifolds. The inspectors discussed the use of the human machine interface (HMI) computer panel with operators, which allows for computer control of the header house functions. The inspectors verified that the lock-out tag-out of injection and production well was done correctly and reflected on the HMI panel screen. The inspectors also had the wellfield operator explain the confined space entry requirements for the entry into the basement of the header houses. The inspectors found the wellfield operators were knowledgeable about all wellfield related SOPs.

The inspectors visited the DDW-4 well house and found all infrastructures to be in excellent condition. The well was not in operation at the time. The inspectors also examined the DDW-4 wellhead, which was found to be in excellent condition with the annulus pressure within required ranges.

The inspectors found that all entrance areas to the facility and wellfields were posted with the words, "Any Area Within This Facility May Contain Radioactive Material", as required by LC 9.11.

The inspectors conducted independent radiological surveys of the gamma exposure rates present in the CPP, header houses, and wellfield. The surveys were conducted using a Ludlum Model 19 microRoentgen survey meter (NRC 015540, calibrated using radium-226, calibration due date of 02/04/2015), and a Ludlum Model 2401-EC2 survey meter (NRC 20779G, calibration due date of 12/28/2014). Gamma exposure rates measured by the inspectors were as expected. Background readings of 40 microRoentgen per hour ($\mu\text{R/hr}$) were found outside the CPP. The highest gamma exposure reading of 5000 $\mu\text{R/hr}$ was measured in header house 4 near the bag filter units. The inspectors did not identify any areas that had not already been identified and posted as radiation areas by the licensee. The inspectors determined that the licensee identified and posted radiation areas as required in 10 CFR 20.1902.

2.3 Conclusions

The licensee was conducting in-situ recovery activities in accordance with license and regulatory requirements, with one exception. One non-cited violation was identified related to the licensee's use of an injection well that had failed a mechanical integrity test, which is contrary to license condition 10.5. The licensee was in the process of correcting wellhead leak detection system failures.

3 **Radiation Protection (83822)**

3.1 Inspection Scope

Determine whether the licensee's radiation protection program was being conducted in compliance with license and 10 CFR Part 20 requirements.

3.2 Observations and Findings

a. Occupational Exposures

The licensee was using thermoluminescent dosimeters to monitor for external gamma radiation for occupational exposure. These dosimeters are exchanged on a quarterly basis. At the time of this inspection, the licensee had not been operating for a full quarter and therefore, no data was available for review by the inspectors. This program area will be review during future inspections.

The licensee collected urine bioassays on a monthly basis for all wellfield and plant operators. One to two random bioassays are collected monthly from all other employees. At the time of this inspection, no bioassays were above detectable limits.

b. Radiation Protection Surveys

The licensee conducts monthly contamination surveys in 17 designated areas of the CPP. The 4 areas designated as clean areas are surveyed on a weekly basis. Header houses and DDWs are surveyed monthly. The surveys include direct alpha and beta scans, and removable alpha/beta wipes. If the direct alpha scan is greater than 250 disintegrations per minute, the licensee performs a wipe survey to ensure that there is no removable contamination present. The inspectors reviewed the survey results from April through June 20, 2014. The surveys had been conducted at the required frequency and areas over the action limit where appropriately cleaned up and resurveyed.

3.3 Conclusions

The licensee implemented a radiation protection program that met the requirements of 10 CFR Part 20 and the license.

4 Effluent Control and Environmental Protection and Maintaining Effluents from Materials Facilities ALARA (87102 and 88045)

4.1 Inspection Scope

Determine if the environmental and effluent monitoring programs are adequate to monitor the impacts of site activities on the local environment.

4.2.1 Observations and Findings

a. Environmental Monitoring

In response to pre-operational LCs 12.7 through 12.14, the licensee submitted information related to details of the effluent monitoring program. NRC approved the licensee's effluent sampling plan in License Amendment 2 (ADAMS Accession Number ML14087A244). The inspectors performed a thorough review of the implementation of the effluent monitoring plan. The licensee provided to the inspectors RAD-LOG-39, which summarizes the type and location of effluents to be surveyed, radionuclides to be monitored, instrumentation to be used for monitoring, frequency of surveys, the lower limits of detection or minimum detectable activity to be used for each nuclide, and the

associated procedures under which the effluent monitoring will be conducted. The effluent monitoring plan also includes evaluation of public dose limits and occupational exposures. The licensee had implemented all aspects of the effluent monitoring plan, with one exception. A Lucas scintillation cell will be used to measure radon from tank vents on a quarterly basis. At the time of the inspection, the Lucas Cell was on order, but not yet received by the licensee. During a future inspection, the results of the effluent monitoring plan will be reviewed.

