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U.S. Nuclear Regulatory Commission

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

Chief, Quality Assurance and Vendor Branch 2  
Division of Construction Inspection and Operational Programs  
Office of New Reactors

Subject: Reply to Notice of Violation 99901391/2010-201-01

Please find enclosed the Black & Veatch reply to Notice of Violation 99901391/2010-201-01, from Inspection Report 99901391/2010-201, dated October 14, 2010.

If you have any questions concerning this transmittal or need additional clarifications, please do not hesitate to contact me at 913-458-2042 (e-mail [russe@bv.com](mailto:russe@bv.com)) or our Director of Nuclear Quality Assurance, Ron Sacco, at 913-458-8702 (e-mail [saccora@bv.com](mailto:saccora@bv.com)).

Very truly yours,

BLACK & VEATCH



Steven E. Rus  
Executive Director, Nuclear

RAS:cmk

Enclosures:

1. Reply to Notice of Violation 99901391/2010-201-01

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**Enclosure 1**  
**Black & Veatch**  
**Reply to Notice of Violation 99901391/2010-201-01**

**Text of Notice of Violation**

Title 10 of the *Code of Federal Regulations* (10 CFR) 21.21(a)(1) requires, in part, that "Each individual, corporation, partnership, dedicating entity, or other entity subject to the regulations in this part shall adopt appropriate procedures to evaluate deviations and failures to comply to identify defects and failures to comply associated with substantial safety hazards as soon as practicable, and, except as provided in paragraph (a)(2) of this section, in all cases within 60 days of discovery, in order to identify a reportable defect or failure to comply that could create a substantial safety hazard, were it to remain uncorrected."

10 CFR 21.3, "Definitions," states that discovery "means the completion of the documentation first identifying the existence of a deviation or failure to comply potentially associated with a substantial safety hazard within the evaluation procedures discussed in 10 CFR 21.21(a)."

Contrary to the above, as of September 3, 2010, B&V's implementing procedure for 10 CFR Part 21, "Reporting of Defects and Noncompliance," Nuclear Procedure 16.2, "Reporting of Defects and Noncompliances under 10 CFR Part 21 and Part 50.55(e)," Revision 3, dated August 20, 2010, was not an appropriate procedure to ensure evaluations of deviations and failures to comply associated with substantial safety hazards are completed within 60 days of discovery. Specifically, B&V's procedure incorrectly defined "discovery" as the date of its condition review group valuation.

**Black & Veatch Response**

1. The reason for the violation.

In incorporating the requirement to evaluate deviations or failures to comply within 60 days of discovery into The Black & Veatch (B&V) Nuclear Procedure NP 16.2, B&V made a good faith attempt to correlate the use of the electronic documentation system to document potential issues, with the ambiguity within 10CFR21 of the following phrase within the definition of "discovery": "...completion of the documentation first identifying the existence of a deviation or failure to comply....".

The B&V electronic documentation system allow individuals to fill out only one block of the multipart form in order to enter any issue into the system. The form at that stage is by no means in a "completion" stage, and thus it was believed that the procedural process set up - by which the 60-day 'clock' started once it was reviewed at a weekly meeting by our Condition Review Group (CRG) and the form more completely filled out in that meeting - met the Part 21 requirements.

2. Corrective steps taken and results achieved.

The implementing Nuclear Procedure, NP 16.2, section 6.2.1 was revised on 11/4/10 as follows:

From:

"The date of the CRG evaluation is the start of the 60 day time limit."

To:

"The date of the initiation of the CR is the start of the 60 day time limit."

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

NP 16.2 is required, documented reading for all personnel performing work for the B&V Nuclear Organization and the Revision History (part of the NP) explains the revision.

4. Date when full compliance will be achieved.

NP 16.2 Rev 4 was revised on 11/4/10 and required reading automatically assigned.

By this reply, B&V has completed the corrective and preventive measures. There have been no actual violations of the 60-day reporting requirement, nor were there any other issues contained in the referenced Inspection Report.