



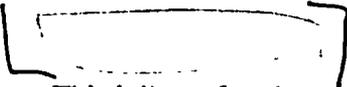
UNITED STATES
NUCLEAR REGULATORY COMMISSION

REGION III
801 WARRENVILLE ROAD
LISLE, ILLINOIS 60532-4351

August 15, 2002



SUBJECT: ALLEGATION NO. RIII-02-A-0054



17C

This letter refers to our letter dated May 3, 2002, that stated we would review the concerns you expressed about activities at ABB/CE/Westinghouse located in Hematite, Missouri. You were concerned that: (1) lapel samplers were not provided as required; (2) platinum wear and tools were stolen from the site; (3) erbia contamination was found while completing emission specification work; (4) depleted uranium was missing from the site; (5) you were exposed to sodium hydroxide; (6) "gunk" and algae are in the site drinking water; (7) rubidium was buried under the warehouse store room; (8) you were terminated for raising safety issues.

We have completed our review of your concerns. Based on the results of our evaluation, we substantiated concern 1. The NRC has previously reviewed this issue, identified that a violation of NRC requirements occurred, and verified that the licensee took corrective action to address the issue. We did not substantiate concern 2 and determined that concerns 3, 5, and 6 are not within the NRC's jurisdiction. We will forward concerns 5 and 6 to the appropriate agencies. We did not pursue concerns 4 and 7 because: (1) you informed the NRC staff that the uranium which was missing was found; (2) we have confirmed that the licensee has disposed of all radioactive material since this incident in accordance with NRC regulation; (3) the licensee has never been licensed to possess rubidium; and (4) the licensee is completing a site survey which will identify any buried rubidium and establish a course of action for disposal of the material. For concern 8, our May 3rd letter informed you that we needed additional information from you before we could continue our evaluation. Our May 3rd letter provided you the information we needed and requested that you provide this information within 30 days. Our records show that you received our May 3rd letter on May 16th. I am closing concern 8 since you did not provide the information requested in our May 3rd letter.

Thank you for informing us of your concerns. We take our safety responsibilities to the public very seriously and appreciate your willingness to bring these issues to our attention. Based on the results of our evaluation we consider this allegation file closed. If you disagree with the results of our evaluations or wish to provide additional information, please contact Andrea Kock

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Act, exemptions 7C
FOIA-2004-0234

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or me by writing to the U.S. Nuclear Regulatory Commission, Region III, at 801 Warrenville Road, Suite 255, Lisle, Illinois 60532-4351, or calling the NRC Region III switchboard toll free at (800) 522-3025. My E-mail address is JKH@nrc.gov and Mrs. Kock's E-mail address is ALK@nrc.gov. If you E-mail us, please send the information to both E-mail addresses.

Sincerely,


James Heller
Senior Allegation Coordinator

Enclosures: Summary of Concerns

cc w/enclosure: AMS File No. RIII-02-A-0054

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Our current understanding of your concerns are summarized below. If you have any additional or clarifying information related to these concerns, please contact one of the Region III Office Allegation Coordinators at the address provided in the letter.

Concern 1:

You were concerned that lapel samplers were not provided as required on several occasions.

NRC Conclusion:

The NRC previously reviewed this issue during an independent inspection.

The NRC staff substantiated this concern. The inspector reviewed previous NRC inspection reports that involved activities associated with the use of lapel air samplers. On October 21, 1998, the NRC issued the licensee a violation because management failed to ensure that plant staff had lapel air samplers turned on while uranium handling operations were in progress. This violation was documented in NRC Inspection Report 070-00036/98004(DNMS).

As a follow up to the lapel air sample violation, NRC Report 070-00036/99002(DNMS) documented that an NRC inspector interviewed plant staff and observed that workers were properly wearing the lapel air samplers per Health Physics (HP) Procedure No. 303, "Lapel Air Sampling." The inspector reviewed the lapel air sampling program, and observed and interviewed operations staff at various work stations to evaluate the effectiveness of the monitoring program. The inspector observed that workers were properly wearing the lapel air samplers per HP Procedure No. 303. The sample heads of the lapel air samplers were clipped to the workers' lapels on the outside of smocks or coveralls, were properly positioned in the breathing zone, and were turned on. The workers appeared to understand their responsibilities for operation of the samplers. Each worker was assigned a sampler.

During the follow up inspection, the inspector reviewed the collective site dose between 1994 and 1999. The inspector noted that the collective dose decreased from 168 rem in 1994 to 114 rem in 1997 and then increased to 138 rem in 1998 and 142 rem in 1999. The NRA Manager stated that several factors may have contributed to the drop in site collective dose in 1997, which included operators not turning on their lapel air samplers, less man hours worked, and the processing of higher uranium-235 enriched products. Plant staff ensuring that their lapel air monitors were operating when working in the plant could have contributed to the increase in collective doses in 1998 and 1999.

Discussions with plant HP management indicated that operators were assigned an inhalation dose on a shift basis. If an operator's lapel sample was lost, misplaced, or otherwise unusable, the operator would be assigned a dose for that shift based on his or her average dose from the last week of operations. The HP management indicated that, at the time of the follow up inspection, approximately one to two lapel-sample results had to be calculated for missing samples per week. Compared to the several hundred samples taken on a weekly basis, this loss or unassigned sample rate appeared reasonable. Thus, the inspectors concluded that although some operators may periodically not be assigned the exact dose for their shift, on average the appropriate dose would be assigned and gross differences with the annual total effective dose would not be expected.

