

October 3, 2000

Mr. Joseph Epstein
[]
Westinghouse Waste Isolation Division
P.O. Box 2078
Carlsbad, NM 88221

Subject: Enforcement Letter

Dear Mr. Epstein:

This letter refers to an evaluation by the Department of Energy (DOE) of four noncompliances with the requirements of the Quality Assurance Rule (10 CFR 830.120) and/or the Occupational Radiation Protection Rule (10 CFR 835) at the Waste Isolation Pilot Plant (WIPP). The issues, described below, were identified by your staff in a timely manner and reported into the Noncompliance Tracking System (NTS):

1. On September 7, 1999, your staff reported programmatic deficiencies with the site As Low As Reasonably Achievable (ALARA) Program. These deficiencies were identified as the result of a Westinghouse internal audit, and therefore represent a proactive and desirable approach to noncompliance identification, reporting and completion of corrective actions. The subject report was recently reviewed and closed by DOE. (NTS-ALO-CAO-WEC-WIPP-1999-0002)
2. On August 27, 2000, a noncompliance with site procedures occurred when facility ventilation was shifted from filtration to non-filtered mode without appropriate notification to radiological control personnel. Your subsequent investigation into the noncompliance, and review of a related event, identified additional noncompliances in configuration management and work control associated with Continuous Air Monitor (CAM) testing. The review of related events as part of this analysis reflect a positive approach to improving safety by assessing the potential broader implications of an otherwise isolated event. (NTS-ALO-CAO-WEC-WIPP-1999-0003)
3. On May 25, 2000, your staff reported noncompliances related to personnel entries into posted radioactive material areas. Your staff determined that this issue represented a noncompliance with the personnel qualification and training requirements of the Quality Assurance Rule. (NTS-ALO-CAO-WIPP-2000-0001)
4. On July 28, 2000, your staff reported problems with procurement documentation and the required approval signatures. (NTS-ALO-CAO-WEC-2000-0002)

In each of these matters, your staff conducted a Root Cause Analysis that included consideration of the larger implications attendant to the individual noncompliant conditions and developed a Corrective Action Plan to address the causes identified in the Root Cause Analysis.

Based upon our evaluation, DOE agrees that noncompliances with the Quality Assurance and/or the Occupational Radiation Protection Rules likely occurred. DOE has reviewed your corrective actions including those corrective actions taken and those planned to ensure compliance and prevent recurrence. These corrective actions, coupled with your continued proactive efforts to identify, trend and report noncompliances with nuclear safety requirements reflect a positive approach to improving the safety culture in DOE. Therefore, these matters meet the discretionary criteria to not undertake enforcement action in these cases as described in DOE's nuclear safety enforcement policy.

No response to this letter is required. DOE will continue to monitor implementation of your corrective actions for the subject NTS reports. Should you have any questions concerning this letter, please contact Sharon Hurley of my staff at 301-903-0110.

Sincerely,



R. Keith Christopher
Director
Office of Enforcement and Investigation

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