

December 20, 1999

Mr. Peyton S. Baker
[]
Babcock & Wilcox of Ohio, Inc.
P.O. Box 3030
1 Mound Road
Miamisburg, OH 45343-3030

Subject: Mound Enforcement Program Review

Dear Mr. Baker:

During the period November 1-3, 1999, the Office of Enforcement and Investigation (EH-Enforcement) conducted a review of the Mound site Price-Anderson Amendments Act (PAAA) Program. As part of this review, we evaluated your process to screen noncompliances for applicability under the PAAA and for reporting and tracking into the Noncompliance Tracking System (NTS). Our review activities included onsite discussion with cognizant personnel and review of applicable documentation.

Our review noted several positive attributes with your PAAA noncompliance screening and reporting program. Specifically, we found a significant volume of diverse information was being routinely screened for PAAA applicability. As a consequence, your staff has proactively identified potential noncompliances arising from assessment activities, rather than solely reporting event-driven noncompliances.

Our review did identify several deficient areas requiring program improvement. These included the need for improved identification and tracking of non-reportable PAAA noncompliances, and the use of non-conservative thresholds for categorizing noncompliances as "programmatic." Failure to correct these deficiencies may result in a reduction or loss of mitigation as described in the DOE Enforcement Policy (10 CFR 820 Appendix A) for future Mound enforcement actions.

During our review we also collected information on two recent Mound NTS reports (NTS-OH-MB-BWO-BW001-1999-0001 and -0002). EH-Enforcement review of these events is ongoing and falls outside the scope of this program assessment.

Details of the EH-Enforcement review are provided in the enclosure. No reply to this letter is required. Questions should be directed to Tony Weadock at (303) 966-5975.

Sincerely,

R. Keith Christopher
Director
Office of Enforcement and Investigation

Enclosure

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ENCLOSURE

EH-ENFORCEMENT REVIEW OF THE MOUND SITE PRICE-ANDERSON AMENDMENTS ACT PROGRAM

I. Introduction

During the period November 1-3, 1999, the Office of Enforcement and Investigation (EH-Enforcement) performed a review of the program used by Babcock & Wilcox of Ohio, Inc., (BWO) at the Mound site to identify, correct, and report potential noncompliances to DOE Rule nuclear safety requirements. This review included an evaluation of site processes for screening noncompliances for applicability under the PAAA; for reporting and tracking into the Noncompliance Tracking System (NTS) and internal tracking systems; and for correction of deficiencies in a timely manner. As part of this review, EH-Enforcement also selected several events and/or noncompliances identified in the NTS, Occurrence Reporting and Processing System (ORPS), and BWO assessments to evaluate the identification and screening steps. Results of the review are summarized below.

II. PAAA Program Administration

The Mound PAAA Program is defined and described in site procedure PP-1060-B, *Price-Anderson Compliance Program*, Issue 1, dated June 15, 1999. The procedure establishes the position of Nuclear Safety Rule "gatekeepers" or subject matter experts who provide initial screening of potential PAAA identified issues and perform trend analysis of PAAA issues. The site Program Manager, PAAA Compliance, is assigned responsibility for overall program administration and coordination. The procedure also establishes a senior management Compliance Review Board (CRB) with responsibility for reviewing and concurring in noncompliance reportability decisions. Overall responsibility for PAAA compliance and implementation resides with the BWO Site Manager.

Documents with potential PAAA relevance (occurrence reports, internal or external assessments, audits, etc.) are forwarded to and screened by the gatekeepers, who make initial determinations as to reportability. Noncompliances viewed as reportable are forwarded to the Manager, PAAA Compliance, and the CRB for concurrence. Reportable noncompliances are entered into the DOE Noncompliance Tracking System (NTS) by the Manager, PAAA Compliance. Non-reportable noncompliances are tracked on the BWO Central Action Response System (CARS).