Since inspections subsequent to the 1998 violation identified that plant staff were operating the lapel air samplers in accordance with their procedural requirements, the NRC plans no actions in addition to the violation already issued, and considers this matter closed.

Concern 2:

You were concerned that some platinum wear and tools were stolen from the site.

NRC Conclusion:

The NRC has previously reviewed the issue regarding platinum wear being removed from the site. The issue was previously referred to the licensee and its response was evaluated by the NRC. We did not review the issue regarding the potential removal of other non-contaminated tools from the site, since such occurrences are not within our regulatory jurisdiction.

The licensee's investigation focused on the removal of crucibles from the site. The licensee did not identify any instance where crucibles were taken home from the plant, nor did they identify any motivation for an individual to remove the crucibles. However, the licensee identified that in November 1998, six crucibles were reported missing from the laboratory. During the licensee's investigation, an individual admitted taking and hiding five of the crucibles after initially denying any involvement. The individual indicated that the crucibles never left the site and that the crucibles were taken to test security. The individual returned five of the six crucibles. The sixth crucible was not recovered after an extensive search. By procedure, any crucibles which are sent offsite are required to be cleaned and surveyed to ensure there is no contamination above release limits.

The NRC's evaluation of the licensee's response determined that the unauthorized removal of crucibles appeared to be an isolated act of a non-managerial employee. The licensee took comprehensive action to investigate and address the issue. The licensee had procedural controls for preventing the release of contaminated equipment, and five of six missing crucibles were recovered. The likelihood of discovering the sixth crucible was considered to be very small and there was no conclusive evidence that the crucible actually left the site. Based on these considerations, the NRC was unable to substantiate that crucibles were removed from the site. We plan no further action and consider this matter closed.

Concern 3:

You were concerned that erbia contamination was found while completing emission specification work.

NRC Conclusion:

Since erbia is not radioactive, this issue does not affect nuclear safety. Therefore, the issue is not within the NRC's regulatory jurisdiction. This is not a finding that your concern does not have merit; it is a recognition of the regulatory limits of the NRC. In addition, you indicated during your April 4, 2002, conversation with Andrea Kock, that this issue was identified and corrected before any fuel shipments were affected. Since this issue is not within the NRC's regulatory jurisdiction and was corrected by the licensee, we plan no further action and consider this matter closed.

Concern 4:

You were concerned that depleted uranium was missing from the site and later found.

NRC Conclusion:

You indicated during your April 4th conversation with Andrea Kock that the depleted uranium was later found. Since you indicated that this incident occurred in 1997-1998, the material was later found, and our inspection activities at the site since that time have confirmed that the licensee is disposing of radioactive material safely and in accordance with NRC regulations, we did not pursue the validity of this issue. We plan no further action and consider this matter closed.

Concern 5:

You were concerned that the licensee shut a damper in the area where you were working such that you were exposed to sodium hydroxide and could not breathe.

NRC Conclusion:

Several members of our staff reviewed this concern and determined that it is not within the NRC's regulatory jurisdiction. This is not a finding that your concern does not have merit. Rather, it is a recognition of the regulatory limits of the NRC. The agency with regulatory jurisdiction over this issue is the Occupation Safety and Health Administration (OSHA). We will refer the information you provided to that agency. For further information regarding this issue, we encourage you to contact OSHA directly at: <http://www.osha.gov/>. Since this issue is not within the NRC's regulatory jurisdiction, we plan no further action and consider this matter closed.

Concern 6:

You were concerned that "gunk" and algae are in the site drinking water.

NRC Conclusion:

Several members of our staff reviewed this concern and determined that it is not within the NRC's regulatory jurisdiction. Specifically, NRC regulations address nuclear safety rather than the quality of drinking water. This is not a finding that your concern does not have merit. Rather, it is a recognition of the regulatory limits of the NRC. The agency with regulatory jurisdiction over this issue is:

Missouri State Department of Natural Resources
PO Box 176
Jefferson, City, MO 65102
(573)751-3443

We will refer the information you provided to that agency. We encourage you to contact that agency for further information regarding this issue. Since the concern is not within the NRC's regulatory jurisdiction, we plan no further action and consider this matter closed.

Concern 7:

You were concerned that rubidium was buried under the warehouse store room.

NRC Conclusion:

The licensee is in the process of completing a site survey to determine the extent of radioactive material on site and determine a course of action for remediating the site. This site survey will determine whether there is rubidium buried under the warehouse store room. However, the licensee has never been licensed to possess rubidium, so the likelihood that rubidium is buried on site is small. However, we have referred this issue to the licensee for its information so that it may consider this information in completing the site survey. Since the licensee is in the process of determining the types and quantities of radioactive material on site in preparation for site remediation, we plan no further action and consider this matter closed.

Concern 8:

You were concerned that you were terminated for raising safety issues.

NRC status for concern 8

You indicated during your April 4th conversation with Andrea Kock, that this issue was previously reviewed by the NRC. We have reviewed our files and determined that, while you previously filed a complaint of discrimination with the NRC, the issue was not pursued since we needed additional information from you that was not provided. As noted in our May 3rd letter, several members of the Region III technical staff have reviewed this concern and determined that we need additional information from you before we can begin our evaluation. Our May 3rd letter provided you the information we needed and requested that you provide this information within 30 days. Our records show that you received our May 3rd letter on May 16th. Therefore I am closing this concern since you did not provide the information requested in our May 3rd letter. If, at a later date, you want the NRC to pursue this issue, please provide the requested information in writing to a Region III Office Allegation Coordinator at the address provided in the cover letter. We will evaluate the information and provide you the results of our evaluation.