

Babcock & Wilcox

a McDermott company

Nuclear Power Division
Commercial Nuclear Fuel Plant

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85 AUG 20 A10:10

August 16, 1985

United States Nuclear Regulatory Commission
Region II
101 Marietta Street, NW
Suite 3100
Atlanta, GA. 30303

ATTENTION: Mr. Philip Stohr, Director,
Division of Radiation Safety and Safeguards

REFERENCES: (1) SNM-1168 Docket 70-1201
(2) Inspection Report No. 70-1201/85-05

Gentlemen:

This letter addresses the findings noted in Inspection Report No. 70-1201/85-05. The inspection was performed by Mr. R. Albright of your office on June 11 - 14, 1985.

VIOLATION:

1. 10 CFR 20.103(c)(2) requires that a determination be made by a physician, prior to the initial use of respirators and at least every 12 months thereafter, that an individual is physically able to use the respiratory protective equipment if the licensee makes allowance for the use of equipment in estimating exposures of the individual to airborne radioactive material.

Contrary to the above, allowance for the use of a respirator was made for an individual and more than 12 months had passed since the individual had been evaluated for respirator use by a physician, in that an individual was last evaluated by a physician on October 23, 1983, and allowance was made for the individual's use of the respirator in estimating his exposure to airborne radioactive material on February 13, March 7, 8 and 9, 1985.

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RESPONSE:

Admission or Denial of the Alleged Violation

1. We acknowledge the validity of the facts contained in the notice of violation.
2. Reasons for Violation

Our respiratory protection program does not permit radiation workers to don their own respiratory protection. When respiratory protection is required, a health physics technician selects the appropriate respirator, aids the employee in donning the device, and performs a leak test to assure a proper fitting.

A list of qualified operators is maintained at the Health Physics Technician's work station. Prior to fitting an employee with a respirator, the technician refers to this list to assure the employee is qualified.

The circumstances surrounding this incident are as follows: James Tweedy has been qualified to wear respiratory protection devices for several years. It was recognized that James was due for requalification and was scheduled for a respiratory protection physical. A few days prior to his appointment he became ill and was hospitalized. The list of qualified operators was updated, removing James Tweedy's name from the list. However, for the first time, CHARLES TWEEDY'S name was added. The Health Physics Technician, in reviewing the list saw the name Tweedy and assumed it was James.

3. Corrective Steps Taken and Results Achieved

On June 13, 1985, James Tweedy was reexamined by a physician and was requalified for respirator use.

4. Corrective Steps Which Have Been Taken to Avoid Further Violation

The Health Safety Group has been reinstructed to review the person's entire name when checking the list of employees authorized to wear respiratory protective devices.

August 16, 1985

VIOLATION:

2. 10 CFR 70.42 requires that prior to transferring special nuclear material to another licensee, the transferring licensee verify that the receiver's license authorizes receipt of the type, form, and quantity of special nuclear material to be transferred.

Contrary to the above, the requirement to verify prior to shipment of special nuclear material that the receiving licensee was authorized by license to receive the type, form, and quantity of special nuclear material (SNM) to be shipped was not met, in that, on September 24, 1984, and December 12, 1984, shipments of SNM were made to License SNM-145 held by a B&W facility in Apollo, Pennsylvania, and the transferor had not verified that the receiver could receive the type, form, and quantity of SNM to be shipped.

RESPONSE:

1. Admission or Denial of the Alleged Violation

The facts as stated in the inspection report are correct except that the document used to verify the authority of Apollo to receive the material was a certificate consistent with 10 CFR 70.42(d)(2) received in 1977.

2. Reason for Violation

The violation occurred because the responsible CNFP personnel considered the certificate in hand appropriate satisfaction of the regulation as provided for in 10 CFR 70.42(d)(2). The certificate was dated October 7, 1974 and bears the notation of having been received 8/13/77 (enclosed is a copy of the certificate providing the transferee's authorization to receive nuclear material, and specifying type, form, quantity, license number, issuing agency, and expiration date).

At the time of the shipments noted in the inspection report, the Apollo Facilities and the CNFP were and still are part of the same B&W operating department (Nuclear Fuel Services of the Nuclear Power Division). As a result, CNFP has regular contact with responsible persons from the Apollo operation, and are aware of the facility status. The viability of that awareness was borne out by Region I having affirmed that Apollo indeed was authorized to receive the material involved.

August 16, 1985

The fact that the license had no expiration date led the CNFP person to feel the document continued to be in full force.

3. Corrective Steps Taken and Results Achieved

Shipments to Apollo have been discontinued until a current document verifying the authority to receive is obtained, and Apollo has been requested to provide the necessary document.

We have reviewed the status of documentation for others to whom we ship, and established that, in all other cases, an expiration date for the license has been reported, or we are requesting new documents.

4. Corrective steps which will be taken to avoid further violation

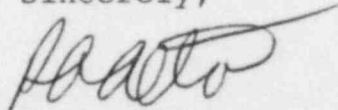
The procedure for Radioactive Materials shipments will be revised to provide for periodic (prior to expiration) reverification of authority to receive nuclear materials.

Date when full compliance will be achieved.

Full compliance has already been achieved.

The information contained herein is true and correct to the best of our knowledge and belief.

Sincerely,



R. A. Alto

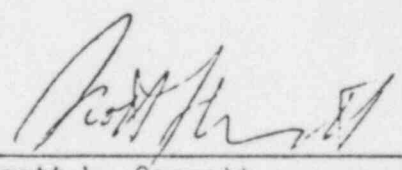
LICENSE CERTIFICATION
(Special Nuclear Materials)

This is to certify that Nuclear Materials and Equipment Corporation (NUMEC) located in Apollo, Pennsylvania and Parks Twp. Pennsylvania, is authorized to possess the following Special Nuclear Materials:

Type	Form	Enrichment	Quantity (Kgs)	Location
<u>License No. SNM-145</u>				
Uranium	All forms	> 5%	2,000	Apollo, Pa.
Uranium	All forms	≤ 5%	115,000	Apollo, Pa.
R&D		all enrichments		Apollo, Pa.
<u>License No. SNM-414</u>				
Pu and/or Uranium	All forms	> 5%	2,000	Parks Twp. (Leechburg, Pa.)
²³³ U	All forms		4	" "
²³⁸ Pu	Sealed Sources		.06	" "
²³⁸ Pu	Metal or oxide		.06	" "
²³⁵ U	In storage	≤ 5%	223,000	" "

The authority to possess these materials is derived from the U.S. Atomic Energy Commission under Special Nuclear Material License Number SNM-145 for Apollo, Pennsylvania and SNM-414 for Parks Township, Pennsylvania. There are no expiration dates for License SNM-145 or SNM-414.

Signed


 Scott L. Garrett

Title

Manager, Marketing & Materials Mgm.

Date

October 7, 1974

Rec 8/13/77