

November 15, 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. On February 7, 2006, we sent you information regarding findings relevant to Westinghouse and BNFL, which I have enclosed for your reference. As of today, we have not received a response from your office.

A written response is certainly in the best interest of everyone involved. It is the best way for your company to go on record regarding this process and the instances identified; your letter will be posted in its entirety on the database. Several companies have already responded and have expressed appreciation for the opportunity to express their views. POGO would prefer to receive a response by November 30, 2006 to ensure it is included with the launch of our new database.

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

Sincerely,

Scott Amey
General Counsel

Enclosure

Instances:

1.

Nuclear Safety Violations

Date: 02/04/2003 (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."

Document(s):

DOE PNOV

2.

Violations of Department of Energy Nuclear Safety Rules

Date: 07/24/2000 (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."

Document(s):

DOE Press Release

3.

Failure to Comply With Personnel Safety Requirements

Date: 07/05/2001 (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.”

Document(s):

BNFL Environmental Health and Safety Report

4.

Failure to Follow Nuclear Safety Procedures

Date: 03/19/2001 (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...”

Document(s):

DOE PNOV

5.

Failure to Prevent Acid Spill

Date: 06/02/2000 (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.”

Document(s):

BNFL Environmental, Health and Safety Report

6.

Groundwater Violations

Date: 02/17/2000 (Date of Press Release)

Misconduct Type: Environment

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.

Document(s):

DEP News Release

7.

Incorrect Treatment of Asbestos

Date: 02/12/2000 (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]

Document(s):

BNFL Environmental, Health and Safety Report

8.

Radiation Exposure and Falsification of Radiation Dose Records

Date: 04/06/2004 (Date of PNOV)

Misconduct Type: Labor

Contracting Party: N/A

Court Type: Administrative

Amount: \$206,250

Disposition: Fine

Synopsis: On April 6, 2004, the Department of Energy submitted a Preliminary Notice of Violation to BNFL subsidiary Westinghouse for “unnecessary radiation exposure of three...personnel and the subsequent falsification of radiation dose records...the DOE has concluded that violations of 10 CFR 830 Subpart A (Quality Assurance Requirements), 10 CFR 835 (Occupational Radiation Protection), and 10 CFR 820.11 (Information Requirements) occurred”. The DOE proposed a civil penalty of \$206,250.

Document(s):

DOE PNOV

9.

Violations of Nuclear Safety Regulations

Date: 07/18/2000 (Date of PNOV)

Misconduct Type: Labor

Contracting Party: N/A

Court Type: Administrative

Amount: \$220,000

Disposition: Fine

Synopsis: On July 18, 2000, the Department of Energy submitted a Preliminary Notice of Violation to BNFL subsidiary Westinghouse for “violations of DOE’s nuclear safety regulations associated with the September 1999 FB-Line worker contamination event. During that event, multiple workers were contaminated due to the handling of a [radioactive material] storage can with a defective weld...[Deficiencies were found in] (1) quality assurance, (2) radiological work practices and controls, (3) procedural compliance, and (4) response to off-normal conditions...The base civil penalty for these violations is \$275,000”.

Document(s):

DOE PNOV