



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

April 20, 2015

EA-15-015

Mr. Jim Pritchett
Plant Manager
Honeywell Metropolis Works
P.O. Box 430
Metropolis, IL 62960

**SUBJECT: HONEYWELL METROPOLIS WORKS – NUCLEAR REGULATORY
COMMISSION INSPECTION REPORT 40-3392/2015-006**

Dear Mr. Pritchett:

This letter refers to the apparent violation that was identified during our follow-up of an event involving a uranium hexafluoride leak that occurred in the Feeds Material Building (FMB) on October 26, 2014. The details of the follow-up inspection are documented in Nuclear Regulatory Commission (NRC) Inspection Report 40-3392/2014-005.

In a letter to you dated February 20, 2015, we provided you with the opportunity to address the apparent violation identified in the report by either attending a predecisional enforcement conference or by providing a written response before we made our final enforcement decision. In a letter dated March 17, 2015, you provided a response to the apparent violation. Your response provided the cause of the violation and described corrective actions taken to preclude recurrence.

Based on the information developed during the inspection and the information that you provided in your response dated March 17, 2015, the NRC has determined that a violation of NRC requirements occurred. The violation is cited in the enclosed Notice of Violation (Notice) and the circumstances surrounding it are described in detail in NRC Inspection Report 40-3392/2014-005. The violation involves the failure by licensee emergency responders to declare an Alert in response to the release, as required by your Emergency Response Plan (ERP), which resulted in a hazardous situation that migrated outside of the FMB and stayed within the restricted area or inner fence line. The NRC determined that any hazardous chemicals that travelled beyond the facility fence line would have been of such concentration as to pose no safety hazard requiring response by offsite organizations to protect the public. As a result of not properly classifying the event, your organization failed to make the required notification within one hour to the NRC Operations center as required by Section 3.2.2 of the ERP. You subsequently reported your failure to properly classify the event to the NRC on November 5, 2014 [NRC Event Notification 50594].

The cause of the misclassification was due to inadequate visual observation of the incident on the part of the Radiation Safety Officer (RSO), who makes the classification recommendation to the Incident Commander (IC). Deficiencies were also identified in the emergency preparedness implementing procedures (EIPs) with regards to event classification examples in use at the time that resulted in a nonconservative interpretation of the criteria.

The violation was determined to be similar to examples in the *NRC Enforcement Policy* for failure to implement emergency planning standards at a fuel facility. Proper classification and notification of events in accordance with Section 3.2.2 of the ERP are emergency planning standards and, in this case, the failure to implement your ERP is a significant concern to the NRC. The incident did not result in any significant actual consequences, as no response by offsite organizations was necessary to protect the public because the hazardous situation did not exist beyond the site boundary. However, escalated enforcement is warranted in this case because of the inability of the emergency response organization to recognize that conditions existed that required an escalated emergency declaration. Had the leak been more severe, conditions could have resulted in a hazardous environment off-site and potential exposure to the public. In accordance with Section 6.0 of the Enforcement Policy, "if the circumstances of an event are such that one or more of the severity levels in an example were very nearly reached, and it was only fortuitous that the limit was not actually met or exceeded, then the severity level for the subject example would be applicable." It was fortuitous that a hazardous situation did not exist beyond the site boundary, which would have warranted the implementation of additional emergency planning standards such as notifying local government agencies of protective action recommendations. Therefore, this violation has been categorized in accordance with the NRC Enforcement Policy, Paragraph 6.2.c.8, as a Severity Level III violation for failure to implement more than one emergency planning standard.

In accordance with the NRC Enforcement Policy, a base civil penalty in the amount of \$70,000 is considered for a Severity Level III violation. Because your facility has not been the subject of escalated enforcement actions within the last two years, the NRC considered whether credit was warranted for *Corrective Action* in accordance with the civil penalty assessment process in Section 2.3.4 of the Enforcement Policy." In response to the Confirmatory Action Letter that we issued on November 7, 2014, you took the appropriate action to revise applicable EIPs to clarify criteria for declaring an Alert. Procedures were revised to better address the actions of the IC and RSO when classifying an emergency, and a requirement was added to reassess the emergency classification upon any change in condition or additional observation from both positions. You successfully demonstrated the implementation of these procedure revisions during an emergency exercise on November 12.

