

February 24, 1994

Docket No. 030-31830  
License No. 37-28556-01  
EA 94-040

Westinghouse Electric Corporation  
Resource Energy Systems Division  
ATTN: Michael Johnson  
General Manager  
2400 Ardmore Boulevard  
Forest Hills, Pennsylvania 15221

Dear Mr. Johnson:

SUBJECT: NRC INSPECTION REPORT NO. 030-31830/94-001

This refers to the inspection conducted by Keith D. Brown and Michael F. Weber of this office on January 31, 1994, and subsequently by Keith D. Brown during numerous telephone conversations with personnel at your facility. The inspection included a review of activities authorized for your Chester, Pennsylvania facility. At the conclusion of the inspection, the findings were discussed with those members of your staff identified in the enclosed report.

Areas examined during the inspection are identified in the report. Within these areas, the inspection consisted of interviews with personnel, selective examinations of procedures and observation of activities in progress. The purpose of the inspection was to determine the circumstances surrounding the loss of a fixed gauge containing one hundred millicuries of cesium 137 and to determine whether activities authorized by the license were conducted safely and in accordance with NRC requirements.

Based on the results of this inspection, two apparent violations were identified and are being considered for escalated enforcement action in accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions" (Enforcement Policy), 10 CFR Part 2, Appendix C. The violations relate to the failure to prevent the unauthorized removal of byproduct material stored in an unrestricted area. Accordingly, no Notice of Violation is presently being issued for these inspection findings. In addition, please be advised that the number and characterization of apparent violations described in the enclosed inspection report may change as a result of further NRC review.

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An enforcement conference to discuss these apparent violations has been scheduled for 1:30 p.m. on March 4, 1994. The decision to hold an enforcement conference does not mean that the NRC has determined that a violation has occurred or that enforcement action will be taken. The purposes of this conference are to discuss the apparent violations, their cause and safety significance; to provide you the opportunity to point out any errors in our inspection report; and to provide an opportunity for you to present your proposed corrective actions. In addition, this is an opportunity for you to provide any information concerning your perspectives on 1) the severity of the violations, 2) the application of the factors that the NRC considers when it determines the amount of a civil penalty that may be assessed in accordance with Section VI.B.2 of the Enforcement Policy, and 3) any other application of the Enforcement Policy to this case, including the exercise of discretion in accordance with Section VII. You will be advised by separate correspondence of the results of our deliberations on this matter. No response regarding these apparent violations is required at this time.

In accordance with 10 CFR 2.790 of the NRC's "Rules of Practice," a copy of this letter and its enclosure will be placed in the NRC Public Document Room.

Sincerely,

**Original Signed By:**  
**Charles W. Hehl**

Charles W. Hehl, Director  
Division of Radiation Safety  
and Safeguards

Enclosures:

1. Inspection Report No. 030-31830/94-001
2. 10 CFR Part 2
3. Directions to the Region I Office

cc:

Public Document Room (PDR)  
Nuclear Safety Information Center (NSIC)  
Commonwealth of Pennsylvania

Westinghouse Electric Corporation

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cc (cont'd):

Westinghouse Electric Corporation  
Resource Energy Systems Division  
ATTN: Dave A. Boward  
Facility Manager  
Front and Thurlow Streets  
Chester, Pennsylvania 19013

bcc:

Region I Docket Room  
T. Martin, RI  
W. Kane, RI  
C. Hehl, RI  
M. Weber, RI  
C. Paperiello, NMSS  
J. Lieberman, OE  
S. Lewis, OGC  
R. Bellamy, RI  
D. Holody, RI  
K. Smith, RI  
W. Pasciak, RI  
K. Brown, RI

<i>WJ</i> RI:DRSS	<i>DET</i> RI:DRSS	<i>FMC</i> RI:DRSS	RI:DRSS	RI:DRSS
Brown/cmm	<i>for</i> Pasciak	Bellamy	Weber <i>W</i>	<i>Hehl</i>
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