

NOTICE OF VIOLATION

Kirk H. Carroll

Docket No. 40-8681
License No. SUA 1358
IA 96-051

During an NRC investigation conducted from May 14, 1996 through July 19, 1996, a violation of NRC requirements was identified. In accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions," NUREG-1600, the violation is listed below:

10 CFR 40.10 states, in part, that any licensee or any employee of a licensee may not engage in deliberate misconduct that causes or, but for detection, would have caused a licensee to be in violation of any rule, regulation, or order, or any term, condition, or limitation of any license issued by the Commission. Deliberate misconduct includes, in part, an intentional act or omission that the person knows: 1) would cause a licensee to be in violation of any rule, regulation or any term, condition, or limitation of any license issued by the Commission; or 2) constitutes a violation of a procedure.

License Condition 29 states, in part, that standard operating procedures (SOPs) shall be established for all operational process activities involving radioactive materials that are handled, processed, or stored. Standard Operating procedures for operational activities shall enumerate pertinent radiation safety practices to be followed.

Section 3.0(c) of White Mesa Operating Procedure, "Yellowcake Precipitation, Drying and Packaging," Revision 0, states, in part, that full face respirators "must be worn when in the yellowcake dryer enclosure, yellowcake packaging enclosure and when placing lids and rings on filled yellowcake drums to prevent overexposure. No exceptions."

Contrary to the above, on February 22, 1996, Kirk H. Carroll, a mill foreman, entered the yellowcake packaging enclosure, placed a lid on a filled yellowcake drum and rolled the drum outside for final packaging without wearing a full face respirator, although he knew there was a plant procedural requirement to wear one. Mr. Carroll's action caused the licensee to be in violation of its Operating Procedure 3.0(c), license condition 29. (01013)

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

Pursuant to the provisions of 10 CFR 2.201, Kirk H. Carroll is hereby required to submit a written statement or explanation to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, within 30 days of the date of this Notice of Violation (Notice). This reply should be clearly marked as a "Reply to a Notice of Violation" and should include for each alleged violation: (1) admission or denial of the alleged violation, (2) the reasons for the violation if admitted, and if denied, the reasons why, (3) the corrective steps that have been taken and the results achieved, (4) the corrective steps that will be taken to avoid further violations, and (5) 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 a Demand for Information may be issued as why such other action as may be proper should not be taken. Consideration may be given to extending the response time for good cause shown.

Because your response will be placed in the NRC Public Document Room (PDR), to the extent possible, it should not include any personal privacy, proprietary, or safeguards information so that it can be placed in the PDR without redaction. However, if you find it necessary to include such information, you should clearly indicate the specific information that you desire not to be placed in the PDR, and provide the legal basis to support your request for withholding the information from the public, e.g. provide the information required by 10 CFR 2.790(b) to support a request for withholding confidential commercial or financial information. If personal privacy or proprietary information is necessary to provide an acceptable response, then please provide a bracketed copy of your response that identifies the information that should be protected and a redacted copy of your response that deletes such information.

Dated at Arlington, Texas,
this 6th day of September 1996

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