

October 29, 2010
EN-10-045

OFFICE OF ENFORCEMENT
NOTIFICATION OF SIGNIFICANT ENFORCEMENT ACTION

Licensee: Westinghouse Electric Company EA-10-124
Commercial Nuclear Fuel Division
Columbia, SC
Docket No. 70-1151

Subject: NOTICE OF VIOLATION AND PROPOSED IMPOSITION OF CIVIL PENALTY -
\$17,500

This is to inform the Commission that a Notice of Violation and Proposed Imposition of a Civil Penalty will be issued on or about November 3, 2010, to Westinghouse Electric Company, Commercial Nuclear Fuel Division (Westinghouse). This action is based on a Severity Level III problem involving two violations associated with an event which occurred at the licensee's Columbia, South Carolina facility on January 24, 2010 involving the overflow of approximately 200 gallons of uranium bearing ammoniated waste water from the quarantine tank system in the conversion area. Specifically, Westinghouse failed to (1) identify in the Integrated Safety Analysis (ISA) that a spill from the quarantine tank system could lead to an intermediate consequence event in violation of 10 CFR 70.62(c)(1); and, (2) designate items relied on for safety (IROFS) to limit the risk of an intermediate consequence event resulting from an overflow of the quarantine tank system in violation of 10 CFR 70.61(e). Although the failure to evaluate that a spill from the quarantine tank system could lead to an intermediate consequence event and identify it in the ISA, and implement IROFS to prevent or mitigate the risk to personnel, resulted in no actual adverse personnel consequences in this case, a more significant spill could have resulted in an acute occupational exposure under different circumstances.

In accordance with the Enforcement Policy, a base civil penalty in the amount of \$17,500 is considered for a Severity Level III problem. Because Westinghouse has been the subject of escalated enforcement within the last two years, the NRC considered whether credit was warranted for *Identification* and *Corrective Actions* in accordance with the civil penalty assessment process in Section 2.3.4 of the Enforcement Policy. Credit is not warranted for *Identification* because the violations were identified as a result of an event. Credit is warranted for corrective actions because the actions were considered to be prompt and comprehensive. These actions included, in part, (1) addition of a high-high quarantine tank alarm, (2) addition of control room indicators for quarantine tank system pump operation, (3) installation of larger pump motors, (4) implementation of appropriate personnel protective equipment as an IROFS, and (5) completion of an extent of condition review to determine if IROFS are needed in other areas of the facility with regard to chemical exposures. Therefore, to emphasize the importance of prompt identification of violations and compliance with regulatory requirements, the NRC proposes imposition of a Civil Penalty in the base amount of \$17,500 for this SL III problem.

In addition, five Severity Level IV violations will also be included in the Notice of Violation that primarily involved procedural failures or inadequacies identified during the review of the spill event. These violations were not associated with a civil penalty.

It should be noted that the licensee has not been specifically informed of the enforcement action. The schedule of issuance and notification is:

Mailing of Notice	November 3, 2010
Telephone Notification of Licensee	November 3, 2010

The State of South Carolina will be notified.

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