

03-40253



Petrochemical Division

Maleic Anhydride Plant
Neal, West Virginia
Phone: (304) 453-6101
Fax: (606) 327-6732

Ashland Chemical, Inc.
Subsidiary of
Ashland Oil, Inc.

Address Reply:
Neal Plant
P.O. Box 391
Ashland, KY 41114

February 10, 1994

US Nuclear Regulatory Commission
Washington, DC 20555
ATTN: Document Control Desk

**SUBJECT: REPLY TO A NOTICE OF VIOLATION
NRC Licensee 16-24948-01**

This refers to a violation resulting from an inspection of Ashland Chemical's Neal, WV facility on January 12, 1994. The violation was issued due to a discrepancy in the operating license whereby individuals other than the listed Radiation Safety Officers were performing lockouts on the sources. Item 8 of the plant's permit narrative concerning the radiation program indicated that only the Radiation Officers would perform lockouts or inspections of the devices. A review of the records indicated that Item 8 was not complied with on October 30, 1993.

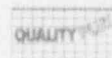
This violation has been corrected by the following actions:

1. Vessel Isolation Checklists have been modified to indicate that only the Radiation Safety Officers will be permitted to lock out radiation devices. A copy of the revised checklist is attached.
2. A memo has been posted in the Shift Supervisor's office, serving notice of the associated change in procedure. A copy of the memo is attached. The Shift Supervisors are the individuals who were previously performing lockouts. They are the only personnel in the plant with the combinations for the radiation device locks other than the Radiation Officers.

These actions will accomplish full compliance with the regulation violated. Full compliance was achieved on January 21, 1994 with the posting of the memo.

Headquarters
5200 Blazer Parkway
Dublin, Ohio 43017
(614) 889-3333

280103



Ashland Chemical's
Commitment to
Quality and Productivity

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PDR ADDCK 03030253
PDR

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Following a conversation with your Mr. Earl Wright from Atlanta, the plant will initiate a request for amendment to the current license, allowing for training of the plant Shift Supervisors by the plant Radiation Officers in order to qualify them to lockout the devices.

We trust these actions will satisfy the Commission regarding this issue. If there are questions or comments, please direct them to me at (606) 327-6593.

Sincerely,

ASHLAND CHEMICAL CO.



Steve Calvert
Plant Engineer

Enclosures

cc: A. J. Kolarsky
R. H. Demboski
H. N. Hicks



STANDARD PROCEDURE INSTRUCTION

SUBJECT: D-410/411 Isolation Checklist Used W/Safety Work Permits			S.P.I. NUMBER
DEPARTMENT: Operations			PAGE 1 OF 7
EFFECTIVE DATE 1/13/94	SUPERSEDES 3/16/91	DATE PREPARED 3/15/85	PREPARED BY D. Snell
			ATTACHMENT

Date: _____

D-410/411 ISOLATION CHECKLIST
USED IN CONJUNCTION WITH SAFETY WORK PERMIT NO. _____

Job Related Permits With Reference To Tag Outs On The Primary Permit Listed Above:

<u>Permit No.</u>	<u>Date</u>	<u>Work Description</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

NOTE: Radiation sources for D-410/411 level gauges should be locked out before work on inserting blinds begins.

NOTE: Only the Plant Radiation Officers (S. Calvert and D. Snell) are authorized to operate the shutters and lockout the radiation sources.

D-410 Source
Locked Out
Tag No. _____

D-411 Top Source
Locked Out
Tag No. _____

D-411 Bottom Source
Locked Out
Tag No. _____

Item

1. Isolation of maleic acid transfer line (8" diameter) for blinding.

*INDICATES CHANGE

APPROVED BY

APPROVED BY

APPROVED BY

MEMORANDUM

TO: G. EARL
G. FORBES
C. PHILLIPS
R. TOOLEY
T. VEST

FROM: S. CALVERT

SUBJECT: NUCLEAR GAUGES

JANUARY 21, 1994

cc: L. LAKE
D. SNELL
H. HICKS

During a visit from the Nuclear Regulatory Commission on January 12, a discrepancy was found in the NRC license pertaining to the way the sources are locked out. In order to satisfy the license, it will be necessary to have only Don Snell or myself lockout the source for entry on the stillpot or refining column. For the long term, I will find out from NRC what is acceptable in terms of amendments to the license or training to restore the responsibility to the shift supervisors.

