



UNITED STATES  
**NUCLEAR REGULATORY COMMISSION**  
REGION II  
SAM NUNN ATLANTA FEDERAL CENTER  
61 FORSYTH STREET SW SUITE 23T85  
ATLANTA, GEORGIA 30303-8931

May 12, 2006

EA-06-043  
NMED 050101

Mr. Mark Fecteau  
Manager, Columbia Plant  
Westinghouse Electric Company  
Commercial Nuclear Fuel Division  
Drawer R  
Columbia, SC 29250

SUBJECT: NOTICE OF VIOLATION (NRC INSPECTION REPORT NO. 2005-201 AND  
OFFICE OF INVESTIGATIONS REPORT NUMBER 2-2005-008)

Dear Mr. Fecteau:

This refers to our review of the subject inspection report and Office of Investigations report involving activities at the Westinghouse Electric Company (WEC), located in Columbia, South Carolina. The inspection and investigation documented our review of the circumstances involving an engineer who failed to have a safety significant control for sponge blasting activities reviewed and approved by your Environmental, Health, and Safety (EH&S) organization. Specifically, a change effecting the procurement and use of sponge blasting media from a new vendor was not reviewed and approved by EH&S prior to use of the new media. The results of our review, including the identification of an apparent violation, were discussed with you during a telephone call of March 14, 2006, and transmitted to you by our letter of the same date. During the discussion, you also were informed that the NRC had sufficient information regarding the apparent violation and your corrective actions to make an enforcement decision without the need for a predecisional enforcement conference or a written response from you. Your staff advised during a subsequent telephone conversation that a written response to the apparent violation would be provided in lieu of a predecisional enforcement conference. WEC chose to provide a written response, which was forwarded to the NRC by letter of April 12, 2006.

WEC's written response concluded that the criticality safety significance of this event was low, based on the non-favorable geometry of the sponge blast system and the extremely conservative calculations used to model operations using the specified sponge jet media. WEC also concluded that criticality was not credible in the sponge jet system, for the reasons discussed in your April 12, 2006 letter.

Based on the information developed during the inspection and investigation, and the information contained in WEC's letter of April 12, 2006, the NRC has determined that a violation of NRC requirements occurred. The violation is cited in the enclosed Notice of Violation (Notice), and the circumstances surrounding it are described in detail in the subject inspection report. The violation involved the failure to have a change to a safety significant control involving the use of new sponge blasting media reviewed and approved by the Environmental

Health and Safety organization prior to its implementation. This review was required by Technical Services Administrative Procedure, TA-500, Columbia Manufacturing Configuration Control, and your license.

In this case, the violation did not result in any actual consequences. Based on the criticality controls that were in place at the time of the violation and the circumstances of the event, the potential consequences were low. However, based on the OI investigation, the NRC concluded that the engineer's actions in this case were willful, based on his understanding of the process for obtaining the requisite criticality safety review of sponge blast media, his attendance at meetings which identified the need for such review, and for the other reasons discussed in our letter of March 14, 2006. Willful violations are of particular concern to the NRC because our regulatory program is based on licensees and their employees acting with integrity. The NRC disagrees with WEC's contention that criticality is not credible in the sponge jet system. In this regard, we note that WEC's analysis of the sponge blast system assumes that criticality is credible and requires controls to be in place to assure that the probability of inadvertent criticality is highly unlikely. Therefore, based on the significance of the underlying violation, and because the NRC views willful violations as a significant matter, this violation has been categorized at Severity Level III in accordance with the NRC Enforcement Policy.

In accordance with the Enforcement Policy, a base civil penalty in the amount of \$32,500 is considered for a Severity Level III violation. Because the violation was determined to be willful, the NRC considered whether credit was warranted for the factors of Identification and Corrective Action in accordance with the civil penalty assessment process described in Section VI.C.2 of the Enforcement Policy.

Because your staff identified the violation, credit is warranted for the factor of Identification. Your corrective actions were discussed in detail in your written response of April 12, 2006, and included: (1) the immediate cessation of operation of the system pending investigation and resolution of the event; (2) coaching of the WEC managers involved on expectations regarding their responsibilities for ensuring that changes made to SSC's are performed strictly in accordance with approved plant procedures; (3) completion of a comprehensive EH&S certification program for professional and management personnel in March 2006 (involving approximately 180 individuals) to ensure their understanding of license conditions, safety programs, and design safety basis documentation and the consequences of failure to comply with these requirements; (4) completion of an internal audit to review procedure adherence in the Uranium Recycle and Recovery Services area in February 2006, which concluded that operators were effectively following procedures in this area; (5) addressing the programmatic implications of this event, including the completion of a detailed analysis by an outside independent consultant on the configuration management system at the Columbia Plant, in August 2005; and (6) disciplinary action against the engineer involved in the event. Based on the above, the NRC concluded that credit was warranted for the factor of Corrective Action.

Therefore, to encourage prompt and comprehensive identification and correction of violations, I have been authorized, after consultation with the Director, Office of Enforcement, to propose that a civil penalty not be assessed in this case. However, similar violations in the future could result in further escalated enforcement action. Issuance of this Notice constitutes escalated enforcement action, that may subject you to increased inspection effort.

