

ENCLOSURE

NOTICE OF VIOLATION

General Electric Company  
Nuclear Production Division  
Wilmington, North Carolina

Docket No. 70-1113  
License No. SNM-1097  
EA 94-013

During an NRC inspection conducted on December 28-30, 1993, a violation of NRC requirements was identified. In accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions," 10 CFR Part 2, Appendix C, the violation is listed below:

Condition S-1 of Special Nuclear Materials License No. SNM-1097 authorizes use of special nuclear material in accordance with the statements, representations and conditions of Part I of the license application dated October 23, 1987 and the supplements thereto.

Part I, Chapter 2, Section 2.7.3 of the license application requires that changed activities not be initiated until the nuclear safety analysis demonstrating safety of the activity has been completed, a preoperational inspection has been conducted to verify that the installation is in accordance with the nuclear criticality safety analysis, and appropriate procedures and/or instructions are in place.

The nuclear criticality safety analysis contained in Facility Change Request No. 1138, dated February 7, 1977, indicated that a safe geometry or volume of less than 29 liters must be maintained. A preoperational audit requirement specified in the analysis required that the sumps and collection vessels be safe volumes. An annotation on an attachment to the Facility Change Request indicated that the sump would be maintained as a safe volume (19.7 liters) for the 4B press by drilling a one-inch hole through the cover plate of the sump at a point approximately 4 inches above the bottom of the sump.

Contrary to the above, changed activities related to the use of rotary pellet press 4B were initiated without an adequate preoperational inspection being conducted to verify that installation was in accordance with the nuclear criticality safety analysis in that there was no one-inch hole drilled in the sump so that a safe volume would be maintained as required in the nuclear criticality safety analysis. Also, appropriate procedures and/or instructions were not in place in that there were no procedures and/or instructions to require that the sump be checked to ensure that this control was maintained. In addition, changed activities associated with the installation of pellet presses 7B and 3B did not include the conduct of preoperational inspections to verify that installation was in accordance with the nuclear criticality safety analysis requirement that safe volumes be maintained for the sumps in these presses in that no holes were drilled in the sumps. Also, appropriate procedures and/or instructions were not in place to ensure this control was maintained. The time periods during which operation occurred without these controls and procedures and/or

instructions being in place were 1977 through 1989 for press 4B, 1980 through December 21, 1993 for press 7B, and 1990 through December 21, 1993 for press 3B.

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

Pursuant to the provisions of 10 CFR 2.201, General Electric Company is hereby required to submit a written statement or explanation to the Regional Administrator, Region II, with a copy to the U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, D.C. 20555, within 30 days of the date of the letter transmitting this Notice of Violation (Notice). This reply should be clearly marked as a "Reply to a Notice of Violation" and should include for each violation: (1) the reason for the violation, or if contested, the basis for disputing the violation, (2) the corrective steps that have been taken and the results achieved, (3) the corrective steps that will be taken to avoid further violations, and (4) the date when full compliance will be achieved. If an adequate reply is not received within the time specified in this Notice, an order or demand for information may be issued as to why the license should not be modified, suspended, or revoked, or why such other action as may be proper should not be taken. Where good cause is shown, consideration will be given to extending the response time.

Dated at Atlanta, Georgia  
this 4th day of February 1994