

for future reference.

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Enforcement Board Briefing

November 16, 1995

10:00 a.m.

Licensee: ABB Combustion Engineering

Facility: Hematite Nuclear Fuel Manufacturing Facility

License No.: SNM-33

Docket No.: 070-00036

On-Site Inspection Dates: October 16-20, 1995
Laboratory analysis through November 9, 1995

Cognizant Division: DNMS

Technical Contacts: T. Reidinger
J. Jacobson

Enforcement Contact: Paul Pelke

Inspection Purpose:

This was an announced inspection incorporating both routine and reactive activities, part of which was to review the circumstances surrounding the removal of two radios from the restricted area of the licensee's Hematite facility by an operator.

Inspection Summary:

During the week of October 16, 1995, Tim Reidinger and John Jacobson followed up on a phone call made to Gary Shear on September 19, 1995 by the licensee regarding removal of two radios from the licensee's restricted area without appropriate health physics (HP) surveys for removable contamination. The inspectors discussed the incident with the Regulatory Compliance Manager, the Health Physicist, and the operator involved. The operator submitted a letter of resignation effective September 29, 1995. In addition, the inspectors reviewed licensee survey results for the radios after they were recovered, a licensee training attendance sheet, and licensee memoranda generated from the investigation into the incident.

The former operator stated that she had removed the first radio in early August 1995 because of a faulty speaker. She cleaned the radio with alcohol and surveyed it with an alpha meter prior to placing the radio in a personal bag which she used to carry the radio offsite. She exchanged the radio at a local warehouse and brought the new radio into the restricted area at the plant. Approximately 30 days later, she removed the new radio in the same fashion because it too had a faulty speaker. In neither case did she contact the HP department for a "Package Pass" to remove the items from the restricted area, as required by the NRC license. She stated that she had received training on removing items from the restricted area and knew she had to

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contact HP, but didn't think removing the two radios was particularly important. The inspectors verified that the operator had received training on May 26, 1995, concerning the requirement to obtain a survey from health physics for items to be removed from the plant. She also stated that she had lied to the licensee during its investigation of the incident because she was scared of recrimination.

The inspectors also were informed that the operator had worn clean shoes (shoes worn to and from work) in the contaminated area and had attempted to leave the plant with minor amounts of contamination on her shoes (200 disintegrations per minute were found on the peddles of her car and the edge of the driver's seat). The operator indicated that she had been at fault in this instance as well by wearing her clean shoes in the restricted area. She knew this to be against plant policy.

The inspectors noted that the licensee had apparently recovered both radios. One was returned by one of the operator's children and the other was purchased from the warehouse after identification based on the make of the radio and marks which looked liked residue from where RADIOACTIVE MATERIALS stickers had been removed. The licensee performed extensive surveys on both radios and all results were less than 10% of the allowed release criteria for fixed and removable contamination.

Violation

Safety Condition S-1 of Special Nuclear Material License SNM-33 requires that licensed material be used in accordance with the statements, representations, and conditions in Chapters 1 through 8 of the application dated October 29, 1993, with supplements.

Section 2.6 of Chapter 2 of the application dated October 29, 1993, requires, in part, that operations which affect licensed material be conducted in accordance with approved written procedures. These procedures provide the detailed instructions for equipment operation and material handling and the limits and controls required by the license.

Health Physics (HP) Procedure 309, "Survey of Items for Unconditional Release," requires in Section II.B. that all items released to individuals must be accompanied by a "Package Pass" with an H.P. approval and appropriate management approval. Furthermore, Section III requires that contamination checks be made and records kept on all items leaving the plant.

Contrary to the above, during the period of early August to early September 1995, a licensee operator removed two radios from the restricted area of the plant for release to individuals offsite without obtaining a "Package Pass" with approval by H.P. and appropriate management. In addition, no records of contamination checks of the radios were made.

This is a Severity Level IV violation (Supplement VI).

Enforcement Policy:

Section VII of NUREG-1600, "Enforcement Actions Involving Individuals," states, in part: "An enforcement action involving an individual will normally be taken only when the NRC is satisfied that the individual fully understood, or should have understood, his or her responsibility; knew, or should have known, the required actions; and knowingly, or with careless disregard (i.e., with more than mere negligence) failed to take the required actions which have actual or potential safety significance. Most transgressions of individuals at the level of Severity Level III or IV violations will be handled by citing only the facility licensee.

Enforcement History:

Inspections conducted on April 25-27, 1994, August 11-12, 17-19, and 22-24, 1994, December 6-8, 1994, May 8-25, and July 25-27, 1995, identified no similar or repeat violations. Violations for failure to post Airborne Radioactivity Areas and improperly labeling a depleted uranium shipment as a "FISSILE CLASS III" shipment were issued.

Identification:

The licensee identified the violation after the Health Physicist was notified by a plant health physics technician that the operators co-workers suspected a radio had been removed from the restricted area and small amounts of removable contamination were discovered on the operators street shoes. The licensee held an initial meeting with the operator on September 7, 1995. Subsequent meetings were held when the operator would not confirm the number of radios removed from the site. The licensee called Region III on September 19, 1995, and reported that to the best of its knowledge, two radios had been removed from the restricted area without proper HP surveys and approval.

Corrective Action:

The licensee initially placed the operator on a 2-week suspension without pay, and obtained a letter of resignation after learning that the operator had lied to licensee management about the second radio. The former operator stated to the inspectors that she had not realized the significance of her activities because she thought obtaining health physics surveys and approval was no big deal, but now realized what a big deal it was since she no longer had a job.

The licensee conducted additional training for all operators at the plant to reinforce the requirement for an HP survey and approval for all items and equipment leaving the restricted area of the plant. The training was complete by the time of the onsite inspection.

Recommendation:

The Fuel Cycle Branch of DNMS recommends that a Non-Cited Violation be issued to the licensee in Inspection Report No. 070-00036/95004(DNMS) because the violation was identified by the licensee and there was no safety significance

due to the very low levels of contamination involved (well below release criteria), and was followed up with a prompt investigation and corrective action. The Fuel Cycle Branch also recommends that no further action be taken against the former operator as she was a low-level licensee employee, is no longer involved in licensed activities and has suffered the loss of her job as a result of her actions, and is unlikely to be involved in licensed activities because the area of the country in which she lives has very limited opportunities in the nuclear industry.

*cover letter emphasize opportunity for improvement
significance of clear & accurate information.*