



U.S.NRC

UNITED STATES NUCLEAR REGULATORY COMMISSION

Protecting People and the Environment

**U.S. Nuclear Regulatory
Commission**

**Pre-Decisional Enforcement Conference
For
Babcock & Wilcox Nuclear Operations
Group, Inc.**

November 06, 2009, 1:00 pm

NRC Region II Office

Atlanta GA



This is a category 1 meeting in which the public is invited to observe and will have one or more opportunities to communicate with the NRC after the business portion, but before the meeting is adjourned.



I. Opening Remarks, Introductions, and Summary of the Issues

Luis Reyes, Regional Administrator

II. NRC Enforcement Policy

Carolyn Evans, Regional Counsel/Enforcement Officer
Enforcement and Investigation Coordination Staff

III. Statement of Concerns/Apparent Violation

Eugene Cobey, Deputy Director, Division of Fuel Facility Inspection

IV. Licensee Presentation

Babcock & Wilcox Nuclear Operation Group, Inc.

V. Break/NRC Caucus

VI. NRC Follow-up Questions

VII. Closing Remarks

Luis Reyes, Regional Administrator



Safety Condition No. S-2 of Special Nuclear Material License No. 42 dated April 10, 2009, requires that the licensee shall maintain and execute the response measures in the Emergency Plan, Revision 19, dated April 15, 2007, or as further revised in accordance with 10 CFR 70.32 (i).

Appendix G to the Emergency Plan states, in part, that an Alert is declared when the loss of control of all parameters preventing criticality for which control can not be immediately reestablished occurs.

Contrary to the above, at 5:30 PM on July 15, 2009, B&W failed to declare an Alert once the conditions of Appendix G had been met. Specifically, staff members were cognizant of the issues surrounding the band saw reservoir and concluded that the situation should be described as an unanalyzed condition and reported to NRC within twenty-four hours as required by Appendix A to 10 CFR Part 70, but failed to recognize in a timely manner that the situation required an Alert emergency declaration until 8:01 PM that same day.

*The Apparent Violation discussed at this conference is pre-decisional and is subject to change



Safety Condition No. S-1 of Special Nuclear Material License No. 42 authorizes the use of nuclear material in accordance with Chapters 1-11 of the license application submitted on October 24, 2006, and supplements thereto.

Section 11.4 “Procedures,” of the licensee application states, in part, that activities at the NOG Site involving licensed material shall be conducted in accordance with written and approved procedures.

Quality Work Instruction 5.1.7, “Safety Evaluation Requests,” Appendix B states, in part, that a Safety Evaluation Report (SER) Originator completes the requirements of the SER, and the evaluator verifies the requirements of the SER are met.

SER-03-087 states, in part, that if each machine has a built-in coolant reservoir, it shall be disabled such that it is not usable.

Contrary to the above, on or before July 15, 2009, B&W failed to complete or verify the requirements of SER-03-087. Specifically, the licensee failed to ensure that the band saw’s built-in coolant reservoir was disabled and not usable prior to operation of the band saw.

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Safety Condition No. S-1 of Special Nuclear Material License No. 42 authorizes the use of nuclear material in accordance with chapters 1-11 of the license application submitted on October 24, 2006, and supplements thereto.

Section 5.1, “Nuclear Criticality Safety Specifications,” of the license application states, in part, that NOG is committed to the following double contingency policy: “Process designs shall incorporate sufficient factors of safety to require at least two unlikely, independent, and concurrent changes in process conditions before a criticality accident is possible.”

Contrary to the above, on and before July 15, 2009, B&W failed to ensure that double contingency was established or maintained for the band saw cutting fluid reservoir. Specifically, the licensee failed to establish any controls on the band saw cutting fluid reservoir to prevent process changes which would make a criticality accident possible, such as accumulation of cutting fluid or fissile material in the reservoir.

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10 CFR 70.61(a) states, in part, that each licensee shall evaluate in the integrated safety analysis performed in accordance with 10 CFR 70.62 its compliance with the performance requirements in paragraphs (b), (c), and (d) of this section.

10 CFR 70.61(d) states, in part, that the risk of nuclear criticality accidents must be limited by assuring that under normal and credible abnormal conditions, all nuclear processes are subcritical, including use of an approved margin of subcriticality for safety.

Contrary to the above, on and before July 15, 2009, the licensee failed to limit the risk of a nuclear criticality accident in the sectioning band saw. Specifically, the licensee failed to evaluate an accident scenario or establish appropriate controls preventing the accumulation of high enriched uranium and moderator in the band saw cutting fluid reservoir, an unfavorable geometry vessel.

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Closing Remarks