



UNITED STATES
NUCLEAR REGULATORY COMMISSION

REGION II
SAM NUNN ATLANTA FEDERAL CENTER
61 FORSYTH STREET, SW, SUITE 23T85
ATLANTA, GEORGIA 30303-8931

September 19, 2007

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

SUBJECT: NOTICE OF VIOLATION
(NRC INSPECTION REPORT NO. 70-1151/2007-002)

Dear Mr. Alstadt:

This letter refers to the inspection conducted on March 26-30, April 2-4, and April 16-18, 2007, at the Columbia Fuel Fabrication facility. The purpose of the inspection was to perform a review of the emergency preparedness program to determine whether activities authorized by the license were conducted in accordance with NRC requirements. In addition, a review was performed on the status of the licensee's root cause analysis (RCA) in response to the February 26, 2007, hydrofluoric (HF) acid exposure to a worker. The results of this inspection were contained in NRC Inspection Report No. 70-1151/2007-002, which was dated July 16, 2007.

As described in the July 16, 2007 letter, the NRC was considering the six apparent violations identified in the inspection report for escalated enforcement action in accordance with the NRC Enforcement Policy. We have completed our deliberations regarding these six apparent violations and determined that none of the violations are subject to escalated enforcement action.

Based on the results of this inspection, the NRC has determined that six Severity Level IV violations of NRC requirements occurred. The violations were evaluated in accordance with the NRC Enforcement Policy that may be found on the NRC's web site at <http://www.nrc.gov/what-we-do/regulatory/enforcement/enforce-pol.html>. The violations are cited in the enclosed Notice of Violation (Notice), and the circumstances surrounding the violations are described in the subject inspection report. The violations are being cited in the Notice because they were either identified by the NRC and/or were the result of an event where the root cause of the event was obvious. The violations involve: (1) the failure to wear adequate personal protective equipment (PPE) while working in a potential HF environment, (2) failure to provide or fax a material safety data sheet (MSDS) in a timely fashion to the responders and the hospital for an HF burned worker, (3) failure to train the nurse on the Hazard Communication Plan (Right To Know), (4) failure to provide the required twelve-month training in 2006, to brigade members and the security guards, (5) failure to maintain, revise, and renew letters of agreement with the off-site support groups as required, and (6) failure to perform checks on all emergency equipment and vehicles at the required frequency and to keep the self contained breathing apparatus (SCBAs) within their required air pressure range.

The circumstances surrounding these violations, the significance of the issues, and the status of effective corrective actions were discussed with you and those members of your staff on April 18, 2007, and the telephone exit on July 9, 2007.

You are required to respond to this letter and should follow the instructions specified in the enclosed Notice when preparing your response. The NRC will use your response, in part, to determine whether further enforcement action is necessary to ensure compliance with regulatory requirements. We will discuss the root causes and corrective actions you describe in your response to this letter at a later date. You will be contacted to determine a suitable time to discuss these issues.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter, its enclosure, and your response will be made available electronically for public inspection in the NRC Public Document Room or from the NRC's Agency-Wide Document Access and Management System (ADAMS) on the Internet at <http://www.nrc.gov/reading-rm/adams.html>. To the extent possible, your response should not include any personal privacy, proprietary, or safeguards information so that it can be made available to the Public without redaction.

Should you have any questions concerning this inspection, please contact us.

Sincerely,

/RA/

Jay L. Henson, Chief
Fuel Facility Inspection Branch 2
Division of Fuel Facility Inspection

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

Enclosure: Notice of Violation

cc w/encl:
Marc Rosser, Manager
Environment, Health and Safety
Commercial Nuclear Fuel Division
Westinghouse Electric Corporation
Drawer R
Columbia, SC 29250

Henry J. Porter, Assistant Director
Division of Waste Management
Bureau of Land and Waste Management
Department of Health & Environmental Control
2600 Bull Street
Columbia, SC 29201

C. Alstadt

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Distribution w/encl: (See page 3)

