



Westinghouse  
Electric Corporation

Westinghouse Building  
Gateway Center  
Pittsburgh Pennsylvania 15222

VIA FEDERAL EXPRESS

June 10, 1994

U.S. Nuclear Regulatory Commission  
Director, Office of Enforcement  
Atten: Document Control Desk  
1 White Flint North  
11555 Rockville Pike  
Rockville, MD 20852

*RE: Notice of Violation  
Docket No. 030-31830  
License No. 37-28556-01  
EA 94 - 040*

Gentlemen:

In response to the Notice of Violation and Proposed Imposition of Civil Penalty issued May 13, 1994 (Attachment 1), Westinghouse accepts the determination made by the NRC in this matter and has enclosed a check in the amount of \$1,250.00. Further discussion and explanation was provided in the incident report issued to the NRC on February 25, 1994.

The corrective actions taken at the Chester, PA facility were:

- 1) The remaining five (5) Ronan density gage devices located at the Municipal Solid Waste (MSW) feed conveyors were taken out of service on February 14, 1994 by Ronan technicians. The devices were leak tested then secured in a locked and posted room. Following receipt of the leak test results, the devices were shipped back to Ronan. Attachment 2 is a copy of the letter from Ronan acknowledging receipt of the five (5) Cs-137 nuclear radioactive sources.
- 2) Interim operating procedures consisting of daily inspection of the Kay-Ray level indicator devices was initiated on February 2, 1994. Attachment 3 is a sample copy of a verification inspection sheet.
- 3) A Training Program, "Radiation and Radioactive Source Training Materials" was developed and added to the facility safety training. By March 18, 1994, Operators, Maintenance Mechanics, I&C Technicians, Management and Support Staff had received this additional radioactive safety training. Attachments 4 and 5 are copies of the added training material and a sample copy of the employee training roster.

*Rec'd check #953611  
for \$1,250.00*

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*JEM*

- 4) The Radiation Safety Section of the General Worker Hazard communication training procedure was updated. This training includes a basic radiation safety awareness review. Attachments 6 and 7 are copies of the revised radiation safety awareness section and a sample copy of a contractor sign-off sheet to verify the training.
- 5) All six (6) Kay-Ray level indicator devices located at the Ash Extractors were then taken out of service by Kay-Ray Sensall, Inc. technicians on May 3, 1994. The devices were leak tested then secured in a locked and posted room. Following receipt of the leak test results, the devices were shipped back to Kay-Ray. Attachment 8 is a copy of a letter from Kay-Ray acknowledging receipt of the six (6) Cs-137 nuclear radioactive sources.
- 6) A letter was issued to the NRC on May 31, 1994 requesting termination of the materials license No. 37-28556-01. Attachment 9 is a copy of the request to the NRC.

Corrective actions taken at a similar facility (Bay County, FL) were:

1. A spare Ronan density gauge device was leak tested and secured in a locked posted room. Following receipt of the leak test result, the device was shipped back to Ronan on May 26, 1994 and was received. The confirmation letter will soon be issued by Ronan.
2. Interim operating procedures consisting of daily inspection of the device was initiated on March 23, 1994. Attachment 10 is a sample copy of a verification inspection sheet.
3. Larger radiation signs have been posted near the devices to indicate their presence.
4. The site contractor hazard communication training was revised to include more specific information on the devices and radiation safety. All on-site contractors have received this training. Attachments 11 and 12 are copies of the revised radiation safety information and a sample copy of a contractor employee training roster.
5. The facility has initiated an investigation to determine if there are non-nuclear controls or processes to replace the nuclear density gauges.
6. The Annual employee safety and health training already contains specific information on radiation awareness and safety. This annual training is scheduled to be completed in July this year.

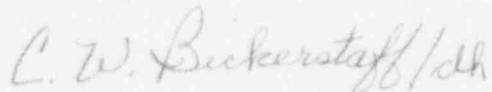
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Corporate actions taken were:

A corporate inventory survey and self-audit radioactive sources, x-ray and laser equipment checklist was issued on March 30, 1994 (Attachment 13) to establish a current inventory and for the appropriate facilities to review their radiation protection program. A review of the appropriate facility management and security of licensed material will then be conducted during the Corporate Environmental Affairs Department audits.

Enclosed is a payment for the assessed penalty in the amount of \$1,250.00. If you have any questions, please call Wayne Bickerstaff on (412) 642-3880.

