



**UNITED STATES
NUCLEAR REGULATORY COMMISSION**
REGION I
2100 RENAISSANCE BLVD.
KING OF PRUSSIA, PA 19406-2713

November 20, 2019

Phil Schwer, Plant Manager
Wheelabrator Bridgeport, L.P.
6 Howard Avenue
Bridgeport, CT 06605

SUBJECT: WHEELABRATOR BRIDGEPORT, L.P. - NRC INSPECTION NO.
03029916/2019-001 AND NOTICE OF VIOLATION

Dear Mr. Schwer:

This letter refers to the inspection conducted on September 17, 2019, at your Bridgeport, Connecticut facility. This inspection examined activities conducted under your license as they relate to public health and safety, and to confirm compliance with the Commission's rules and regulations and with the conditions of your license. Within these areas, the inspection consisted of selected examination of procedures and representative records, observations of activities, and interviews with personnel. On October 28, 2019, an exit meeting was conducted between you and Steven Courtemanche of this office wherein the results of the inspection were discussed.

Based on the results of this inspection, the NRC has determined that two Severity Level IV violations of NRC requirements occurred. These violations were evaluated in accordance with the NRC Enforcement Policy. The current Enforcement Policy is included on the NRC's Web site at <https://www.nrc.gov/about-nrc/regulatory/enforcement/enforce-pol.html>. The violations are cited in the enclosed Notice of Violation (Notice) because the violations were identified by the NRC.

You are required to respond to this letter and should follow the instructions specified in the enclosed Notice when preparing your response. If you have additional information that you believe the NRC should consider, you may provide it in your response to the Notice. The NRC review of your response to the Notice will also determine whether further enforcement action is necessary to ensure compliance with regulatory requirements.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter and your response will be made available electronically for public inspection in the NRC Public Document Room or from the NRC document system (ADAMS), accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>. 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.

If you have any questions regarding this matter, please contact Steven Courtemanche of my staff at (610) 337-5075 or via electronic mail at Steven.Courtemanche@nrc.gov.

Thank you for your cooperation.

Sincerely,

/RA C. Cahill for/

Anne DeFrancisco, Acting Branch Chief
Commercial, Industrial, R&D,
and Academic Branch
Division of Nuclear Materials Safety
Region I

Docket No. 03029916
License No. 06-23678-01

Enclosure: Notice of Violation

cc w/ enclosure: Christopher Lill, Lead E & I Tech./Radiation Safety Officer
State of Connecticut

WHEELABRATOR BRIDGEPORT, L.P. - NRC INSPECTION NO. 03029916/2019-001 AND
 NOTICE OF VIOLATION DATED **November 20, 2019**

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OFFICE	RI:DNMS	RI:DNMS			
NAME	SCourtemanche/src	ADeFrancisco/cgc f/			
DATE	10/28/19	11/20/19			

OFFICIAL RECORD COPY

NOTICE OF VIOLATION

Wheelabrator Bridgeport, L.P.
Bridgeport, CT

Docket No. 03029916
License No. 06-23678-01

During an NRC inspection conducted on September 17, 2019, with continuing in-office review through October 28, 2019, two violations of NRC requirements were identified. In accordance with the NRC Enforcement Policy, the violations are listed below:

- A. 10 CFR 20.1904(a) requires, in part, that the licensee shall ensure that each container of licensed material bears a durable, clearly visible label bearing the radiation symbol and the words "CAUTION, RADIOACTIVE MATERIAL" or "DANGER, RADIOACTIVE MATERIAL." The label must also provide sufficient information (such as the radionuclide(s) present, an estimate of the amount of radioactivity, the date for which the activity is estimated, radiation levels) to permit individuals handling or using the containers, to take precautions to avoid or minimize exposures.

Contrary to the above, as of September 17, 2019, the licensee did not ensure that each container of licensed material bore a durable, clearly visible label bearing the radiation symbol and the words "CAUTION - RADIOACTIVE MATERIAL" or "DANGER - RADIOACTIVE MATERIAL." The label must also provide sufficient information (such as the radionuclide(s) present, an estimate of the amount of radioactivity, the date for which the activity is estimated, radiation levels) to permit individuals handling or using the containers, to take precautions to avoid or minimize exposures. Specifically, the licensee ensured that the containers of licensed material (i.e., the gauges) were appropriately labeled; however, the licensee placed electrical tape, an opaque substance, over the labels to protect the labels from the corrosive environment thus the labels were not clearly visible.

This is a Severity Level IV violation (Enforcement Policy Section 6.3).

- B. 10 CFR 30.34(b)(1) requires, in part, that no license issued pursuant to the regulations in this part shall be transferred, either voluntarily or involuntarily, directly or indirectly, through transfer of control of any license to any person, unless the Commission shall, after securing full information, find that the transfer is in accordance with the provisions of the Act and shall give its consent in writing.

Contrary to the above, between October 2015 and September 2019, a license was issued pursuant to the regulations in this part was transferred, either voluntarily or involuntarily, directly or indirectly, through transfer of control of the license to a person, and the Commission did not secure full information to ensure the transfer was in accordance with the provisions of the Act and did not give its consent in writing. Specifically, the licensee's parent company in October 2015 was Waste Management Company who transferred its control of the company to ECP which later transferred control to MacQuarie Infrastructure Corporation.

This is a Severity Level IV violation (Enforcement Policy Section 6.3).

Pursuant to the provisions of 10 CFR 2.201, Wheelabrator Bridgeport, L.P. is hereby required to submit a written statement or explanation to the U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, D.C. 20555, with a copy to the Regional Administrator, Region I, within 30 days of the date of the letter transmitting this Notice of Violation (Notice). This reply should be clearly marked as a "Reply to a Notice of Violation" and should include for each violation: (1) the reason for the violation, or, if contested, the basis for disputing the violation, (2) the corrective steps that have been taken and the results achieved, (3) the corrective steps that will be taken to avoid further violations, and (4) the date when full compliance will be achieved. Your response may reference or include previous docketed correspondence, if the correspondence adequately addresses the required response. If an adequate reply is not received within the time specified in this Notice, an order or a Demand for Information may be issued as to why the license should not be modified, suspended, or revoked, or why such other action as may be proper should not be taken. Where good cause is shown, consideration will be given to extending the response time.

If you contest this enforcement action, you should also provide a copy of your response to the Director, Office of Enforcement, United States Nuclear Regulatory Commission, Washington, DC 20555-0001. Under the authority of Section 182 of the Act, 42 U.S.C. 2232, any response which contests an enforcement action shall be submitted under oath or affirmation.

Your response will be placed in the NRC Public Document Room (PDR) and on the NRC Web site. To the extent possible, it should, therefore, not include any personal privacy, proprietary, or safeguards information so that it can be made publically available without redaction. However, if you find it necessary to include such information, you should clearly indicate the specific information that you desire not to be placed in the PDR, and provide the legal basis to support your request for withholding the information from the public.

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

Dated This 20th day of November 2019