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October 23, 1995

MEMORANDUM TO: Don Funk, Inspection & Compliance Specialist
THRU: Gary Shear, Chief
Fuel Cycle Branch
FROM: John Jacobson, Fuel Facility Inspector
Fuel Cycle Branch
SUBJECT: POTENTIAL WILLFUL VIOLATION

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During the week of October 16, 1995, Tim Reidinger and I 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 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

P-8

removable contamination. 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 licensee also conducted 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 following is a draft citation for the failure to obtain an HP survey and approval for removal of the radios:

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.