III. Results

EH-Enforcement review of the Mound PAAA Program implementation included discussion with cognizant personnel and review of relevant documentation (BWO assessments, radiological awareness reports, PAAA screening logs, PAAA screening worksheets, etc.). The following positive attributes were identified:

- ◆ The use of subject matter experts (gatekeepers) to screen for potential noncompliances appears to provide for an effective review.
- ◆ The BWO gatekeepers routinely screen a significant volume of diverse information for potential PAAA noncompliances. Reviewed material includes internal and external assessments and externally generated lessons-learned in addition to site event-related material. EH-Enforcement noted the site has used assessment results to proactively identify several potential noncompliances.

On the other hand, the EH-Enforcement review also identified several weaknesses in the BWO PAAA screening and reporting process. Specific deficiencies are discussed in the following sections.

Identification and Tracking of Non-Reportable Noncompliances

BWO is not effectively identifying and tracking those PAAA noncompliances that fall below the NTS reporting threshold (i.e., non-reportable noncompliances). Non-reportable 10 CFR 830.120 noncompliances are entered onto the site tracking system but are not specifically identified as PAAA noncompliances and thus cannot be tracked or trended. Non-reportable 10 CFR 835 noncompliances are identified as such on the site tracking system; however the database entry does not identify the specific noncompliant section of the requirement. Consequently, only total numbers of 10 CFR 835 noncompliances can be trended.

Programmatic Noncompliance Threshold

The site threshold for determining whether a noncompliance is "programmatic" (and consequently reportable to NTS) appears to be set too high. EH-Enforcement noted two recent noncompliances (related to survey records and project quality assurance (QA) plans) categorized by the site as non-reportable appeared programmatic in nature due to the scope of the deficiencies and associated corrective actions. Site personnel indicated the noncompliances were not viewed as programmatic since the specific deficiencies were not observed in every instance evaluated. In the QA plan example, site personnel indicated it was also not categorized as programmatic since corrective actions had already been initiated.

EH-Enforcement noted the implied 100% failure rate was an inappropriate criteria for determining the programmatic nature of a noncompliance. A more appropriate test

would be the level of deficient performance at which management feels significant programmatic action should be undertaken. EH-Enforcement also noted that the reportability of a noncompliance is based on specific criteria as recommended in the EH-Enforcement *Operational Procedures*; the status of corrective actions has no bearing on reportability. In the specific example discussed (lack of project QA plans), contractor corrective actions were viewed as non-comprehensive in that no retrospective analysis was undertaken to determine if project work completed to date without controlling QA plans in place was satisfactory.

Site PAAA Procedure

Site procedure PP-1060-B contains specific language that may be contributing to the above deficiencies, and should consequently be considered for revision. For example, the procedural definition for an "NTS-Reportable" noncompliance suggests that the noncompliance should present a potential or actual adverse impact to the worker, public or the environment in addition to exceeding the threshold criteria in the EH-Enforcement *Operational Procedures*. The procedure defines potential adverse impact as one in which all of the safety barriers have failed or could have been expected to fail, and actual adverse impact as an exceedance of the regulatory annual exposure limit. DOE's reporting threshold for NTS contains no such additional level of actual or potential safety consequence.

The procedural definition of "Non-NTS Reportable" states that such a noncompliance involves minimal or low safety significance; this is not always the case. Non-reportable noncompliances may include precursor events that could have had a potentially more serious consequence, and thus deserve appropriate close attention, or can be indicative of repetitive or programmatic problems when reviewed in the context of what occurred in the event or in comparison to other noncompliances.

Procedure Figure 2A, "PAAA Screening Worksheet Instructions," provides guidance on determining when a programmatic breakdown has occurred. The instructions indicate such a breakdown has occurred when program implementation is such that any cognizant individuals would be unable to successfully complete their function. This implication that a programmatic problem must involve a 100% breakdown is not intended in DOE's NTS reporting threshold criteria, as noted in the discussion above on the survey records deficiency.

IV. Conclusion

The above summarizes EH-Enforcement's review of the PAAA Program at the Mound site during the period November 1-3, 1999. Deficiencies identified during the subject review should be addressed to receive mitigation consideration in any future enforcement deliberation and to ensure nuclear safety problems receive appropriate recognition and action. Any actions taken to address these deficiencies should be appropriately coordinated with responsible DOE Area and Program Office management.