Distribution w/encl:

P. Habighorst, NMSS

M. Adams, NMSS

B. Reilly, NMSS

D. Diaz-Toro, NMSS

T. Powell, NMSS

J. Henson, RII

R. Gibson, RII

PUBLICLY AVAILABLE

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NON-SENSITIVE

ADAMS: X Yes ACCESSION NUMBER: _____

OFFICE	RII:DFFI	RII:DFFI	RII:DFFI				
SIGNATURE	JLH for 9/19	JLH for 9/19	JLH for 9/19				
NAME	MCrespo	CTaylor	RGibson				
DATE	9/ /2007	9/ /2007	9/ /2007	9/ /2007			
E-MAIL COPY?	YES	YES	YES	YES	YES NO	YES NO	YES NO

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NOTICE OF VIOLATION

Westinghouse Electric Company, LLC
Columbia, SC

Docket No. 70-1151
License No. SNM-1101

During NRC inspections conducted on March 26-30, April 2-4, and April 16-18, 2007, violations of NRC requirements were identified. In accordance with the NRC Enforcement Policy, the violations are listed below:

- A. Safety Condition No. S-1 of Special Nuclear Material (SNM) License No.1107, Amendment 40, requires that material be used in accordance with the statements, representations, and conditions of the license application dated April 15, 1995, and supplements thereto.

Procedure, "UF₆ Cylinder Installation and Removal," COP-810098, Revision (Rev.) 32, Section 4, requires the operator to not perform activities without wearing the proper protective equipment. Fresh air respirator and chemical gloves at a minimum.

Contrary to the above, on February 26, 2007, in the Manufacturing Conversion and Scrap area, an employee performed activities without wearing the proper protective equipment. Specifically, the employee wore chemical gloves that did not provide proper protection of those parts of his arms which were not covered by the sleeves of the ventilation tent which is placed over the valve end of the UF₆ cylinder. As a result, the employee suffered a hydrogen fluoride burn to the right arm.

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

- B. 10 CFR 70.32(i) states, in part, that licensees required to submit emergency plans in accordance with Part 70.22(i) shall follow the emergency plan approved by the Commission.

Section 4.27 of the Site Emergency Plan requires, in part, that a written agreement has been established with off-site groups in regards to the type of support that will be furnished to the Westinghouse Columbia site in the event of an emergency. The agreements have been developed to ensure a clear understanding of assigned responsibilities and proper coordination of activities in the event of an emergency.

Subsection 4.27.6, "Richland County Emergency Service," requires, in part, that any Westinghouse personnel transported that has been contaminated and decontaminated shall have a material safety data sheet (MSDS) provided to the responders or faxed to the hospital prior to arrival. Westinghouse response personnel shall accompany the patient in the ambulance.

Enclosure

Contrary to the above, on February 26, 2007, an injured Westinghouse employee was transported to a hospital without an MSDS nor was one faxed to the hospital prior to the arrival. In addition, Westinghouse response personnel did not accompany the patient in the ambulance.

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

- C. Safety Condition No. S-1 of SNM License No.1107 requires that material be used in accordance with the statements, representations, and conditions of the license application dated April 15,1995, and supplements thereto.

Procedure, "Hazard Communications (Right to Know)," SYP-110, Rev.6, Section 2 requires, all employees, contractors, vendors, and visitors will be trained and informed as to their rights under the hazard communication standard. Specifically, the plant nurse shall ensure MSDS information is available for emergency medical personnel when treating exposed employees and provide information as requested concerning health effects and exposure symptoms listed in the MSDS.

Contrary to the above, the plant nurse had not been trained on her responsibilities in the Hazard Communication Plan. As a result, on February 26, 2007, the plant nurse did not provide MSDS information in a timely manner to the hospital and poison control center for an employee who had experienced a hydrofluoric acid (HF) burn to the right arm.

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

- D. 10 CFR 70.32(l) states, in part, that licensees required to submit emergency plans in accordance with Part 70.22(l) shall follow the emergency plan approved by the Commission.

