

SDP/EA REQUEST & STRATEGY FORM

Case Data Disputed: Related Cases: EA-2004-064

SDP/EA No.: 2004-065 Number: 2 Docket No.: 40-3392

Request Date: 4/28/04 Region: II Case Type: UF Small Entity: No Yes

Licensee: Honeywell International, Inc. Facility / City: Metropolis, IL

License No.: SUB-526 Last Day of Insp.: 2/19/04

Insp. Rpt No.: 2004-003 Keywords: 040000, 080000 ES: gkm

Facts (EATS): On 12/22/03, the licensee had declared an SAE in response to a potential offsite release of what was later determined to be U F₆. Based on the results of an AIT and a subsequent follow-up inspection, the AIT concluded that the licensee failed to develop procedures to simultaneously operate two fluorinators. The inadvertent offsite release resulted from an inappropriate valve line-up which compromised the systems' capability to contain U F₆ in an over pressurization condition. Section 2.6, Chapter 2 of the License Application states that plant operations are to be conducted in accordance with written Standard Operating Procedure Manuals. The failure to develop or have procedures for the evolution that resulted in the offsite release was determined to be in violation of the License Application.

Discussion (if required):

SDP No Yes

Assessment: Green White Yellow Red NOV Yes No

Wrongdoing No Yes

OI Ref. OI Rpt. OI Rpt.

DOJ Referral? No Yes Ref. Date Action Date Decline Accept

Additional OI OI Investigating OI needs to be notified OI/OE dispute memo needed

Additional coordination needed Awaiting DOJ Needs coordination with DOJ

Escalated Action

Consequence: Actual Potential Reg. Impact Willfulness

Prior Esc. Action? No Yes EA: _____ Date: _____

ID Credit? No Yes TBD SL: III

CA Credit? No Yes TBD Supp: VI

CP? No CP Base Double Base Other: _____

Discretion or Order? No Yes Explain: _____

Future Action

Conference? No Yes Ope Close Additional _____

Action? No Violation Re-panel PEC Letter Choice Letter Choice Call SL/NOV Re-caucus

Region Issue Esc. Action Full Package Review by HQ DEDR Review Commission Disagreement NCV

Other Action? _____

Participants: Region S.Sparks, C.Evans, D.Collins, J.Henson, D.H artland

OE F.Congel, G.Morell, C.Nolan OGCI/OI

Program Office R.Nelson, G.Janosko, M.Burgess Other

Remarks/Comments/Lessons Learned:

On 4/23/04, an enforcement re panel was convened to determine the appropriate enforcement action in reference to the offsite release and procedural related issues described above. The first panel (conducted on 3/24/04) concluded that two SL III violations and a Choice call to the licensee was appropriate. This decision was based on the Policy (no previous escalated enforcement) and the corrective actions the licensee had taken to prevent recurrence.

Approved, Dir. OE: /RA/ C. Nolan
Date: 5/26/04

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Based on HQ's review of the Choice Letter, it was determined that this case merited further discussion in regards to the severity level and possible reconsideration to exercise discretion and/or propose a CP. A request was made to members of the RII staff involved in the AIT to provide more information in regards to the potential injuries that did/could have resulted to members of the public from exposure to UF₆ as well as HF. Predicated on the information provided by RII AIT members, the panel determined that there were no injuries/significant uptake and that the potential for significant injuries from this event was not probable. Additionally, the panel concluded that the licensee's response in regards to corrective actions went well beyond the regulatory requirements and that this information would need to be articulated in the letter to the licensee issuing the enforcement action as a basis for our rationale in not proposing a CP due to the offsite release of radioactive material. In accordance with the Policy and the aforementioned, the licensee will be given credit for corrective action which will result in a SLIII violation with no CP (Supplement VI C.11 a).