

**Weir Valves & Controls USA Inc.**

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January 14, 2009

U.S. Nuclear Regulatory Commission  
Attn: Document Control Desk  
Washington, DC 20555-0001

To Whom it May Concern:

Enclosed are our responses to:

- (1) Notice of Violation for Violation 99900746/2008-201-01
- (2) Notice of Nonconformance for Nonconformance 99900746/2008-201-02

Sincerely,

A handwritten signature in black ink, appearing to read "Paul Marbaix".

Paul Marbaix  
President  
Weir Valves & Controls USA Inc.

PM/pc

cc: Director, Division of Engineering  
Office of Nuclear Reactor Regulation  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555-0001

JE09  
NRR

**REPLY TO A NOTICE OF VIOLATION**  
**(Violation 99900746/2008-201-01)**

1. Reason for the violation

The completed documentation of the Part 21 evaluation that had been initiated by Weir Valves & Controls USA, Inc. (WVC) did not contain or reference the very intensive evaluation that had been performed, thus it appeared that WVC had not performed an evaluation.

For the Constellation Energy valve (WVC job number 53797), the weak link analysis requirement came from PCR No. 2007-0019 Rev. 1 Data Sheet, Note 5, "Supplier to provide seismic weak link qualification of valve to ASME III req'ts."

ASME III does not include requirements for weak link qualification. In addition, Constellation Energy had reviewed and approved the weak link analysis that was submitted by WVC. For these reasons, we came to the conclusion that the customer's purchase order requirements had been met and, therefore, that there was no deviation requiring evaluation in accordance with Part 21.

The weak link analysis conducted did not include a set screw that is used to position the spline adapter, which could have been a contributing factor to valve operational failure.

2. Corrective steps that have been taken and the results achieved

After further review and a more thorough understanding of the 10CFR Part 21 requirements, WVC continued its evaluation and concluded that it does not have the capability to determine whether a substantial safety hazard could be created (i.e., whether or not a defect exists).

During the evaluation, it was determined that two customers are affected by this condition. The affected customers have been notified of the deviation in accordance with 10CFR Part 21.21(b).

This information has been included in WVC's Part 21 evaluation which has been completed and filed.

3. Corrective steps that will be taken to avoid further violations

To preclude further violations, a discussion, documented as a training session, was held among the cognizant parties at WVC regarding the Violation and the associated corrective action.

4. The date when full compliance was achieved

Full compliance was achieved on 1-14-09.

**REPLY TO A NOTICE OF NONCONFORMANCE**  
**(Nonconformance 99900746/2008-201-02)**

1. Reason for the noncompliance

Oversight by the WVC reviewer of the Certificate of Compliance (CofC) to ensure that the information required by the WVC Purchasing Specification was included.

2. Corrective steps that have been taken and the results achieved

- a. During the NRC inspection, WVC obtained, reviewed and approved a corrected CofC for the order in question.
- b. WVC has issued a Corrective Action Request to address the cited condition. A review has been conducted of the 19 nuclear safety related purchase orders issued to Flowserve over the past two years to determine whether there were any additional instances for which incomplete CofCs were submitted and accepted by WVC. Two additional instances of this condition were found. Corrected CofCs have been obtained, reviewed and approved.

3. Corrective steps taken to avoid additional noncompliances

Training of WVC purchasing and quality assurance personnel has been conducted to review the Nonconformance and to emphasize that reviews of CofCs must ensure that applicable purchase order requirements have been met.

4. Date when corrective action was completed: 1-13-09