

February 7, 2006

Westinghouse Electric Corporation
Attn: General Counsel's Office
4350 Northern Pike
Monroeville, PA 15146-2886

Dear General Counsel of Westinghouse:

The Project On Government Oversight (POGO) is overhauling and renewing its Federal Contractor Misconduct Database (www.pogo.org/db/index.cfm), a compilation of information from public resources regarding government contractors, including Westinghouse and BNFL. I have enclosed the findings relevant to Westinghouse and BNFL and am requesting verification or refutation of the data from you by February 24, 2006.

Any response would be greatly appreciated, as the accuracy of this information is in the best interest of all parties. Out of fairness to Westinghouse, please be assured that any response received by POGO will be posted on the website along with the data.

Changes to the database include: the addition of more current instances, removal of Superfund cleanup costs, and removal of information that could not be verified with official documents. Additionally, pending cases will still be included, but this information will be kept separate from the resolved cases and will not be included in any totals.

If you have any questions, I can be reached at (202) 347-1122. Thank you for your time and consideration.

Sincerely,

Kevin L. Phelps
Project Director

Enclosure

Instances

Case Name: DOE Enforcement Action

Date: 4/6/2004, date of PNOV

Misconduct Type: Labor

Contracting Party: N/A

Court Type: Administrative

Amount: \$206,250

Disposition: Fine

Synopsis:

The Department of Energy's Office of Price-Anderson Enforcement issued a Preliminary Notice of Violation (PNOV) for \$206,250 because of "unnecessary radiation exposure of three [BNFL-owned] Westinghouse Savannah River Company (WSRC) personnel and the subsequent falsification of radiation dose records. The radiation exposures occurred at the FB-Line facility during material repackaging activities on the morning of July 29, 2003."

Documents:

<http://www.eh.doe.gov/enforce/eas/EA-2004-03WS.pdf>

Department of Energy Press Release

<http://www.eh.doe.gov/enforce/press/pr04075.html>

Case Name: DOE Enforcement Action

Date: 2/4/2003, date of PNOV

Misconduct Type: Labor

Contracting Party: N/A

Court Type: Administrative

Amount: \$123,750

Disposition: Fine

Synopsis:

The Department of Energy's Office of Price-Anderson Enforcement issued a Preliminary Notice of Violation (PNOV) for \$123,750 because of "quality assurance issues affecting nuclear safety surrounding the July 25, 2001, and June 27, 2002, tube bundle fires at the East Tennessee Technology Park (ETTP) during converter dismantlement activities."

Documents:

<http://www.eh.doe.gov/enforce/eas/EA-2003-01.pdf>

Case Name: UK Prosecutions

Date: 7/5/2001, date of report

Misconduct Type: Labor

Contracting Party: International

Court Type: Administrative

Amount: \$325,733

Disposition: Fine

Synopsis:

“In the UK, [BNFL was] prosecuted on a total of six occasions for not complying with some of the legislation under which [they] operate. The company received fines totaling £174,000 plus costs of £52,000. [\$325,733 total] No harm to members of the public, the workforce or the environment occurred. Nevertheless, [BNFL] did not properly comply with legislation relating to:

- lifting equipment,
- incident reporting arrangements,
- record keeping requirements for radioactive test sources.”

Documents:

http://www.bnfl.com/reports_2001/ehs/download/bnfl_eh&s_report.pdf

Case Name: DOE Enforcement Action

Date: 3/19/2001, date of PNOV

Misconduct Type: Labor

Contracting Party: N/A

Court Type: Administrative

Amount: \$41,250

Disposition: Fine

Synopsis:

The Department of Energy’s Office of Price-Anderson Enforcement issued a Preliminary Notice of Violation (PNOV) for \$41,250 because of “quality assurance issues affecting nuclear safety surrounding [an] April 4, 2000, converter tube bundle at the K-33 Decontamination and Decommissioning Workshop.”

“The enclosed PNOV describes numerous violations with the nuclear safety requirements related to activities leading up to the tube bundle [unanticipated event]. The violations involve failure to (1) fully identify hazards associated with T-4 converter decontamination & decommissioning, (2) follow established procedures, and (3) identify and mitigate known operational deficiencies despite several opportunities to do so. Specifically, DOE is concerned that BNFL Inc. has failed to adequately address hazard analysis and work control issues that resulted from several incidents (e.g., Portable High Efficiency Particulate Air Filter..., Respirator Cartridge...) that have occurred over the two years preceding the April 4, 2000, tube bundle...”

Documents:

<http://www.eh.doe.gov/enforce/eas/ea200102R01.pdf>

Department of Energy Press Release

<http://www.eh.doe.gov/enforce/press/r01xxx.html>

Case Name: DOE Enforcement Action

Date: 7/24/2000, date of fine

Misconduct Type: Labor

Contracting Party: N/A

Court Type: Administrative

Amount: \$220,000

Disposition: Fine

Synopsis:

“The U.S. Department of Energy... fined [BNFL subsidiary] Westinghouse Savannah River Co. \$220,000 and issued a Preliminary Notice of Violation for violations of Energy Department nuclear safety rules at the department's Savannah River Site in Aiken, S.C. The penalty stems from a September 1999 event in which eight workers were accidentally exposed to plutonium, one in excess of the regulatory limit.”

Documents:

<http://www.eh.doe.gov/enforce/press/pr00190.html>

Case Name: Acid Spill

Date: 6/2/2000, date of Fine

Misconduct Type: Environment

Contracting Party: International

Court Type: Administrative

Amount: \$116,164

Disposition: Fine

Synopsis:

An “acid spill at the Solvent Treatment Plant at the Sellafield site in March 1999 led to [BNFL] being fined £40,000, with some £34,000 costs on 2 June 2000 [\$116,164 total]. [BNFL’s] formal inquiry identified a number of issues aimed at preventing similar events in the future. These include improved monitoring and auditing of procedures for carrying out such work.”

Documents:

http://www.bnfl.com/reports_2000/ehs_2000.pdf

Case Name: Groundwater Violations

Date: 2/17/2000, date of press release

Misconduct Type: Environmental

Contracting Party: N/A

Court Type: Civil

Amount: \$3,300,000

Disposition: Judgment Against Defendant

Synopsis:

“A Pennsylvania Court... upheld [a] \$3.3 million civil penalty against [BNFL- owned] Westinghouse Electric Corp. for groundwater violations at the Adams County elevator plant.

“The majority of the penalty... was assessed for failure to notify DEP for years after more than a thousand releases of hazardous substances to the soil surrounding the Westinghouse plant; and for failure to take prompt remedial action to remove the contamination from the soil and otherwise protect the waters of” Pennsylvania.

Documents:

<http://www.dep.state.pa.us/newsreleases/default.asp?ID=235&varQueryType=Detail>

Case Name: UK Asbestos Violations

Date: 2/12/2000, date of fine

Misconduct Type: Health

Contracting Party: International

Court Type: Administrative

Amount: \$21,943

Disposition: Fine

Synopsis:

“Oldbury Power Station was prosecuted during 2000, for the incorrect treatment of asbestos. We were fined £5,000 plus £10,000 costs [\$21,943 total].”

Documents:

http://www.bnfl.com/reports_2000/ehs_2000.pdf