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Your ref:
Our ref: LTR-RAC-09-85
December 17, 2009

SUBJECT: REPLY TO A NOTICE OF VIOLATION
REFERENCE: REPORT NO: 70-1151/2009-007

Pursuant to the provisions of 10 CFR 2.201, Westinghouse Electric Company LLC (WEC) herein provides formal response to your letter of November 30, 2009, regarding your inspection of the Columbia Fuel Fabrication Facility conducted onsite November 2-5, 2009.

Appendix A provides the reply to the violation of NRC requirements specified in the Notice of Violation.

I hereby affirm that the statements made in this response are true and correct to the best of my knowledge and belief. Should you have any questions or require additional information, please telephone Marc A. Rosser of my Staff at (803) 647-3174.

Sincerely,

A handwritten signature in black ink, appearing to read 'Cary D. Alstadt', with a long horizontal flourish extending to the right.

Cary D. Alstadt, Manager
Columbia Fuel Fabrication Facility

Attachment: Appendix A

cc: U. S. Nuclear Regulatory Commission
Regional Administrator, Region II
Atlanta Federal Center
61 Forsyth Street, SW, Suite 23T85
Atlanta, Georgia 30303-3415

IE07
RGM II

APPENDIX A**WESTINGHOUSE RESPONSE TO NOTICE OF VIOLATION**

A.1 In the November 30, 2009, Inspection Report (70-1151/2009-007) and Notice of Violation, it is stated that during a U.S. Nuclear Regulatory Commission (NRC) inspection, a violation of NRC requirements was identified. NRC described the violation as listed below:

10 CFR 70.61(a) states, in part, that each licensee shall evaluate, in the integrated safety analysis (ISA), its compliance with the performance requirements in paragraphs (b) of this section.

10 CFR 70.61(b) states, in part, that the risk of each credible high-consequence event must be limited. Engineered controls, administrative controls, or both shall be applied to the extent needed to reduce the likelihood of occurrence of the event so that, upon implementation of such controls, the event is highly unlikely.

10 CFR 70.61(e) states, in part, each engineered or administrative control or control system necessary to comply with paragraphs (b) of this section shall be designated as an item relied on for safety (IROFS)

Contrary to the above, on and before November 5, 2009, the licensee failed to evaluate in the ISA whether it was necessary to apply IROFS to reduce the risk of a credible high-consequence event. Specifically, the licensee failed to evaluate whether IROFS were necessary to reduce the risk of a uranium hexafluoride cylinder failure as a result of a fire in the hot oil system.

This was identified as a Severity Level IV Violation (Supplement VI).

A.1.a ACKNOWLEDGEMENT OF THE VIOLATION

WEC acknowledges the violation as identified in the Inspection Report and Notice of Violation, Report Number: 70-1151/2009-007.

A.1.b REASON FOR THE VIOLATION

The reason for the violation is that the development of the Integrated Safety Analysis and the implementation of the necessary controls were less than adequate. Although the hazard analysis team addressed several other fire initiated potential accident sequences, the propagation of a postulated design basis fire within the Hot Oil Room was not evaluated for its potential impact to Uranium Hexafluoride (UF₆) Cylinders in the adjacent bay. Existing analysis for a severe UF₆ Cylinder release results in a high consequence event as defined in 10CFR70.61. Such an event requires that Items Relied On For Safety (IROFS) be in place, available and reliable, to prevent or mitigate the event and thus ensure that the performance requirements are satisfied.

A.1.c CORRECTIVE ACTION TAKEN AND RESULTS ACHIEVED

The fire rated barrier, which was a designated Safety Significant Control, has been designated as an IROFS and a Preventive Maintenance Inspection established to ensure the reliability and availability of the IROFS. This action, in conjunction with the existing IROFS, ADUFIRE-902, which is a control on the proper fire fighting techniques to be used in the conversion area, ensures that the performance requirements of 10CFR70.61 are satisfied (i.e. the event is highly unlikely). Since the fire barrier is an existing passive engineered control, and management measures at CFFF procedurally apply to SSCs as well as IROFS, the control was in place during the time period of non-compliance with the regulation.

A.1.d ACTIONS TO PREVENT RECURRENCE

New hazards and accident analysis performed for facility changes are conducted by experienced safety analysts, with the necessary Environmental Health and Safety (EH&S) safety disciplines, and production area engineers and operators. Each new hazard analysis takes into account lessons learned from previous analysis and issue and events which occur within the facility. NUREG-1513 and other guidance documentation (such as the Guidelines for Hazard Evaluation Procedures, Second Edition developed by the American Institute of Chemical Engineers) recognize that not all potential accident sequences can be 100% certain to have been captured by performance of a given hazards analysis technique.

To raise awareness of the need to ensure that adjacent area impacts are considered, a lessons learned on the issue raised in this violation has been developed and will be issued to EH&S and engineering staff who lead or participate in Process Hazards Analyses (PHAs). This lesson learned will serve as a reminder of the need to consider these type of potential release scenario's in the conduct of future PHAs. Emphasis of this particular lesson learned is to focus on the information provided in Appendix C of NUREG-1513, which deals with Subsystem Analysis and Integration.

A.1.e DATE WHEN FULL COMPLIANCE WILL BE ACHIEVED

Compliance for the establishment of the IROFS for this scenario was completed on December 17, 2009 when the Fire Rated Barrier was modified in the appropriate sketch from a passive Safety Significant Control (SSC) to an IROFS. This ensures that the performance requirements of 10CFR70.61 are satisfied. Formal incorporation of this Accident Sequence into the Integrated Safety Analysis and Integrated Safety Analysis summary will be accomplished by incorporation of the information in the January 2009 update performed in accordance with 10 CFR70.72(c) and submitted to the NRC by no later than January 31, 2009. Documented completion of the training on the lessons learned will also be completed no later than January 31, 2009.