Sincerely,



C. W. Bickerstaff, Manager  
Industrial Hygiene  
Corporate Environmental Affairs

cc: U.S. Nuclear Regulatory Commission  
Region I  
475 Allendale Road  
King of Prussia, PA 19406-1415

ENCLOSURE

ATTACHMENT 1

NOTICE OF VIOLATION  
AND  
PROPOSED IMPOSITION OF CIVIL PENALTY

Westinghouse Electric Corporation  
Chester, Pennsylvania

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

During an NRC inspection conducted from January 31 to February 10, 1994, violations of NRC requirements were identified. In accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions," 10 CFR Part 2, Appendix C, the Nuclear Regulatory Commission proposes to impose a civil penalty pursuant to Section 234 of the Atomic Energy Act of 1954, as amended (Act), 42 U.S.C. 2282, and 10 CFR 2.205. The particular violations and associated civil penalty are set forth below:

- A. 10 CFR 20.207(a), effective during August 1993, required that licensed materials stored in an unrestricted area be secured against unauthorized removal from the place of storage. 10 CFR 20.207(b) required that licensed materials in an unrestricted area and not in storage be tended under constant surveillance and immediate control of the licensee. As defined in 10 CFR 20.3(a)(17), an unrestricted area is any area access to which is not controlled by the licensee for purposes of protection of individuals from exposure to radiation and radioactive materials.

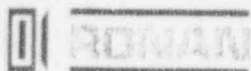
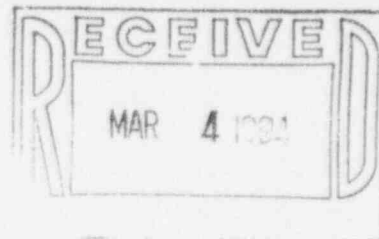
Contrary to the above, on or about August 17, 1993, licensed material consisting of a Ronan Engineering Company, Source Holder Model SA-8-F37 fixed gauge that contained 100 millicuries of cesium-137 located on an I-beam above the No. 5 conveyer, an unrestricted area, was not secured against unauthorized removal, and was not under constant surveillance and immediate control of the licensee. (01013)

- B. Condition 15 of License No. 37-28556-01 requires, in part, that removal from service of devices containing licensed material shall be performed only by persons specifically licensed by the Commission or an Agreement State to perform such services.

Contrary to the above, on or about August 17, 1993, removal from service of a gauge containing licensed material was performed by persons not specifically licensed by the Commission or an Agreement State to perform such services. Specifically, a Ronan Engineering Company, Source Holder Model SA-8-F37 that contained 100 millicuries of cesium-137 was removed from service by Westinghouse Electric Corporation, Resource Energy Systems Division, which was not specifically licensed by the Commission or an Agreement State to perform such services. (01023)

These violations represent a Severity Level III problem (Supplements IV and VI).

Civil Penalty = \$1,250

MARCH 02, 1994

WESTINGHOUSE RESOURCE ENERGY INC.  
10 HIGHLAND AVENUE  
CHESTER, PA 19013  
ATTN: MR. NAZRE ADUM

SUBJECT: RETURN OF RADIOACTIVE MATERIAL

THIS IS TO CONFIRM OUR RECEIPT AND POSSESSION OF THE  
FOLLOWING RADIOACTIVE SOURCES FROM YOUR CHESTER, PA FACILITY  
ON FEBRUARY 28, 1994.

M4522	100 mCi	CS-137
M5091	100 mCi	CS-137
M5092	100 mCi	CS-137
M5093	100 mCi	CS-137
M5235	100 mCi	CS-137

IF YOU HAVE ANY QUESTIONS OR WE CAN BE OF FURTHER ASSISTANCE,  
DO NOT HESITATE TO CONTACT US.

SINCERELY,

RONAN ENGINEERING COMPANY  
MEASUREMENTS DIVISION

  
JACKIE GARMANY

MEASUREMENTS DIVISION

8050 Production Drive • Florence, Kentucky 41042 • (606) 342-8500 • FAX (606) 342-6426

# ASH EXTRACTORS RADIATION SOURCE VERIFICATION

DATE 3/23/94 S.S. Rod B Andrews

UNIT NUMBER	IN PLACE?	INITIALS
UNIT #1	YES	RBA
UNIT #2	YES	RBA
UNIT #3	YES	RBA
UNIT #4	YES	RBA
UNIT #5	YES	RBA
UNIT #6	YES	RBA

**RECEIVED**  
**ENVIR. AFFAIRS**

JUN 06 1994