



**FROEHLING & ROBERTSON, INC.**  
ENGINEERING • ENVIRONMENTAL • GEOTECHNICAL

February 11, 2009

P-3

United States  
Nuclear Regulatory Commission  
Region I  
474 Allendale Road  
King of Prussia, Pennsylvania 19406-1415

ATTN: Marie Miller, Chief  
Security and Industrial Branch  
Division of Nuclear Materials Safety

SUBJ: REPLY TO A NOTICE OF VIOLATION  
Inspection 03006580/2008001  
Chesapeake, VA Location  
License No. 45-08890-02  
Docket No. 03006580

RECEIVED  
REGION I  
2009 FEB 17 AM 10:43

Gentlemen:

We have reviewed your Notice of Violation and will discuss our corrective action following my brief review of the circumstances.

The accident did occur on the stated date and location. The accident was not our fault, the moisture/density gauge had been properly secured to the vehicle and the required transport data was within reach of the driver.. When approached by an unknown individual, the driver, who was suspended upside-down and injured, gave that individual his cell phone and asked that his office be called. He also offered his transport packet and informed the individual that all of the information necessary to take proper action was contained therein. The phone and packet was later located on the hood of a state police vehicle, apparently unused. Our driver was in this position for at least 45 minutes before he was removed. Prior to transport to the nearest hospital, his clothing was removed and he was "decontaminated". Our branch RSO was able to provide information about the gauge, and he was able to ascertain that - despite the two side handles being broken off - it could be transported back to the storage location. Any additional information may be accessed by reviewing the information provided to Kathy Modes. There was no final discussion at the conclusion of my submittals to the agency; however we would not argue that the violation concerning the overdue HAZMAT training was not valid. I do, however, wish that all of our technicians could be expected to react to a similar incident with the same degree of proficiency as our driver (who was past due for his refresher training).

**NMSS/RGNI MATERIALS-004**

A review of our overall program showed that, although twelve of our thirteen operations (counting Agreement States) were in compliance, three of these had at least one technician requiring the refresher and the thirteenth had invalid refresher training. We are in the process of arranging for HAZMAT refresher training in conjunction with my travels and those of our QC Director. It has been our experience that some locations may take as many as three separate classes in order to achieve full coverage. This should be completed within the first quarter of 2009.

In summary, the conditions noted relative to the driver were simply overlooked, in that his training record was not supplied to the Corporate RSO as required. This was a filing error; and the files are being brought up to date. Ms. Modes can attest to the somewhat disorderly state of the files at the time of her visit. All other technicians in the Chesapeake office have been either verified as current or trained accordingly, with copies of the applicable personnel and training dates provided. This should serve to correct the violation.

Should you have any questions or require additional information, please contact me at your convenience.

Respectfully submitted,

FROEHLING & ROBERTSON, INC.

William W. Briody  
Corporate Radiation Safety Officer  
Vice President



Copies:       Radiation Safety Committee  
                  File