



<sup>1</sup>UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
REGION II  
SAM NUNN ATLANTA FEDERAL CENTER  
61 FORSYTH STREET, SW, SUITE 23T85  
ATLANTA, GEORGIA 30303-8931

April 30, 2008

EA-08-122  
NRC Event No. 43957

Mr. Dominique Grandemange  
Site Manager  
AREVA NP, Inc.  
P. O. Box 11646  
Lynchburg, VA 24506-1646

SUBJECT: NRC REACTIVE INSPECTION REPORT NO. 70-1201/2008-001

Dear Mr. Grandemange:

This letter refers to the special inspection conducted February 19-20, 2008, at your Mount Athos Road facility. The purpose of this inspection was to assess the facts and circumstances surrounding a shipment of fuel service equipment to the Watts Bar Nuclear Plant. The shipment contained a package with radiation levels on the external surface which exceeded applicable requirements. The finding was documented in NRC Reactive Inspection Report No. 70-1201/2008-001 dated March 21, 2008, as an unresolved item (URI).

Based on further evaluation of the inspection results associated with the shipment, the NRC has identified that an apparent violation (APV) is being considered for escalated enforcement action in accordance with the NRC Enforcement Policy. The current Enforcement Policy is located on the NRC's Web site at [www.nrc.gov/about-nrc/regulatory/enforcement/enforce-pol.html](http://www.nrc.gov/about-nrc/regulatory/enforcement/enforce-pol.html). The apparent violation involved the failure to properly prepare a package containing fuel cleaning equipment for shipment such that, under conditions normally incident to transportation, the radiation levels on the external surfaces of the package would not exceed 200 millirem per hour (mR/hr). On February 4, 2008, the shipment of equipment arrived at Watts Bar Nuclear Plant with contact radiation levels of 2,000 mR/hr measured in a localized area on the bottom exterior of the container. This exceeded the Department of Transportation (DOT) limits in 49 CFR 173.441(a) of 200 mR/hr. NRC licensees are required by 10 CFR 71.5 to comply with DOT requirements in 49 CFR Parts 171 through 189 when transporting radioactive materials. As a result of the apparent violation, URI 70-1201/2008-01-01 discussed above, is considered closed. For administrative purposes, the APV will be tracked as APV 70-1201/2008-01-01.

Before the NRC makes its enforcement decision, we are providing you an opportunity to either: (1) respond to the apparent violation within 30 days of the date of this letter or (2) request a predecisional enforcement conference. If a conference is held, it will be open for public observation. The NRC will issue a press release to announce the conference. Please contact Mr. Charles Payne at 404-562-4711 within 10 days of the date of this letter to notify the NRC of your intended response.

If you choose to provide a written response, it should be clearly marked as a "Response to Apparent Violation EA-08-122" and should include: (1) the reason for the apparent violation, or, if contested, the basis for disputing the apparent 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. In presenting your corrective actions, you should be aware that the promptness and comprehensiveness of your actions will be considered in assessing any civil penalty for the apparent violation. The guidance from NRC Information Notice 96-28, "Suggested Guidance Relating to Development and Implementation of Corrective Action," is available on the NRC's Web site and may be helpful. Your response may reference or include previously docketed correspondence, if the correspondence adequately addresses the required response. If an adequate response is not received within the time specified or an extension of time has not been granted by the NRC, the NRC will proceed with its enforcement decision or schedule a predecisional enforcement conference.

In addition, please be advised that the number and characterization of the apparent violation described herein may change as a result of further NRC review. You will be advised by separate correspondence of the results of our deliberations in this matter.

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

Should you have any questions concerning this letter, please contact us.

Sincerely,

*/RA/*

Douglas M. Collins, Director  
Division of Fuel Facility Inspection

Docket No. 70-1201  
License No. SNM-1168

cc: (See page 3)

cc: Geoffrey Wertz, Manager  
 Environmental, Health, Safety and Licensing  
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 P.O. Box 11646  
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**\*see previous concurrence**

X PUBLICLY AVAILABLE       NON-PUBLICLY AVAILABLE       SENSITIVE      X NON-SENSITIVE

ADAMS: X Yes      ACCESSION NUMBER: \_\_\_\_\_

OFFICE	RII:DFFI	RII:DFFI	RII:EICS	NMSS			
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NAME	AGooden*	CPayne*	SSparks	PHabighorst			
DATE	4/15/2008	4/23/2008	4/29/2008	4/ 29/2008	4/29/2008	4/ /2008	4/ /2008
E-MAIL COPY?	YES    NO	YES    NO	YES    NO	YES    NO	YES    NO	YES    NO	YES    NO