Continuous air particulate sampling was being conducted at five locations. The licensee sampled the air for natural uranium, radium-226, thorium-230, and lead-210 particulate concentrations. The licensee also sampled for radon-222 concentrations in the air at the five sample stations. The licensee measured ambient gamma radiation levels at the five sample stations using thermoluminescent dosimeters. At the time of this inspection, no data was available for review. This data will be reviewed during a future inspection.

b. Wellfield and Excursion Monitoring

License Condition 11.5 requires, in part, that the licensee monitor groundwater at the designated excursion monitoring wells twice a month. The inspectors reviewed some of the excursion groundwater sampling records and found that no wells have been or are currently in excursion status. The inspectors found these records indicated operational groundwater monitoring was being conducted as required by the license.

The inspectors observed a wellfield sampler perform a routine sampling of an excursion monitoring well. The sampling was performed at a monitoring ring well by the assigned sampler who was assisted by a summer student intern. The sampler verified that all sampling instrumentation had been calibrated according to the appropriate SOP. The sampler correctly followed all steps of the appropriate ground water sampling SOPs for the excursion indicators of alkalinity, chloride and conductivity, and was able to explain the applicable Quality Assurance (QA) and chain of custody for the samples taken.

The inspectors also interviewed the lab manager to assess the operation of the on-site laboratory and its associated QA. The lab had recently undergone a QA audit by an outside consultant. The inspectors reviewed the report from this audit, dated May 27, 2014, which found the lab QA and quality control to be adequate. The lab manager was interviewed about lab operations and lab safety. The inspectors found all lab functions and lab QA to be acceptable as required in LC 10.16.

4.3 Conclusions

The licensee implemented the effluent monitoring plan in accordance with license commitments. Wellfield and excursion monitoring was being conducted in accordance with license commitments.

5 Exit Meeting Summary

The NRC inspectors presented the inspection results to the licensee's representatives at the conclusion of the onsite inspection on June 24, 2014. During the inspection, the licensee did not identify any information reviewed by the NRC inspectors as proprietary that was included in the report.

SUPPLEMENTAL INSPECTION INFORMATION

PARTIAL LIST OF PERSONS CONTACTED

Licensee

J. McCarthy, Environmental Health and Safety Manager
M. Thomas, Regulatory Affairs
J. Mote, Mine Manager
G. Thomas, Vice President of Operations
P. Goranson, President/CEO

INSPECTION PROCEDURES USED

IP 88005	Management Organization and Controls
IP 89001	In-Situ Leach Facilities
IP 83822	Radiation Protection
IP 88045	Effluent Control and Environmental Protection
IP 87102	Maintaining Effluents from Materials Facilities ALARA

ITEMS OPENED, CLOSED, AND DISCUSSED

Opened

040-09067/1401-01 NCV Use of an injection well that failed MIT

Closed

040-09067/1401-01 NCV Use of an injection well that failed MIT

Discussed

None

LIST OF ACRONYMS USED

ADAMS	Agencywide Documents Access and Management System
ALARA	As Low As Reasonably Achievable
CPP	central processing plant
CFR	<i>Code of Federal Regulations</i>
DDW	deep disposal well
gpm	gallons per minute
HPT	health physics technician
HMI	human machine interface
IP	NRC Inspection Procedures
km	kilometers
LC	License Condition
MIT	mechanical integrity test
NCV	Non-cited violation
NRC	U.S. Nuclear Regulatory Commission
PA	production area
psi	pounds per square inch
QA	quality assurance
μR/hr	microRoentgens per hour
RG	NRC Regulatory Guide
RSO	Radiation Safety Officer
SERP	Safety and Environmental Review Panel
SOP	Standard Operating Procedures
WDEQ	Wyoming Department of Environmental Quality