

July 10, 2015

EA-15-099

Ms. Michele M. Gutman
Deputy General Counsel & Chief Compliance Officer
Westinghouse Electric Company
1000 Westinghouse Drive
Cranberry Township, PA 16066

SUBJECT: FAILURE TO IDENTIFY AN INTERMEDIATE CONSIGNEE ON EXPORT
LICENSE XCOM1093/04 – NON-CITED VIOLATION OF 10 CFR 110.32(d)

Dear Ms. Gutman:

This letter refers to your voluntary self-disclosure letter dated April 29, 2015, regarding your failure to include an intermediate consignee on the license application in accordance with the requirements of Title 10 of the *Code of Federal Regulations* (10 CFR) Section 110.32(d). Specifically, between December 4, 2009, and February 28, 2012, nine shipments of components under the U.S. Nuclear Regulatory Commission (NRC) export license XCOM1093 as amended, were shipped to the SKODA JS (SKODA) located in the Czech Republic.

Paragraph 110.32(d) of 10 CFR states that the names and addresses of all intermediate and ultimate consignees are provided in their license application other than intermediate consignees performing shipping services only. Contrary to the above, SKODA was not identified as an intermediate consignee on XCOM1093, as amended, and nine shipments were made to SKODA who performed work on the components beyond shipping services.

Based on the information provided, the NRC has determined that a Severity Level IV violation of NRC requirements occurred. In your letter dated April 29, 2015 (withheld from public disclosure under 10 CFR 2.390), you explain that Westinghouse reviewed its export procedures. Westinghouse took corrective measures to amend the license to include SKODA and measures were identified to prevent its reoccurrence in the future.

This violation was evaluated in accordance with the NRC Enforcement Policy. The current Enforcement Policy is available on the NRC's Web site at <http://www.nrc.gov/about-nrc/regulatory/enforcement/enforce-pol.html>. The violation is being treated as a Non-Cited Violation (NCV) because all the criteria in Section 2.3.2 of the NRC's Enforcement Policy were met: (1) you identified the violation, (2) you initiated prompt and comprehensive corrective actions to prevent recurrence as documented in your letter dated April 29, 2015, (3) the violation was not repetitive as a result of inadequate corrective actions, and (4) the violation was not willful.

M. Gutman

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If you contest the violation or its significance, you should provide a response within 30 days of the date of this report, with the basis for your denial, to the Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington DC 20555-0001, with copies to: (1) the Director, Office of International Programs, and (2) Director, Office of Enforcement, United States Nuclear Regulatory Commission, Washington, DC 20555-0001.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter, and your response, if 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), accessible from the NRC Website at <http://www.nrc.gov/reading-rm/adams.html>. To the extent possible, your response should not include any personal privacy or proprietary information so that it can be made available to the public without redaction.

Please contact Brooke Smith at (301) 415-2347 if you have any questions regarding this matter.

Sincerely,

/RA/
Nick Hilton, Chief
Enforcement Branch
Office of Enforcement

cc: See next page

cc:

Office of Nonproliferation and Arms
U.S. Department of Energy/National
Nuclear Security Administration,
Attn: Mr. Richard S. Goorevich, Director
1000 Independence Avenue, SW
Washington, DC 20585-1615

Office of Nonproliferation and Arms
U.S. Department of Energy/National
Nuclear Security Administration
Attn: Ms. Jessica Norles
1000 Independence Avenue, SW
Washington, DC 20585-1615

LSS Technical Data Assessment
& Teleforensics Center, DHS/CBP
Attn: Oliver J. Toigo
12825 Worldgate Plaza, Building 3
Department of Homeland Security
Herndon, VA 20170

U.S. Department of Commerce
Bureau of Industry and Security
Office of Nuclear and Missile Technology
Attn: Steve Clagett
14th Street & Penn Ave, NW
Room 2631
Washington, DC 20230

Office of Nuclear Energy, Safety
& Security Affairs, Room 3320 HST
Bureau of International Security
& Nonproliferation
U.S. Department of State
Attn: Robin DeLaBarre
2201 C Street, NW
Washington, D.C. 20520

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Sincerely,

/RA/
Nick Hilton, Chief
Enforcement Branch
Office of Enforcement

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