



UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION II
245 PEACHTREE CENTER AVENUE NE, SUITE 1200
ATLANTA, GEORGIA 30303-1257

March 29, 2011

Mr. David Precht
Manager, Columbia Plant
Westinghouse Electric Company
Commercial Nuclear Fuel Division
5801 Bluff Road, Drawer R
Columbia, SC 29250

SUBJECT: NOTICE OF VIOLATION (NRC INSPECTION REPORT NUMBER
70-1151/2010-014)

Dear Mr. Precht:

On February 25, 2011, the US Nuclear Regulatory Commission (NRC) issued the subject inspection report to Westinghouse Electric Company (Westinghouse) facility, ADAMS accession ML110560481. In reviewing this report, it was noted that we referred to the incorrect violation numbers on the third page of the cover letter. Accordingly, we are providing a portion of the revised version of Inspection Report 70-1151/2010-014 that documents the above change.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter, its enclosure, and your response, if any, will be available electronically for public inspection in the NRC Public Document Room or from the Publicly Available Records (PARS) component of the NRC's document system (ADAMS). ADAMS is accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html> (the Public Electronic Reading Room).

I apologize for any inconvenience this error may have caused. If you have any questions, please contact me at (404) 997-4629.

Sincerely,

/RA by M. Sykes/

Marvin D. Sykes, Chief
Fuel Facility Inspection Branch 3
Division of Fuel Facility Inspection

Docket No. 70-1113
License No. SNM-1097

Enclosure: Replacement Page 3 of Letter

March 29, 2011

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Enclosure: Replacement Page 3 of Letter

PUBLICLY AVAILABLE NON-PUBLICLY AVAILABLE SENSITIVE NON-SENSITIVE

ADAMS: Yes ACCESSION NUMBER: ML110890575 SUNSI REVIEW COMPLETE

OFFICE	RII: DFFI						
SIGNATURE	/RA by MS for MT/						
NAME	MThomas						
DATE	03/29/2011	4/ /2011	4/ /2011	4/ /2011	4/ /2011	4/ /2011	4/ /2011
E-MAIL COPY?	YES NO	YES	YES NO	YES NO	YES NO	YES NO	YES NO

c w/encl:

Marc Rosser

Manager

Environment, Health and Safety

Commercial Nuclear Fuel Division

Electronic Mail Distribution

Susan E. Jenkins

Assistant Director, Division of Waste Management

Bureau of Land and Waste Management

Department of Health and Environmental Control

Electronic Mail Distribution

Letter to: David Precht from Marvin D. Sykes dated March 29, 2011

Subject: NOTICE OF VIOLATION (NRC INSPECTION REPORT NUMBER
70-1151/2010-014)

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At the conference, Westinghouse requested that the NRC consider AV 70-1151/2010-202-03 (Violation C of the Notice) as an additional example of violation 70-1151/2009-201-01, and noted that the corrective actions associated with the completion of the Nuclear Criticality Safety Improvement Plan-II (NCSIP-II) will address both non-compliances. As background, the NRC documented Violation 70-1151/2009-201-01 by letter dated April 23, 2009. Westinghouse's letter of May 20, 2009, denied that a violation occurred, for reasons as discussed therein. After careful consideration, the NRC's letter of August 7, 2009, documented our conclusion that, notwithstanding the bases of Westinghouse's denial, the violation occurred as stated. The NRC acknowledges that Westinghouse has informally provided the status of its activities and plans regarding the previously issued violation, as well as its activities for Violation C. As of the date of the pre-decisional enforcement conference, Westinghouse has denied that Violation 70-1151/2009-201-01 occurred and has not identified corrective actions planned or completed to preclude recurrence.

The NRC notes that Violation C occurred several months after the occurrence of violation 70-1151/2009-201-01 (the former occurred on or before July 2010, while the latter occurred on and before March 2009). In addition, the consequences of the two violations were substantially different, in that Violation C led to or permitted an actual plant configuration in which no IROFS were established and the passive engineered controls for the IFBA filter press along with the failure to establish IROFS would not have precluded inadvertent criticality under all credible circumstances. For these reasons, the NRC has concluded that Violation C should not be considered an additional example of violation 70-1151/2009-201-01.

The NRC agrees that corrective actions as discussed at the conference would likely be comprehensive to address both violation 70-1151/2009-201-01 and Violation C of the enclosed Notice. In response to Westinghouse's request at the conference, the NRC has concluded that as part of its written response to Violation C, Westinghouse should acknowledge or deny the occurrence of the previous violation (Violation 70-1151/2009-201-01), and document its corrective actions planned or taken to preclude recurrence of both non-compliances. Furthermore, the NRC requests that Westinghouse include a milestone schedule for completion of any planned corrective actions for Violation C.

Two additional violations are cited in the enclosed Notice, and involve: (Violation D) the failure to establish adequate operating procedures for the filter press; and (Violation E) the failure to make a change to facility equipment in accordance with approved procedures. Violations D and E have been characterized as separate Severity Level IV violations in accordance with the Enforcement Policy. Regarding AV 70-1151/2010-202-05, after careful consideration of the information presented by Westinghouse at the conference, the NRC has concluded that a violation did not occur.

You are required to respond to this letter and should follow the instruction specified in the enclosed Notice, as well as that discussed above for previously issued Violation 70-1151/2009-201-01 and Violation C of the Notice, when preparing your response. NRC will use your response, in part, to determine whether further enforcement action is necessary to ensure compliance with regulatory requirements.

Administratively, AVs 70-1151/2010-202-01, -02, -03, -04, -05, and -06 are closed. The following violations are opened: 70-1151/2010-014-01 (Violations A, B, and C), 70-1151/2010-014-02 (Violation D), and 70-1151/2010-014-03 (Violation E).

Enclosure

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