



**UNITED STATES  
NUCLEAR REGULATORY COMMISSION**

REGION II  
245 PEACHTREE CENTER AVENUE NE, SUITE 1200  
ATLANTA, GEORGIA 30303-1257

August 9, 2017

EA-16-173

Mr. Mike Annacone  
Vice President, Columbia Fuel Operations  
and Manager Columbia Plant  
5801 Bluff Road  
Hopkins, SC 29061

**SUBJECT: CONFIRMATORY ORDER (NUCLEAR REGULATORY COMMISSION  
INSPECTION REPORT 70-1151/2017-007)**

Dear Mr. Annacone:

The enclosed Confirmatory Order (CO) is being issued to Westinghouse Electric Company (Westinghouse), LLC, as a result of a successful alternative dispute resolution (ADR) session. The commitments described in the CO were made by Westinghouse as part of the settlement agreement reached during the ADR mediation session conducted on May 19, 2017, and follow-up discussions held between May 19, 2017, and August 3, 2017.

On May 28, 2016, as part of routine maintenance activities, Westinghouse started the S-1030 scrubber inspection and cleanout activities. The licensee completed the S-1030 scrubber cleanout activities on June 1, 2016, removing a total of 197 kilograms (kg) of material. The scrubber was subsequently restarted following the maintenance outage on June 2, 2016. On July 13, 2016, the preliminary results of samples taken of the material removed from the scrubber indicated a concentration of uranium (U) between 40-50 percent. This equates to approximately 100 kg of U in the scrubber, in excess of the mass limit in the Criticality Safety Evaluation (CSE) of 29 kg U.

The scrubber was shut down on July 14, 2016, when Westinghouse determined that the mass limit in the CSE had been exceeded. Westinghouse reported this event to the Nuclear Regulatory Commission (NRC) as a 24-hour event due to a high consequence event being "unlikely" (Event Notification 52090). The event report was updated to a one hour report because no items relied upon for safety (IROFS) remained available and reliable to perform their function.

In response to Westinghouse's discovery of excess uranium, on August 11, 2016, the NRC issued a Confirmatory Action Letter (CAL) to Westinghouse (ML16224B082). The purpose of the CAL was to confirm the commitments made by Westinghouse regarding additional actions Westinghouse would take in response to the uranium buildup reported to the NRC in July 2016. These actions were intended to ensure that the causes of the uranium buildup have been adequately identified and evaluated and that appropriate corrective actions have been implemented to improve the performance of the Nuclear Criticality Safety program.

On September 27, 2016, the NRC completed an Augmented Inspection at the Westinghouse facility, the details of which are documented in Inspection Report 70-1151/2016-007 (ML16301A001).

On February 27, 2017, the NRC completed a follow-up inspection, and issued Inspection Report 70-1151/2017-007 (ML17058A448), documenting four Apparent Violations (AVs) which were considered for escalated enforcement in accordance with the NRC's Enforcement Policy. The NRC's inspection report offered Westinghouse a choice to: (1) attend a Predecisional Enforcement Conference; (2) provide a written response; or (3) request ADR with the NRC in an attempt to resolve any disagreement regarding whether violations occurred, the appropriate enforcement action, and the appropriate corrective actions.

In response, Westinghouse requested ADR to resolve the enforcement aspects and to discuss corrective actions. An ADR mediation session was held on May 19, 2017, and a preliminary settlement agreement was reached. Additional discussions between the NRC and Westinghouse continued through August 3, 2017. The discussions resulted in an agreement contained within the enclosed CO.

During the ADR and subsequent discussions with Westinghouse, the NRC concluded that the corrective actions and enhancements discussed by Westinghouse, both completed and planned, were prompt and comprehensive. In consideration of the commitments delineated in the enclosed CO, the NRC agreed to refrain from proposing a civil penalty or issuing a Notice of Violation for all four AVs identified in NRC Inspection Report 70-1151/2017-007 (EA-16-173).

Additionally, the NRC agreed that issuance of the CO serves to close the CAL issued to Westinghouse on August 11, 2016. As discussed in the CO, certain CAL items that had not been completed by Westinghouse or reviewed by NRC at the time of the ADR were transferred to the CO.

We have enclosed the CO to confirm the commitments made as part of the settlement agreement. As evidenced by your signed "Consent and Hearing Waiver Form" (copy enclosed) dated August 8, 2017, you agree to issuance of this letter and CO.

Pursuant to Section 223 of the Atomic Energy Act of 1954, as amended, any person who willfully violates, attempts to violate, or conspires to violate any provision of this CO shall be subject to criminal prosecution as set forth in that Section. Violation of this CO may also subject the person to civil monetary penalties.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter and its enclosures will be made available electronically for public inspection in the NRC Public Document Room, or from the NRC's document system, Agencywide Documents Access and Management System (ADAMS), which is accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>. The NRC will also include this letter, and the attached Confirmatory Order, on its Web site at [www.nrc.gov](http://www.nrc.gov); the letter can be found on this Web site by selecting the "Public Meetings and Involvement" link and then the "Enforcement" link. Your response, if you choose to provide one, will also be made available electronically for public inspection in the NRC Public Document Room, or from the NRC's document system (ADAMS). 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. The NRC also includes significant enforcement actions on its Web site at (<http://www.nrc.gov/reading-rm/doc-collections/enforcement/actions/>).

If you have any questions or comments concerning this letter, please contact Mr. Mark Lesser, Director, Division of Fuel Facilities Inspection, at 404-997-4700.

Sincerely,

*/RA/*

Catherine Haney  
Regional Administrator

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

Enclosures:

1. Confirmatory Order
2. Consent and Hearing Waiver Form

cc:

John Howell  
Manager  
Environment, Health and Safety  
Electronic Mail Distribution

Nancy Parr  
Manager  
Licensing  
Electronic Mail Distribution

Christine Kneece  
Manager  
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Susan E. Jenkins  
Assistant Director, Division of Waste Management  
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SUBJECT: CONFIRMATORY ORDER (NUCLEAR REGULATORY COMMISSION  
INSPECTION REPORT 70-1151/2017-007)

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ADAMS:  Yes      ACCESSION NUMBER:ML17221A112       SUNSI REVIEW COMPLETE  FORM 665 ATTACHED

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DATE	8/7/2017	8/7/2017	8/7/2017	8/3/2017	8/9/2017		8/ /2017
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