

APPENDIX A

NOTICE OF VIOLATION

Babcock and Wilcox Company

Docket No. 70-135

Based on the results of an NRC inspection conducted on December 5-8, 1978, it appears that certain of your activities were not conducted in full compliance with conditions of your NRC License No. SNM-145 as indicated below. The first three items are infractions. The last three items are deficiencies.

1. License Condition 9 of License No. SNM-145 authorizes use of special nuclear materials in accordance with statements, representations and conditions contained in Section I of the licensee's application. Specification 4.0, Organization, of Section I states, in part, that, "The professional qualifications statements detailed in this specification are minimum (basic) academic and experience requirements for an incumbent without any unique qualifications for the position described. In special cases, unique qualifications such as extended service in the facilities involved, superior academic attainment, provided access to a former incumbent to the position and/or access to an individual(s) with the minimum academic and experience requirements, etc., may be substituted for the base requirements. In such special cases, an individual may hold the position, provided the evaluation and approvals required by section 4.6.1 of this specification are met."
 - a. Specification 4.2.3(c), Professional Qualifications for the Manager of Compliance, requires that the incumbent have a Baccalaureate Degree in Science or Engineering and five (5) years of nuclear industry experience in the areas of health and safety, nuclear materials control, and/or physical security, including two (2) years of supervisory experience.
 - b. Specification 4.2.4(c), Professional Qualifications for Licensing and Nuclear Safety Specialist, for the Licensing function requires, in part, that the incumbent have five (5) years experience in obtaining licenses and permits from Regulatory Agencies.

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Contrary to the above, individuals have been named to positions and duties who do not have the qualifications specified for the position, and the evaluations and approvals required in Section 4.6.1 of the specification in such instances have not been done. Specifically:

- a. On October 17, 1978, for an indefinite period an individual was named Acting Manager of Compliance who does not have either a college degree or experience in the health physics aspects of health and safety, nuclear materials control, or physical security.
 - b. Since August 25, 1978, when the position of Licensing and Nuclear Specialist became vacant, the Licensing function of the position of Licensing and Nuclear Safety Specialist has been performed by the Manager of Technical Control. On October 15, 1978, an individual was named Manager of Technical Control who has no experience in obtaining licenses and permits from Regulatory Agencies.
2. License Condition 9 of License No. SNM-145 authorizes use of special nuclear material in accordance with statements, representations and conditions contained in Section I of the licensee's application. Technical Specification 5.1.4 of Section I, Industrial Safety Within the Facility, Part A, Fire Safety, states, in part, "Out-of-confinement, contaminated, combustible solid wastes (in process areas) shall be stored in covered metal containers."

Contrary to the above, on December 6, 1978, out-of-confinement, contaminated, combustible solid wastes stored in cardboard boxes in the CF-1 area, the CRP-1 area, the CP-1 area, the CP-1 annex, the ISAS counting room, and HEU Storage Area I were not stored in covered metal containers.

3. License Condition 9 of License No. SNM-145 authorizes use of special nuclear materials in accordance with statements, representations and conditions contained in Section I of the licensee's application. Technical Specification 5.1.2 of Section I, Radiological Safety Within the Facility, Part G, Enclosures and Ventilation, states, in part, "Glovebox static pressure shall be maintained at a minimum of 0.25 inch of water (negative) unless a documented evaluation by Health and Safety shows that radioactive material control can be maintained at a lesser negative, or positive, pressure."

Contrary to the above, the licensee does not measure the negative pressure on gloveboxes in the facility including the pellet trial glovebox complex in CF-1, the Trent furnace glovebox, the CP-1 blender glovebox, the weight adjustment glovebox, and the Hevi-Duti furnace glovebox; therefore, the licensee can not assure that the glovebox static pressure is being maintained at a minimum of 0.25 inch of water (negative).

4. License Condition 9 of License No. SNM-145 authorizes use of special nuclear materials in accordance with statements, representations and conditions contained in Section I of the licensee's application. Specification 5.2 of Section I, Administrative Policies and Procedures, requires, in part, "Long term procedures, such as Manufacturing Instructions and the Health and Safety Manual, shall be reviewed for updating at least annually."

Contrary to the above, on December 6, 1978, Manufacturing Instructions for the wet scrap recovery process in High Enriched Uranium still in operation were not reviewed for updating at least annually as follows:

MI 2.0, Revision 2, Dissolution of Scrap Material, dated October 27, 1976;

MI 4.0, Revision 2, Solid Drying Hood, dated October 18, 1977; and,

MI 7.0, Revision 3, Ammonium Diuranate Precipitation, dated June 16, 1977.

5. License Condition 9 of License No. SNM-145 authorizes use of special nuclear materials in accordance with statements, representations and conditions contained in Section I of the licensee's application. Specification 4.5.3 of Section I, Manufacturing Managers, requires, in part, "The Manufacturing Manager is responsible for assuring compliance with health, safety and safeguards regulations within his manufacturing areas."

Contrary to the above, on December 6, 1978, the Manufacturing Manager did not assure compliance with a posted nuclear safety specification in that an eleven liter bottle containing uranium was stored in a transfer cart in an area posted with a nuclear safety specification which allowed only empty containers to be stored in the area.

6. License Condition 9 of License No. SNM-145 authorizes use of special nuclear materials in accordance with statements, representations and conditions contained in Section I of the licensee's application. Specification 4.2.3, Manager of Compliance, and Specification 4.6.1, Pennsylvania Operations Safety Advisory Board (SAB), of Section I, state, in part, that the Manager of Compliance shall serve as Secretary to the Safety Advisory Board.

Contrary to the above, since October 17, 1978, the Acting Manager of Compliance has not served as Secretary to the Safety Advisory Board.