Subsection 7.2.4 of the Site Emergency Plan, "Emergency Response Team Training," requires Emergency Response Team Training will be in accordance with 29 CFR 1910.156 and 29 CFR 1910.120 (to the technician level). The training sessions will be conducted a minimum of four times per year under the direction of the Environment, Health and Safety Department.

Subsection 7.2.5 of the Site Emergency Plan, "Security Training," requires all security personnel will be given training on an annual basis to cover security aspects of the plan.

Contrary to the above, as of April 4, 2007, the Emergency Response Team was not trained in accordance with 29 CFR 1910.156 and 29 CFR 1910.120. Specifically, several qualified Brigade members did not receive their required twelve-month frequency training in 2006, for hazmat refresher, fire extinguisher, flammable liquid, respiratory protection and first aid. In addition, security guards were not given training on an annual basis which covers the security aspects of the plan.

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

- E. Section 4.27 of the Site Emergency Plan requires, in part, that written agreements be made with the off-site groups and the licensee to ensure that there is a clear understanding of assigned responsibilities in the event of an emergency. The Emergency Program Administrator maintains current letters of agreement with off-site support groups. The agreements will be revised annually and renewed at least every four (4) years or as frequently as needed.

Contrary to the above, as of April 4, 2007, the licensee had not maintained current letters of agreement with all of the off-site support groups, nor were the agreements revised annually and renewed at least every four years.

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

- F. Section 7.1 of the Site Emergency Plan states, in part, that written implementing procedures will be established containing detailed instructions on emergency response and statements of responsibility based on the policy established in this plan. These procedures will clearly define duties, responsibilities, action levels, and actions to be taken by each functional group or individual in response to emergency conditions.

Emergency Preparedness Implementing Procedure SEP-004, "Emergency Equipment and Supplies," Revision 2, requires in Subsection 6.2.1 that quarterly checks shall be conducted on all emergency equipment; Subsection 6.2.3 requires that monthly checks shall be required by the Emergency Brigade fire truck, Hazmat vehicles and the equipment locker in the Emergency Response facility. Subsection 6.4.3 requires that each SCBA's cylinder shall be kept in the "FULL" range. A cylinder rated for 2216 psi shall have at least 2000 psi of air.

Contrary to the above, as of April 4, 2007, quarterly checks were not performed on emergency equipment, monthly checks were not performed on the brigade fire truck, the hazmat vehicles and the equipment locker, and several emergency SCBA's with a rating of 2216 psi were found in the HP emergency cabinets, the emergency fire truck, the hazmat vehicles and the equipment locker to be below the 2000 psi of air requirement.

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

Pursuant to the provisions of 10 CFR 2.201, Westinghouse Electric Company is hereby required to submit a written statement or explanation to the U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, D.C. 20555 with a copy to the Regional Administrator, Region II, within 30 days of the date of the letter transmitting this Notice of Violation (Notice). This reply should be clearly marked as a "Reply to a Notice of Violation" and should include: (1) the reason for the violation, or, if contested, the basis for disputing the violation or severity level, (2) the corrective steps that have been taken and the results achieved, (3) the corrective steps that will be taken to avoid further violations, and (4) the date when full compliance will be achieved. Your response may reference or include previous docketed correspondence, if the correspondence adequately addresses the required response.

If an adequate reply is not received within the time specified in this Notice, an order or a Demand for Information may be issued as to why the license should not be modified, suspended, or revoked, or why such other action as may be proper should not be taken. Where good cause is shown, consideration will be given to extending the response time.

If you contest this enforcement action, you should also provide a copy of your response to the Director, Office of Enforcement, United States Nuclear Regulatory Commission, Washington, D.C. 20555-0001.

Because your response will be made publically available, to the extent possible, it should not include any personal privacy, proprietary, or safeguards information so that it can be made publically available without redaction. 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 basis 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 safeguard's 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 19th day of September, 2007