Therefore, to encourage prompt comprehensive correction of violations, and in recognition of the absence of previous escalated enforcement action, I have been authorized, after consultation with the Director, Office of Enforcement, to propose that no civil penalty be assessed in this case. However, significant violations in the future could result in a civil penalty.

The NRC has concluded that information regarding: (1) the reason for the violation; (2) the corrective actions that have been taken and the results achieved; and (3) the date when full compliance was achieved is already adequately addressed on the docket in the letter from the licensee dated March 17, 2015. Therefore, you are not required to respond to this letter unless the description therein does not accurately reflect your corrective actions or your position. In that case, or if you choose to provide additional information, you should follow the instructions specified in the enclosed Notice.

In accordance with 10 CFR 2.390 of the NRC's "Agency Rules of Practice and Procedure," a copy of this letter, and its enclosure will be made available electronically for public inspection in the NRC Public Document Room and in the NRC's Agencywide Documents Access and Management System (ADAMS), accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>.

Thank you for your cooperation. If you have any questions, please call Jim Hickey at (404) 997-4628.

Sincerely,

/RA/ L. Wert for

Victor M. McCree
Regional Administrator

Docket No. 40-3392
License No. SUB-526

Enclosure: Notice of Violation

cc: (See page 4)

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cc:

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NOTICE OF VIOLATION

Honeywell Metropolis Works
Metropolis, Illinois

Docket No. 40-3392
License No. SUB-526
EA-15-015

During an NRC inspection conducted on October 28 through November 5, 2014, a violation of NRC requirements was identified. In accordance with the NRC Enforcement Policy, the violation is described below:

License Condition 18 states, in part, that "the licensee shall conduct authorized activities at the Honeywell Metropolis Works Facility in accordance with the statements, representations, and conditions in the ... Emergency Response Plan (ERP)."

Section 3.2.2 of the Honeywell ERP defines an "Alert," in part, as "an event that deviated from normal operating conditions creating a hazardous environment requiring an emergency response to mitigate a hazardous situation that either initiates or migrates outside of plant buildings and stays within the restricted area or inner fence line."

Contrary to the above, on October 26, 2014, licensee emergency responders failed to declare an Alert in response to an hydrofluoric acid release from the Feeds Material Building (FMB) which resulted in a hazardous situation that migrated outside of the FMB and stayed within the restricted area or inner fence line.

This is a Severity Level III violation (Section 6.2).

The NRC has concluded that information regarding the reason for the violation, the corrective actions taken and planned to correct the violation and prevent recurrence, and the date when full compliance was achieved, is already adequately addressed on the docket in Inspection Report 40-3392/2014-005 (ML15030A166) and the Closure Letter for Confirmatory Action EA-14-183 (ML14329A181). However, you are required to submit a written statement or explanation pursuant to 10 CFR 2.201 if the description therein does not accurately reflect your corrective actions or your position. In that case, or if you choose to respond, clearly mark your response as a "Reply to a Notice of Violation," EA 15-015, and send it to the U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, DC 20555-0001 with a copy to the Regional Administrator, Region II, within 30 days of the date of the letter transmitting this Notice of Violation (Notice).

If you choose to respond, your response will be made available electronically for public inspection in the NRC Public Document Room or in the NRC's Agencywide Documents Access and Management System (ADAMS), accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>. Therefore, to the extent possible, the response should not include any personal privacy, proprietary, or safeguards information so that it can be made available to the Public without redaction.

In accordance with 10 CFR 19.11, you may be required to post this Notice within two working days.

Dated this 20th day of April, 2015

Enclosure