

## NOTICE OF VIOLATION

ABB Combustion Engineering, Inc.  
Hematite, Missouri

License No. SNM-33  
Docket No. 070-00036

During an NRC inspection conducted from September 23 through 27, 1996, two violations of NRC requirements were identified. In accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions," NUREG-1600 (60 FR 34381; June 30, 1995), the violations are listed below:

Safety Condition S-1 of Special Nuclear Material License SNM-33 requires that licensed material be used in accordance with the statements, representations, and conditions in Chapters 1 through 8 of the application dated October 29, 1993, with supplements.

Section 4.1.4 of Chapter 4 of the application dated October 29, 1993, requires, in part, that all operations involving the handling and storage of special nuclear material be performed according to written procedures.

- 1.) Operating System (OS) Procedure 801.10, "Filter Processing," requires in Section 5.1.2, that 24" by 24" filters, stacked on pallets near the building 240-3 maintenance room, have no more than 2 kilograms (kgs) net weight or no more than 75 grams of U-235 per gamma count.

Contrary to the above, on September 24, 1996, two filters were stacked on pallets near the building 240-3 maintenance room with greater than 2 kgs net weight and 77.5 grams and 81.5 grams of U-235 per gamma count, respectively.

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

- 2.) Nuclear Inspection System (NIS) Procedure 201, "Nuclear Safety Parameters," requires in Section 1.6, "Containers In Transit," that a Safe Individual Unit (SIU) must be placed at least one foot from other (SIU) units. Furthermore, Section 1.6 requires that no more than two SIUs may be "in transit" at one time in the immediate work area.

Contrary to the above, on September 25, 1996, one (55 gallon) drum of packaged filter media waste, an SIU, was placed less than one foot from another drum of packaged filter media waste, another SIU. In addition, three packaged filter media waste drums, three SIUs, were "in transit" at one time in the immediate work area.

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

Pursuant to the provisions of 10 CFR Part 2.201, ABB Combustion Engineering 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 III, 801 Warrenville Road, Lisle, Illinois 60532-4351, 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. Your Notice of Violation response may reference or include previous docketed correspondence, if the correspondence adequately addresses the required response. 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.

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.

Dated at Lisle, Illinois  
this 31st day of October 1996