Please understand that this change is necessary for compliance only and not because of the actions of anyone in the plant. Hopefully, with minimum effort, we will soon return to the standard practices.





UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION II
101 MARIETTA STREET, N.W., SUITE 2900
ATLANTA, GEORGIA 30323-0199

FEB 04 1994

Docket No. 030-30253
License No. 16-24948-01

FEB 9 1994

Ashland Chemical, Inc.
ATTN: Harold Hicks
Plant Manager, Maleic Plant
P. O. Box 391
Ashland, Kentucky 41114

ASHLAND CHEMICAL

Gentlemen:

SUBJECT: NOTICE OF VIOLATION
(NRC INSPECTION REPORT NO. 16-24948-01/94-01)

This refers to the inspection conducted by Mr. J. Mumper of this office on January 12, 1994. The inspection included a review of activities authorized for your Neal, West Virginia facility. At the conclusion of the inspection, the findings were discussed with you.

The inspection was an examination of activities conducted under your license with respect to radiation safety and compliance with NRC regulations and the conditions of your license. It included selective examinations of procedures and representative records, interviews with personnel, and direct observations by the inspector.

Based on the results of this inspection, certain of your activities appeared to be in violation of NRC requirements, as specified in the enclosed Notice of Violation (Notice). In addition, the inspector identified activities that violated NRC requirements that will not be subject to enforcement action because the licensee's efforts in identifying and/or correcting the violation meet the criteria specified in Section VII.B of the Enforcement Policy. The non-cited violation was a failure to post required documents. This item was discussed with you during the meeting at the conclusion of the inspection.

You are required to respond to this letter and should follow the instructions specified in the enclosed Notice when preparing your response. In your response, you should document the specific actions taken and any additional actions you plan to prevent recurrence. After reviewing your response to this Notice, including your proposed corrective actions and the results of future inspections, the NRC will determine whether further NRC enforcement action is necessary to ensure compliance with NRC regulatory requirements.

In accordance with 10 CFR 2.790 of the NRC's "Rules of Practice," a copy of this letter, its enclosure, and any reply will be placed in the NRC Public Document Room.

The responses directed by this letter and the enclosed Notice are not subject to the clearance procedures of the Office of Management and Budget as required by the Paperwork Reduction Act of 1980, Pub. L. No. 96-511.

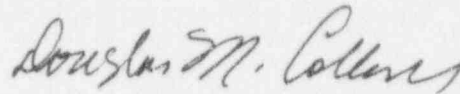
FEB 04 1994

Ashland Chemical, Inc.

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Should you have any questions concerning this letter, please contact us.

Sincerely,



Douglas M. Collins, Chief
Nuclear Materials Safety and
Safeguards Branch
Division of Radiation Safety
and Safeguards

Enclosure:
Notice of Violation

cc w/encl:
State of West Virginia

ENCLOSURE

NOTICE OF VIOLATION

Ashland Chemical, Inc.
Ashland, Kentucky

Docket No. 030-30253
License No. 16-24948-01

During an NRC inspection conducted January 12, 1994, 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 20 A. of License 16-24948-01 requires, in part, that the licensee possess and use licensed material in accordance with the statements, representations and procedures contained in an application dated July 16, 1992.

Item 8 of the licensee's application requires, in part, that only those individuals named on the license be permitted to operate Ohmart non-portable gauging devices.

Contrary to the above, on October 30, 1993, an individual not identified on the license operated an Ohmart non-portable gauging device, serial number M-782, containing approximately 600 millicuries of cesium-137. Specifically, during the lockout/tagout procedure performed prior to entering the refining column, the shift supervisor operated the shutter mechanism and this individual was not identified on the license as an approved user.

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

Pursuant to the provisions of 10 CFR 2.201, Ashland Chemical, Inc. is hereby required to submit a written statement or explanation to the U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, D.C. 20555 with a copy to the Regional Administrator, Region II, 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: (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