The NRC has concluded that information regarding the reason for the violation, the corrective actions taken and planned to correct the violation and prevent recurrence, and the date when full compliance was achieved is adequately addressed on the docket in WEC's response of April 12, 2006, and in this letter. Therefore, you are not required to respond to this letter unless the description herein does not accurately reflect your corrective actions or your position. In that case, or if you choose to provide additional information, you should follow the instructions specified in the enclosed Notice.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter, its enclosure, and your response (should you choose to provide one) will be made available electronically for public inspection in the NRC Public Document Room or from the NRC's document system (ADAMS), which is accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>. To the extent possible, the response should not include any personal privacy, proprietary, classified, or safeguards information so that it can be made available to the Public without redaction. The NRC also includes significant enforcement actions on its Web site at [www.nrc.gov](http://www.nrc.gov); select **What We Do, Enforcement**, then **Significant Enforcement Actions**.

If you have any questions regarding this matter, please contact Douglas M. Collins, Director, Division of Fuel Facility Inspection, at 404-562-4700.

Sincerely,

/R/A

William D. Travers  
Regional Administrator

Docket No. 70-1151  
License No. SNM-1107

Enclosure: Notice of Violation

cc w/encl:  
Sam McDonald, Manager  
Environment, Health and Safety  
Commercial Nuclear Fuel Division  
Westinghouse Electric Corporation  
P. O. Box R  
Columbia, SC 29250

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PUBLICLY AVAILABLE       NON-PUBLICLY AVAILABLE       SENSITIVE       NON-SENSITIVE

ADAMS:  Yes      ACCESSION NUMBER: \_\_\_\_\_

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SIGNATURE	/RA/	/RA;/	/RAMBURRELL	/RAMBURRELL			
NAME	CEVANS	DCOLLINS	MJOHNSON	GMORELL			
DATE	5/11/06	5/11/06	5/10/06	5/10/06			
E-MAIL COPY?	YES NO	YES NO	YES NO	YES NO	YES NO	YES NO	YES NO

## NOTICE OF VIOLATION

Westinghouse Electric Company  
Columbia, SC

Docket No. 70-1151  
License No. SNM-1107  
EA-06-043

During an NRC inspection completed on February 14-18, 2005, and an investigation conducted by the NRC Office of Investigations that was completed on January 17, 2006, a violation of NRC requirements was identified. In accordance with the NRC Enforcement Policy, the violation is listed below:

Safety Condition No. S-1 of Special Nuclear Material License No. 1107, requires that material be used in accordance with the statements, representations, and conditions in the License Application dated April 30, 1995, and supplements thereto.

Section 3.4.1 of the License Application requires that operations to assure safe, compliant activities involving nuclear material will be conducted in accordance with approved procedures.

Technical Services Administrative Procedure, TA-500, "Columbia Manufacturing Configuration Control," Revision 15, dated November 20, 2003, Section 6.1, Instructions for Replacement Using IDENTICAL or LIKE KIND Parts or Components, states "Note: Like Kind does not apply to equipment or controls associated with safety significant controls and interlocks. These must be reviewed and approved by Environmental Health and Safety (EH&S) on a case-by-case basis."

Contrary to the above, prior to February 18, 2005, the licensee failed to have a safety significant control reviewed and approved by EH&S. Specifically, a change effecting the use of new sponge blasting media, a criticality control relied on for safety, was not reviewed and approved by EH&S prior to implementation.

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

The NRC has concluded that information regarding the reason for the violation, the corrective actions taken and planned to correct the violation and prevent recurrence, and the date when full compliance was achieved is already adequately addressed on the docket in the subject inspection report, the Westinghouse Electric Company's written response of April 12, 2006, and in the cover letter transmitting this notice of Violation (Notice). However, you are required to submit a written statement or explanation pursuant to 10 CFR 2.201 if the description therein does not accurately reflect your corrective actions or your position. In that case, or if you choose to respond, clearly mark your response as a "Reply to a Notice of Violation, EA-06-043," and send it to the U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, DC 20555-0001, with a copy to the Regional Administrator, Region II within 30 days of the date of the letter transmitting this Notice.

If you contest this enforcement action, you should also provide a copy of your response with the basis for your denial to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001.

Enclosure

Because any response will be made available electronically for public inspection in the NRC Public Document Room or from the Publicly Available Records (PARS) component of NRC's document system (ADAMS), to the extent possible, it should not include any personal privacy, proprietary, or safeguards information so that it can be made available to the public without redaction. ADAMS is accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/ADAMS.html> (the Public Electronic Reading Room). If personal privacy or proprietary information is necessary to provide an acceptable response, then please provide a bracketed copy of your response that identifies the information that should be protected and a redacted copy of your response that deletes such information. If you request withholding of such material, you must specifically identify the portions of your response that you seek to have withheld and provide in detail the bases for your claim of withholding (e.g., explain why the disclosure of information will create an unwarranted invasion of personal privacy or provide the information required by 10 CFR 2.390(b) to support a request for withholding confidential commercial or financial information). If safeguards information is necessary to provide an acceptable response, please provide the level of protection described in 10 CFR 73.21.

In accordance with 10 CFR 19.11, you may be required to post this Notice within two working days.

Dated this 12th day of May 2006

Enclosure