

## **Department of Energy**

Washington, DC 20585

October 13, 2004

Mr. Dennis R. Ruddy [ ] BWXT Y-12 P.O. Box 2009 MS 8001 Oak Ridge, TN 37831-8001

Subject: Enforcement Letter

Dear Mr. Ruddy:

On June 7, 2004, the Department of Energy (DOE)/National Nuclear Security Agency (NNSA) issued a Preliminary Notice of Violation (EA-2004-04), which included a quality improvement citation for continuing Safety Basis compliance issues at Y-12. BWXT Y-12 performance in this area had been the subject of discussion during both the Office of Price-Anderson Enforcement (OE) onsite investigation, held during October 2003, and the subsequent enforcement conference held on January 22, 2004.

On August 5, 2004, BWXT Y-12 submitted Noncompliance Tracking System (NTS) report number NTS-Y12- -BWXT-Y12NUCLEAR-2004-0007, titled *Corrective Actions Associated with Enforcement Action 2004-04, Safety Basis Compliance*. This NTS report was filed in response to EA-2004-04 and documents BWXT actions being taken to address recurring deficiencies in Safety Basis compliance. As noted in the NTS report, the majority of recent Y-12 Safety Basis compliance deficiencies have involved failure to appropriately post and/or control plant areas suffering from inadequate audibility of the Criticality Accident Alarm System (CAAS).

The NNSA transmittal letter to EA-2004-04 acknowledges the fundamental efforts you initiated in late 2003 to change worker behaviors with respect to the use of and compliance with operational and technical safety requirements (OSR/TSR). Your efforts appear to have resulted in improved performance; we have noted an overall reduction in the number of Y-12 OSR/TSR violations during 2004 as compared to 2003. However, this improvement does not appear to extend to CAAS system implementation issues. During the first nine months of 2004, we continued to see NTS and occurrence reports describing BWXT's CAAS system deficiencies on a recurring basis. I am concerned that we have not seen more improvement in this area almost one year after we highlighted the issued during our 2003 onsite investigation.

On the other hand, I am encouraged by the scope of corrective actions proposed by the subject NTS report. I note that, in addition to simply strengthening administrative

controls, your proposed actions also include evaluating alternative CAAS technologies and improvements to overall Conduct of Operations. For that reason, as well as the relatively recent conclusion of enforcement action EA-2004-04, I do not believe that initiation of another investigation at this time would serve a useful purpose.

However, in light of our concern discussed above regarding the lack of improvement to date in correcting the CAAS system deficiencies, my office will continue to closely monitor your performance in this area with the expectation that effective corrective actions will be fully implemented and sustained, and that performance will significantly improve. I would also appreciate hearing from you regarding your progress on this issue as corrective actions are implemented and their effective ness is assessed. You should be aware that continuing performance deficiencies in this area will potentially be the subject for future enforcement action.

No response to this letter is required. Should you have any questions, please contact me at (301) 903-0100 or have your staff contact Tony Weadock at (301) 903-4283.

Sincerely,

Stephen M. Sohinki

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Director

Office of Price-Anderson Enforcement

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